

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

ITEM # 29

ITEM TITLE:

Consider Approval of Change Order No. 3 to the Design-Build Agreement with Gilbane Building Company for the Laney College Athletic Complex

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Change Order No. 3 to the design-build agreement with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$263,367.

ITEM SUMMARY:

The Board of Trustees originally approved negotiation of a design-build contract with Gilbane Building Company at the Board meeting of November 18, 2008, following a competitive Request for Proposal process. The amount of the original agreement was \$12,000,000. On May 25, 2010, the Board approved Change Order No. 1, which amended the project budget to a not-to-exceed amount of \$17,650,000, based on an increased scope of work as requested by the college after the initial scope of work was defined. Change Order No. 2, approved by the Board of Trustees at the meeting of July 20, 2010, formalized the design-build project contract cost at a Lump Sum amount of \$17,540,000, a reduction of \$110,000 from the amended price approved in Change Order No. 1.

Although Change Orders No. 1 and 2 established a lump sum price, Change Order No. 3 is necessary to address a combination of credits to the contract and additional scope requested by the college and district. Change Order No. 3 totals \$263,367 (1.5% of the revised design-build lump sum contract amount of \$17,540,000 approved in Change Order No. 2). The largest item in Change Order No. 3 is a scope change to provide a turnkey audio visual package, requested by the college, in the amount of \$253,342. The provision of an audio visual package by Gilbane provides a single point of accountability with respect to design and installation, allows the scope to be performed concurrently with increment #3, and saves budget which will otherwise have to be expended if the work is performed after the building is completed. By including this scope of work under Gilbane's current contract rather than bidding it separately at a later date, an estimated \$150,000 will be saved. An extension of Gilbane's contract duration as a result of this added scope is to be determined and will be addressed under a future change order. Such time extension will not be compensable.

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, Laney College, "Athletic Fields, Gym and Facilities," and District-Wide Projects, "Solar energy system installation and the retrofitting of existing energy systems."

BACKGROUND/ANALYSIS:

Change Order No. 3 includes the following items:

- 1) A credit in the amount of \$9,225.00 for changes to the photovoltaic scope of due to site restrictions. The original design had to be changed in order to eliminate an encroachment onto City of Oakland property.
- 2) A college requested scope change in the amount of \$10,500 for the substitution of rolling gates in lieu of swing gates. Laney College requested that swing gates be installed at the parking lot entrance and exit to increase site security.
- 3) Installation of electrical infrastructure for the Laney College sign at the corner of 8th Street and 5th Avenue, in the amount of \$3,407. This was an owner requested change to add necessary electrical connectivity to the Laney College sign, which was installed under a separate project.
- 4) A credit of \$14,000 for the deletion of mechanical commissioning previously in Gilbane's scope of work. Mechanical commissioning is traditionally performed by an independent third party that serves as the owner's direct representative in order to prevent contractor bias in the certification of mechanical equipment.
- 5) A college request to install Mondo rubberized flooring in lieu of Armstrong flooring, in the amount of \$36,259. Mondo rubberized flooring is a non-porous product, which mitigates health risks associated with porous flooring products that are exposed to moisture.
- 6) An owner requested change in the amount of \$4,494 for the temporary labeling of 40 parking stalls as "Faculty/Staff". The labeling of parking stalls for exclusive use by faculty and staff prior to project completion mitigates the current parking shortage at Laney College. The permanent striping and labeling of parking spaces will be provided at the end of the project under the base contract.
- 7) A credit in the amount of \$7,422 for three (3) ice machines, which will be owner provided and contractor installed. The acceptance of a credit for three (3) ice machines was a value engineering decision that was accepted after the execution of Change Order No. 2.
- 8) A credit in the amount of \$3,988 for four (4) sled mounts, which will be owner provided and contractor installed. The acceptance of a credit for four (4) sled mounts was a value engineering decision that was accepted after the execution of Change Order No. 2.
- 9) A scope change to provide a turnkey audio visual package in the amount of \$253,342. The provision of an audio visual package by Gilbane provides a single point of accountability with respect to design and installation, allows the scope to be performed concurrently with increment #3, and saves budget that would otherwise have to be expended if the work was performed after the building's completion. An extension of Gilbane's contract duration as a result of this added scope is to be determined, and will be addressed under a future change order.

10) A college and owner approved credit of \$10,000 resulting from the value engineering of increment #3 lighting fixtures. A change in increment #3 lighting fixtures provides an equivalent solution with comparable quality while also realizing savings to the project budget.

Total: **\$263,367.00**

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for Change Order No. 3 to the design-build agreement with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$263,367.

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

YES _____ NO X

COMMENTS:

All Board recommended contracts are subject to 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 X No _____

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 re 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: _____ Date: _____
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: 7/13/11
Wise E. Allen, Chancellor

PERALTA COMMUNITY COLLEGE DISTRICT

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CHANGE ORDER NO. 3

PROJECT: LANEY ATHLETIC COMPLEX

DATE: JUNE 23, 2011

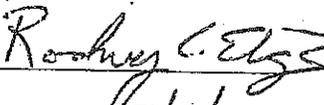
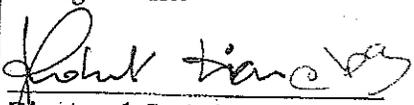
OWNER: Peralta Community College District
 CONTRACTOR: GILBANE BUILDING CO., INC.

DSA FILE NO.: 1-C1
 DSA APP NO.: 01-110972
 PCCD PROJECT #: 02338
 PROJECT MANAGER: Trent Tornabene

The Contractor is authorized to make the changes listed in PRELIMINARY CHANGE ORDERS NO. 3 - NO. 12 and described in the Change Order Attachments when this Change Order has been approved.

Original Contract Sum.....\$ 12,000,000.00
 Net Change by previously authorized Change Orders.....\$ 5,540,000.00
 The Contract sum prior to this Change Order was.....\$ 17,540,000.00
 The Contract sum will be increased/decreased by this Change Order.....\$ 263,467.00
 The New Contract Sum including this Change Order will be.....\$ 17,803,467.00
 Cumulative Change Order(s) as a percentage of contract including this Change Order 48.36 %
 The Contract is changed by Days to be Determined
 Contract completion date as of this Change Order therefore is: May 31, 2011

Attachment: PRELIMINARY CHANGE ORDER NO. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Approved: Architect of Record Date:	Approved: General Contractor  Date: <u>7/7/11</u>	Approved: Peralta Community College District  Director of Capital Projects Date: <u>07/11/11</u>  Vice Chancellor of General Services Date: <u>7-11-2011</u>
Approved: Electrical or Structural Engineer Date:	Approved: Mechanical Engineer Date:	Approved: Div. of the State Architect Date:

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SUMMARY OF CHANGE ORDER No. 3 Attachment

PROJECT: LANEY ATHLETIC COMPLEX
OWNER: Peralta Community College District
CONTRACTOR: GILBANE BUILDING CO.

DATE: 06/23/11
DSA FILE NO.: 1-C1
DSA APP NO.: 01-110972
PCCD FILE NO.: 02338

1	Executed PCO #03	ADD/DEDUCT \$	(9,225.00)
		ADD/DEDUCT	0

Description: Scope change involving reduction of PV panels due to site limitations, and redesign. Net credit breaks down as follows:

Credit for scope reduction – (\$19,853.00)
Relocation of footings – \$2,454.00
New fill and soil removal – \$5,167.00
Site alterations – \$3,007.00

Requested by: A-2: College requested change

Reason: Site limitation required a reduction in scope for PV panels.

DSA prelim. approval date: NA

2	Executed PCO #04	ADD/DEDUCT \$	10,500.00
		ADD/DEDUCT	0

Description: Scope change involving substitution of rolling gates for swing gates at parking lot entrance and exit.

Requested by: A-2: Owner requested change

Reason: Rolling gates will provide better site security.

DSA prelim. approval date: NA

3	Executed PCO #05	ADD/DEDUCT \$	3,407.00
		ADD/DEDUCT	0

Description: Scope change involving installation of electrical infrastructure for Laney College sign at corner of 8th Street and 5th Avenue.

Requested by: A-2: Owner requested change

Reason: Infrastructure was not provided as part of the original project/installation of the Laney College sign.

DSA prelim. approval date: NA

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4 Executed PCO #06	ADD/DEDUCT \$	(14,000.00)
	ADD/DEDUCT	0

Description: Scope change involving removal of commissioning scope from Gilbane design-build contract. Commissioning will be provided by independent third party consultant.

Requested by: A-2: Owner requested change

Reason: Commissioning is traditionally done by an independent third party consultant to prevent bias by the contractor in the certification of the installed mechanical equipment.

DSA prelim. approval date: NA

5 Executed PCO #07	ADD/DEDUCT \$	36,359.00
	ADD/DEDUCT	0

Description: Scope change involving substitution of Mondo rubberized flooring for Armstrong.

Requested by: A-2: Owner requested change

Reason: This flooring substitution provides a flooring product that is non-porous and will minimize potential health risks associated with porous flooring products.

DSA prelim. approval date: NA

6 Executed PCO #08	ADD/DEDUCT \$	4,494.00
	ADD/DEDUCT	0

Description: Temporary labeling of 40 parking stalls as "faculty/staff".

Requested by: A-2: Owner requested change

Reason: Labeling of the parking spaces provides reserved spaces for faculty and staff, and helps mitigate the current shortage of parking.

DSA prelim. approval date: NA

7 Executed PCO #09	ADD/DEDUCT \$	(7,422.00)
	ADD/DEDUCT	0

Description: Scope change involving the removal of three (3) ice machines from Gilbane's design-build scope of work. The ice machines will be owner provided-contractor installed.

Requested by: A-2: Owner requested change

Reason: Provision of ice machines by the college was an approved value engineering decision after the approval of the design-build lump sum contract.

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DSA prelim. approval date: NA

8 Executed PCO #10	ADD/DEDUCT \$	(3,988.00)
	ADD/DEDUCT	0

Description: Scope change involving the removal of four (4) sled mounts from Gilbane's design-build scope of work.

Requested by: A-2: Owner requested change

Reason: Provision of sled mounts by the college was an approved value engineering decision after the approval of the design-build lump sum contract.

DSA prelim. approval date: NA

9 Executed PCO #11	ADD/DEDUCT \$	253,342.00
	ADD/DEDUCT	0

Description: Scope change involving the addition of an audio visual package that has been reviewed and approved by General Services and Laney College stakeholders.

Requested by: A-2: Owner requested change

Reason: Provision of the audio-visual package by Gilbane provides a single point of accountability with respect to the installation. It also expedites the completion of the audio visual scope of work within the current duration of construction and saves budget that would have to be expended if this scope of work was performed after completion of the building.

DSA prelim. approval date: NA

10 Executed PCO #12	ADD/DEDUCT \$	(10,000.00)
	ADD/DEDUCT	0

Description: Change in light fixtures based on owner and college approved value engineering. Total savings of \$20,000 is split 50-50 with design-build entity. Total credit to PCCD is \$10,000.

Requested by: A-2: Owner requested change

Reason: The value engineering of light fixtures provided an equivalent solution with comparable quality while realizing savings to the project budget.

DSA prelim. approval date: NA

End of Items