

**Board of Trustees Agenda Report  
For the Trustee Meeting Date of September 13, 2011**

**ITEM TITLE:**

Consider Approval of Amendment No. 3 to the Agreement for Architectural Services with NBBJ for 860 Atlantic Avenue Tenant Improvements

**SPECIFIC BOARD ACTION REQUESTED:**

Approval is requested for Amendment No. 3 to the agreement for architectural services with NBBJ for the tenant improvements at 860 Atlantic Avenue, Alameda, in the amount of \$109,000.

**ITEM SUMMARY:**

The amendment will provide the following additional design services:

- Revision to documents for structural changes required by the Division of the State Architect (DSA)
- Increased structural changes for new glue-lam roof beams to support new mechanical equipment included in Amendment No. 2 (new chiller for the facility)
- Added scope for hazardous materials consultant
- Added scope resulting from the decision made that the facility would also provide interim housing for the Merritt College Genomics Program during the programming and construction of the new science building at Merritt College. This added scope will enable a joint use of the 860 Atlantic Avenue facility by both College of Alameda and Merritt College.

**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, College of Alameda, "Remodeling and equipping classroom and campus facilities," and "Science Lab upgrades," and Merritt College, "Classroom and facilities repairs and grounds improvements," "Science Lab upgrades," 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 860 Atlantic Avenue facility was originally intended to serve as temporary swing space for the College of Alameda Science Program during the construction of Buildings C and D. NBBJ (formerly Fisher Friedman Associates) was selected from the Board approved short list of architects to work on the 860 Atlantic Avenue Tenant Improvement project. On November 18, 2008, the Board approved entering into an agreement in the amount of \$106,000 with NBBJ for the following services:

- Prepare a property condition report for 860 Atlantic Avenue as part of the District's due diligence during the acquisition process
- Conduct basic schematic architectural services

The resulting property condition report indicated building deficiencies in areas such as building code compliance, structural/seismic, mechanical, plumbing, security, fire suppression, and other visually deficient requirements. During the basic architectural schematic services, NBBJ created space planning and interior layouts and worked with the College to determine how the facility would accommodate the instructional needs of the Science Program at College of Alameda. As programming continued and discussions were held with stakeholders, further needs for the interim laboratories were identified to maintain the College of Alameda's science programs to the current standards. Further developments increasing project scope necessitated an increase of architectural fees in the not-to-exceed amount of \$284,000. Amendment No. 1 in that amount was approved at the Board meeting of May 12, 2009.

Amendment No. 2 provided design services for a new rooftop chiller for the facility. Revisions to the architectural, mechanical and structural drawings were made to show the installation details and energy calculations for the new chiller, as required by the Division of the State Architect (DSA). Amendment No. 2 in the amount of \$21,000 was approved at the Board meeting of April 13, 2010. Including this Amendment No. 3 in the not-to-exceed amount of \$109,000, the total agreement amount will be \$520,000.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval is recommended for Amendment No. 3 to the agreement for architectural services with NBBJ for the tenant improvements at 860 Atlantic Avenue, Alameda, in the amount of \$109,000.

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

YES \_\_\_\_\_ NO  X

**COMMENTS:**

A more comprehensive "global" approach to contracting is now being implemented by the Department of General Services to mitigate scope changes.

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 Ikharo

**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. Ikhano Date: 9-3-11  
Dr. Sadiq B. Ikhano  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikhano Date: 9-3-11  
Dr. Sadiq B. Ikhano  
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 VR Date: 9/8/11  
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 VR Date: 9/7/11  
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: 9/8/11  
Wise E. Allen, Chancellor

April 25, 2011

860 Atlantic Avenue Renovation

Professional Fee Increase Request

This request for additional services compensation covers, but is not limited to, the following scope increases during design and construction document phases:

- Programming and scope changes within the Genomics program after inclusion into the project
- Scope increase and changes relative to existing autoclaves and cage washer
- Increased project coordination caused by changing the District Design Managers and general unanticipated/extended administration efforts for this project
- Structural upgrades/document revisions required by Division of the State Architect beyond those anticipated under the Team's understanding of compliance with AB 435, changes based on DSA's lack of acceptance of AB 435 as fully applicable, and other DSA requirements (see the letter by our structural engineer included in the DSA submission for AB 435)
- Added scope for hazardous materials consultant late in the project & extra coordination with COA staff
- Structural changes for new glue-lam roof beams to support new mechanical equipment

These increases in project scope are reflected in the current construction cost of approximately \$4,300,000. Using the concept that architect's compensation is based on a percentage of construction cost, with 12% as the fee (per the original agreement), the NBBJ led Design Team is requesting the following A/E fee increase to compensate for the increased project scope.

Current construction cost (approximate):	\$4,300,000
Recalculated A/E fee at 12% of current construction costs:	\$516,000
Less fees authorized through Amendment No. 2:	\$411,000
 NBBJ requested compensation for additional services described above:	 <b>\$105,000</b>

**Background:**

The architect's originally proposed and contracted fee was based on 12% percent of construction cost, against an initial construction estimate of \$800,000 as provided by the District at the start of schematic design. This yielded an original base A/E fee of \$104,000.

During early schematic design, the District agreed to an increased construction cost estimate of \$3,000,000, based on the rough cost estimate prepared by the cost consultant O'Connor Construction Management. This yielded a revised total A/E fee of \$360,000. The revised fee including approved additional services to that point became \$390,000. Amendment No. 1 approved a fee increase of \$286,000 to reach a new total base A/E fee of \$390,000. Amendment No. 2 approved a \$21,000 additional service for the chiller change, bringing the current total fees to \$411,000 including additional services authorized to date.

The current request would increase the total fee including additional services to \$516,000 based on currently estimated construction cost of \$4,300,000.

ADDITIONAL SERVICES REQUEST

Dated June 12, 2011

Between the "Client" Peralta Community College District  
Division of General Services  
Physical Plant  
333 East 8<sup>th</sup> Street  
Oakland, CA 94606

And "NBBJ" NBBJ LP  
130 Sutter Street, Second Floor  
San Francisco, CA 94104

Additional Services Submittal Review, Coordination/Detailing/Approvals  
of HVAC Unit Changes per District Request

For the "Project" 860 Atlantic Avenue Renovation  
NBBJ Project No. 100627.02

Under the "Agreement" Professional Services Agreement between PCCD and  
NBBJ LP as assigned by Fisher-Friedman Associates

Date of Agreement September 25, 2008

- A. The Client authorizes compensation to NBBJ for the Additional Services described as follows: As discussed with Johnnie Fudge, NBBJ is happy to provide this proposal for additional services for coordinating and reviewing revised submittals, providing new architectural and structural detailing for the roof curb modifications to support the District selected Carrier hvac units (on top of already installed curbs for Lennox units), and to get DSA approval of same curb support detailing. This work is being required because the District, after submittals of equipment were already approved by the Design Team, requested that five (5) Carrier AC units and two (2) Carrier condenser units be substituted for the Lennox and McQuay units approved per the original submittals. The units were approved using the "or equal" basis during the submittal review process as is allowed for these units in the District Standards. This additional work is thus due to a change by the Client and is not part of basic services of the original agreement. The services described above include work by NBBJ, TMAD and Forell/Elsesser Structural Engineers.
- B. Client will compensate NBBJ for the Additional Services based on a lump sum fee of Four Thousand US Dollars (\$4,000), including all consultant fees and reimbursable expenses.

Signers affirm that they are authorized to sign on behalf of the entities they represent.



By Mark B. Steppan, AIA, CSI, NCARB  
Principal  
For NBBJ LP  
cc: Accounting

By Dr. Sadiq B. Ikharo Date:  
Vice Chancellor for General Services  
Peralta Community College District