

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of July 19, 2011

ITEM # 25

ITEM TITLE:

Consider Approval of Resolution 11/12-4, Acceptance and Retention, Ratification of Change Order No. 1, Horticulture Complex Improvements at Merritt College, Angotti & Reilly, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 11/12-4, which formally accepts the Horticulture Complex Improvements at Merritt College as complete and provides for a retention payment to the contractor, Angotti & Reilly, Inc. Ratification is also requested for Change Order No. 1 to the contract, in the amount of \$50,405.09.

ITEM SUMMARY:

On September 28, 2010, this Board ratified a contract award to Angotti & Reilly, Inc. for the Horticulture Complex Improvements at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment of \$50,405.09, which is 10% of the contract price.

Ratification is also requested for Change Order No. 1 in the amount of \$5,618.93, which is 1.1% of the original contract amount (\$498,432.00). The change order was necessary due to extensive dry rot found in the exterior wall of the building when the siding was removed to install the new work. Unforeseen conditions such as this are always anticipated in a modernization project, but cannot be quantified until the wall is opened to determine the extent of dry rot that needs to be replaced.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Merritt College, "Plumbing, electrical, mechanical system upgrades and improvements," "Classroom and facilities repairs and grounds improvements," and "Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Science, Child Development, Communications, English as a Second Language at the Fruitvale Education Center, Art, Ceramics, **Landscape Horticulture/Design**, Learning Center, Liberal Arts, Music, Physical Education/Athletics, and Radiologic Science."

BACKGROUND/ANALYSIS:

The changes have been reviewed and approved by the project architect, Byrens Kim Design Works; the IOR (Inspector of Record) Anthonio, Inc.; the project manager, MSE Group; and the General Services Department. It was necessary for the contractor to perform the change order work so that the schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Board ratification is now requested. It is in the best interests of the District and financially prudent to authorize this change order.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 11/12-4, which formally accepts the Horticulture Complex Improvements project at Merritt College as complete and provides for a retention payment to the contractor, Angotti & Reilly, Inc., is recommended. Ratification is also recommended for Change Order No. 1 to the contract with Angotti & Reilly, Inc.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ NO X

COMMENTS:

All Board approved contracts are subject to final negotiation and execution by the Chancellor.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Vice Chancellor Ikhara

DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM? YES _____ NO X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: Sadiq B. Ikharo Date: 7-11-2011
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharo Date: 7-11-2011
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: Ron Gerhard, electronically by ve Date: 7/18/11
Ronald Gerhard, Chief Financial Officer

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved

Signature: Thuy T. Nguyen, electronically by ve Date: 7/15/11
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: Wise E. Allen Date: 7/12/11
Wise E. Allen, Chancellor

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

CHANGE ORDER NO. 1

PROJECT: Merritt College Horticulture Repair

DATE: 4/25/2011

OWNER: Peralta Community College District
 CONTRACTOR: ANGOTTI & REILLY, INC
 PROJECT MANAGER: Johnnie Fudge

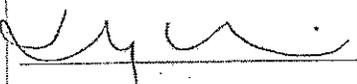
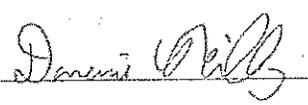
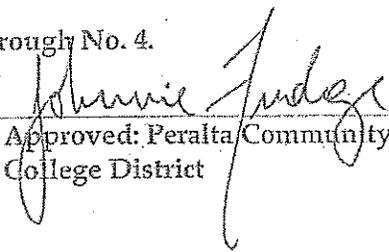
DSA FILE NO.: 1-C1
 DSA APP NO.: 01-110683
 PCCD PROJECT #: 2303

The Contractor is authorized to make the changes listed in the Summary and described in Change Order Attachment when this Change Order has been approved.

Original Contract Sum.....	\$ 498,432.00
Net Change by previously authorized Change Orders.....	\$ 0.00
The Contract sum prior to this Change Order was.....	\$ 498,432.00
The Contract sum will be increased/decreased by this Change Order.....	\$ 5,618.93
The New Contract Sum including this Change Order will be.....	\$ 504,050.93
Cumulative Change Order(s) as a percentage of contract including this Change Order	1.1%

The Contract is changed by (30) Days
 Contract completion date as of this Change Order therefore is: 4/29/11

Reference attached items C.O. Summary Sheet, P.C.O. No. 1 through No. 4.

Approved: Architect of Record  Date: 4/25/11	Approved: General Contractor  Date: 4-25-11	Approved: Peralta Community College District  Director of Capital Projects Date:  Vice Chancellor of General Services Date: 5/2/11
Approved: Electrical or Structural Engineer N/A Date:	Approved: Mechanical Engineer N/A Date:	Approved: Div. of the State Architect Date:

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

SUMMARY OF CHANGE ORDER NO. 1

PROJECT: District Site Improvements and IDEC
Modular Replacement

DATE: 4/25/2011

OWNER: Peralta Community College District
CONTRACTOR: ANGOTTI & REILLY, INC
PROJECT MANAGER: Johnnie Fudge

DSA FILE NO.: 1-C1
DSA APP NO.: 01-110683
PCCD PROJECT #:

1	PCO #1	DEDUCT	<\$269.45>
	Description:	Credit to eliminate lights in front of classrooms.	
	Reason:	District Smart Classroom project required additional space to install new smartboards.	
	Requested by:	District	
2	PCO #2	DEDUCT	<\$9,529.96>
	Description:	Credit to eliminate new louver and storefront modification.	
	Reason:	Mechanical contractor discovered existing roof vent to allow airflow.	
	Requested by:	Contractor	
3	PCO #3	DEDUCT	<\$3,210.00>
	Description:	Credit to eliminate split system EMS control	
	Reason:	Split system does not require EMS system for this application.	
	Requested by:	District	
4	PCO #4	ADD	\$18,628.34
	Description:	Cost to repair dry rot discovered at back wall of room H101.	
	Reason:	Dry rot repair. Field found condition.	
	Requested by:	District	
TOTAL CHANGE ORDER #1		ADD	\$5,618.93

PERALTA COMMUNITY COLLEGE DISTRICT

PROJECT FINAL ACCEPTANCE

PROJECT Building H – Horticulture Improvements Project

LOCATION: Merritt College

CONTRACTOR: Angotti & Reilly, Inc.

This Project is accepted as complete and approved by the College

Facilities Project Manager:

Johnnie Fudge
Print Name

Johnnie Fudge
Signature

5/16/11
Date

College Business Manager:

ALICE MAREZ
Print Name

Alice Marez
Signature

5/16/11
Date

College President:

Robert A. Adams
Print Name

Robert Adams
Signature

5/16/11
Date

Recording Requested By:
Peralta Community College District

When Recorded, Mail To:
Office of General Services
333 East 8th Street
Oakland, CA 94606

For Recorder's Use

Government Code: 27383

Peralta Community College District
Office of General Services
333 East 8th Street, Oakland, California 94606
(510) 466-7200 (510) 466-7315

NOTICE OF COMPLETION

OWNER: PERALTA COMMUNITY COLLEGE DISTRICT, OAKLAND CA

NATURE OF INTEREST OR ESTATE: FEE

PROJECT CONTRACT TITLE: Merritt College – Horticulture Complex Improvements

PROJECT NUMBER: 2303

PROJECT ADDRESS: 12500 Campus Drive, Oakland, CA 94619

CONTRACTOR: Angotti & Reilly, Inc.

CONTRACTOR'S ADDRESS: 1000 Mariposa St., San Francisco, CA 94107

DSA APPLICATION NUMBER: 01-110683

CONTRACT START DATE: January 3, 2011

ORIGINAL CONTRACT TIME: 90 days

CONTRACT TIME EXTENSIONS: 76

APPROVED VIA CHANGE ORDER: 0 Calendar days

CONTRACT COMPLETION DATE: Jun 18, 2011

The above referenced Contract has been completed in accordance with the plans and specifications thereof, and to the satisfaction of the Peralta Community College District. The nature of the title of the stated owner is: in fee.

State of California
County of Alameda

That he/she/they is/are the person(s) signing the above document; that He/she/they has/have read the same, and know(s) the content thereof and that the acts stated therein are true.

Sadiq B. Ikharmo

7/6/11

(Signature of Affiant)

Date

Dr. Sadiq Bello Ikharmo
Vice Chancellor, General Services
Peralta Community College District

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Sadiq B. Ikharmo

7/6/11

(Signature of Affiant)

Date

Dr. Sadiq Bello Ikharmo
Vice Chancellor, General Services
Peralta Community College District

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 11/12-4
ACCEPTANCE AND RETENTION**

**HORTICULTURE COMPLEX IMPROVEMENTS AT MERRITT COLLEGE
ANGOTTI & REILLY, INC.**

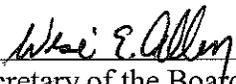
WHEREAS, Angotti & Reilly, Inc, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Horticulture Complex Improvements at Merritt College, has made application for acceptance of the work; and

WHEREAS, the Project Manager employed by the Board to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project; and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of FIFTY THOUSAND FOUR HUNDRED FIVE AND 09/100 DOLLARS (\$50,405.09), which is ten percent (10%) of said contract price, as modified by Change Order No. 1, shall be made thirty-five (35) calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 19th day of July, 2011. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.



Secretary of the Board of Trustees
Peralta Community College District
Alameda County
State of California