

**Board of Trustees Agenda Report**

**For the Trustee Meeting Date of September 27, 2011**

**ITEM TITLE:**

Consider Approval of Resolution 11/12-16, Acceptance and Retention, and Ratification of Deductive Change Order No. 3, Exterior Lighting Improvements at Merritt College, John Plane Construction, Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 11/12-16, which formally accepts the Exterior Lighting Improvements project at Merritt College as complete and provides for a retention payment to the contractor, John Plane Construction, Inc. Ratification is also requested for Deductive Change Order No. 3 to the contract, in the amount of (\$2,105.00).

**ITEM SUMMARY:**

On September 28, 2010, this Board awarded a contract to John Plane Construction, Inc. for the Exterior Lighting Improvements at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt College President and Business Manager have signed the Project College Acceptance Form. This resolution accepts the work as complete and provides for a retention payment of \$146,996.10, which is 10% of the contract price.

*Ratification* is also requested for Change Order No. 3, a deduction in the amount of (\$2,105.00). The deductive change order is a credit for the unused portion of an allowance that was included in the contract price. It was known that the lighting fixture installation would damage building property and require the repair of exterior building finishes on the campus. An allowance of \$10,000.00 was estimated for the needed repairs. The actual cost of these repairs was tracked throughout the project, and at the end \$2,105.00 remained. This deductive change order returns \$2,105.00 to the District. It is in the best interests of the District and financially prudent to authorize this change order.

**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 ground improvements," and "Campus security and safety."

**BACKGROUND/ANALYSIS:**

The Board of Trustees previously ratified Change Order Nos. 1 and 2 to the contract. Including Deductive Change Order No. 3, the cumulative total is \$113,727.00, which is 8.4% of the original contract amount (\$1,356,234.00).

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 11/12-16, which formally accepts the Exterior Lighting Improvements project at Merritt College as complete and provides for a retention payment to the contractor, John Plane Construction, Inc., is recommended. Ratification is also recommended for Deductive Change Order No. 3 to the contract, in the amount of (\$2,105.00).

**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 Ikharo

**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: 9-16-11  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:  
Sadiq B. Ikharo Date: 9-16-11  
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 VR Date: 9/19/11  
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: 9/20/11  
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: 9/19/11  
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. 3

<b>PROJECT:</b>	CAMPUS WIDE-EXTERIOR LIGHTING IMPROVEMENT PROJECT - MERRITT COLLEGE	DATE: 08-01-2011	
		DSA FILE NO.: None	
		DSA APP NO.: None	
<b>OWNER:</b>	Peralta Community College District	FCCD PROJECT #: 2303	
<b>CONTRACTOR:</b>	JOHN PLANE CONSTRUCTION	<b>PROJECT MANAGER:</b>	Johnnie Fudge

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.....\$ 1,356,234.00  
 Net Change by previously authorized Change Orders..... \$ 0.00  
 The Contract sum prior to this Change Order was..... \$ 1,472,066.00  
 The Contract sum will be increased/decreased by this Change Order..... \$ (2105.00)  
 The New Contract Sum including this Change Order will be..... \$ 1,469,961.00  
 Cumulative Change Order(s) as a percentage of contract including this Change Order 8.4%  
 The Contract time is changed by 45 Calendar Days  
 Original completion date is: January 25<sup>th</sup>, 2011  
 Contract completion date as of this Change Order therefore is: June 23, 2011

Summary reference attached items 001

<p><b>Approved:</b> Electrical Engineer of Record</p> <p style="text-align: center;"><i>[Signature]</i></p> <hr/> <p><b>Date:</b> 8/3/2011</p>	<p><b>Approved:</b> General Contractor</p> <p style="text-align: center;"><i>[Signature]</i></p> <hr/> <p><b>Date:</b> 8/4/2011</p>	<p><b>Approved:</b> Peralta Community College District</p> <p style="text-align: center;"><i>[Signature]</i> 8/3/11</p> <hr/> <p>Facilities Project Manager</p> <p style="text-align: center;"><i>[Signature]</i> 08/02/11</p> <hr/> <p>Director of Capital Projects</p> <p><b>Date:</b></p>
<p><b>Approved:</b> Architect</p> <p style="text-align: center;">N/A</p> <hr/> <p><b>Date:</b></p>	<p><b>Approved:</b> Mechanical Engineer</p> <p style="text-align: center;">N/A</p> <hr/> <p><b>Date:</b></p>	<p><b>Approved:</b> Div. of the State Architect</p> <p style="text-align: center;">N/A</p> <hr/> <p><b>Date:</b></p>

# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER NO. 03 Attachment

**PROJECT:** CAMPUS WIDE-EXTERIOR LIGHTING IMPROVEMENT      **DATE:** 8/1/11  
MERRITT COLLEGE      **DSA FILE NO.:** N/A  
**OWNER:** Peralta Community College District      **PCCD FILE NO.:** 2303  
**CONTRACTOR:** JOHN PLANE CONSTRUCTION

### Change Order Coding:

1 - Unforeseen Condition - Owner Initiated	4 - Design error or omission - Architect Initiated
2 - Owner Requested Change - Owner Initiated	A - Approved for A/E Reimbursement
3 - DSA or Agency requested change - Agency Initiated	F - Not Approved for A/E Reimbursement

Item 001

DEDUCT (\$2,105)  
ADD/DEDUCT 0 Days

**Description:** Credit for unused Finish Repairs and Modifications allowance.

**Requested by:** 2 - Owner Requested Change - Owner Initiated Finish Repairs and Modifications

**Reason:** It was known that the lighting fixture installation would damage and require the repair of the exterior building finishes of the Merritt campus a \$10,000 dollar amount was used to estimate the possible needed repairs and its usage was tracked throughout the project. At the end of the project \$2,105 remained. This change order returns that \$2105 to the District.

End of Summary

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 – Exterior Lighting Improvements

PROJECT NUMBER: 2303

PROJECT ADDRESS: 12500 Campus Drive, Oakland, CA 94619

CONTRACTOR: John Plane Construction, Inc.

CONTRACTOR'S ADDRESS: 100 North Hill Dr., Suite 12, Brisbane, CA 94005

DSA APPLICATION NUMBER: N/A

CONTRACT START DATE: September 27, 2010

ORIGINAL CONTRACT TIME: 120 days

CONTRACT TIME EXTENSIONS: 147

APPROVED VIA CHANGE ORDER: 45 Calendar days

CONTRACT COMPLETION DATE: June 23, 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. Ikharo

(Signature of Affiant)

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

9-13-2011

Date

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

Sadiq B. Ikharo

(Signature of Affiant)

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

9-13-2011

Date

# PERALTA COMMUNITY COLLEGE DISTRICT

## PROJECT FINAL ACCEPTANCE

**PROJECT:** Campus Wide Exterior Lighting Improvements  
**LOCATION:** Merritt College  
**CONTRACTOR:** John Plane Construction Inc.

**This Project is accepted as complete and approved by the College**

**Facilities Project Manager:**

Johnnie Fudge      Johnnie Fudge      9/20/11  
Print Name                      Signature                      Date

**College Business Manager:**

Aliso M. Pate      Aliso M. Pate      9/20/11  
Print Name                      Signature                      Date

**College President:**

Robert A. Adams      Robert A. Adams      9/20/11  
Print Name                      Signature                      Date

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 11/12-16  
ACCEPTANCE AND RETENTION**

**EXTERIOR LIGHTING IMPROVEMENTS AT MERRITT COLLEGE  
JOHN PLANE CONSTRUCTION, INC.**

WHEREAS, John Plane Construction, 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 Exterior Lighting 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 ONE HUNDRED FORTY-SIX THOUSAND NINE HUNDRED NINETY-SIX AND 10/100 (\$146,996.10), which is ten percent (10%) of said contract price, as modified by Change Order Nos. 1, 2 and 3, shall be made thirty-five (35) calendar days 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 27th day of September, 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