

**PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of January 24, 2012**

ITEM #34

ITEM TITLE:

Consider Ratification for the Chancellor or His Designee to Negotiate an Agreement with Turner Construction Company to Provide Design-Build Construction Project Delivery Services for the Merritt College Science and Allied Health Building

SPECIFIC BOARD ACTION REQUESTED:

Ratification is requested for the Chancellor or his designee to negotiate an agreement with Turner Construction Company (Turner) to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building.

ITEM SUMMARY:

On June 24, 2011, the District issued a formal request for proposals (RFP 11-12/01) inviting design-build teams to participate in the District's multiple-step process to submit a pre-qualified bid proposal to design and construct the Merritt College Science and Allied Health Building. The process resulted in the recommendation of Turner Construction Company, the firm that received the highest scores on their proposal and interview. Approval of the Chancellor, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), was received on December 20, 2011, to negotiate an agreement with Turner Construction Company to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. This was necessary so that negotiations for the agreement could commence during the Board winter recess period. Board ratification is now requested.

If the District and Turner Construction Company are unable to arrive at a design-build agreement acceptable to both parties, it is recommended that the Chancellor be authorized by the Board of Trustees to negotiate a contract with the runner-up, Clark & Sullivan/Walsh Construction. After contract negotiations are complete, the Board of Trustees will be asked to approve the design-build agreement and budget at a subsequent Board meeting.

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, Merritt College, "Science Lab upgrades," "Nursing Skills Labs," "Dedicated Nursing Program conference room and classrooms," "Allied Health labs," "Providing for and equipping sufficient office space for nursing instructors and science instructors," "Science faculty meeting areas," and "Equipment, technology upgrades, and facility and classrooms 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:

On June 24, 2011, the District issued a formal Request for Proposals (RFP 11-12/01) inviting design-build teams to participate in the District's multiple-step process to submit a pre-qualified bid proposal to design and construct the Merritt College Science and Allied Health Building. The methodology and evaluation factors to be used by the District in evaluating the proposals

were clearly specified in the RFP. The evaluation factors and maximum points included in the RFP were developed in accordance with California Education Code Section 81703, which specifies the procedures and requirements for evaluating and selecting design-build entities for community college construction projects. The underlying intent of the referenced code is to establish reasonable, objective and fair procedures for evaluation proposals for design-build projects. Below are the evaluation factors included in RFP 11-12/01 and the maximum points:

Evaluation Factors	Maximum Points
1. Price	30
2. Technical Expertise (including Dedicated Staff)	10
3. Life Cycle Costs over 25 Years	10
4. Skilled Labor Force Availability	10
5. Key Design-Build Members	10
6. Acceptable Safety Record	10
7. Architectural Aesthetics and Design Innovation	10
8. SLBE and SELBE Program Compliance	10

On August 19, 2011, the District received thirteen (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services to the District. The responding contractors were required to participate in a multi-step process, included attending mandatory pre-qualification meetings, completing the pre-qualification questionnaire, submitting a pre-qualified bid proposal, and participating in oral interviews. Department of General Services staff performed due diligence verifying work history of vendors, conducting legal reference checks to discover past and pending litigation with clients, verifying LEED and sustainability experience, and verifying past performance with SLBE and SELBE project participation.

From the thirteen (13) submittals received, seven (7) design-build teams successfully pre-qualified. Five (5) of the pre-qualified teams submitted a bid proposal on November 7, 2011. Those five firms were: Clark & Sullivan/Walsh Construction, Hensel Phelps, Rudolph & Sletten, Turner Construction Company, and Webcor/GKK Works. The proposals were evaluated by an executive committee comprised of representatives from the Department of General Services and Merritt College administrative leadership, and the following scores were given:

PROPOSALS

	EVALUATOR S' PROPOSAL SCORES				Average Score
	A	B	C	D	
Clark & Sullivan	90	91	81	95	89.25
Turner Construction	92	93	80	89	88.50
Hensel Phelps	88	81	82	84	83.75
Webcor	81	75	88	71	78.75
Rudolph & Sletten	77	76	79	69	75.25

Interviews were conducted by the executive committee on November 16 and November 21, 2011. All contractors were given the same interview questions, and interview scoring was based on the evaluation factors and weighing included in the RFP. The contractors were scored as follows:

INTERVIEWS

Final Interviews Conducted on November 16 & November 21, 2011

	EVALUATORS' INTERVIEW SCORES				Total	Average
	A	B	C	D		
Turner Construction	75	89	74	95.5	333.5	83.38
Clark & Sullivan	84	83	71	92	330.0	82.50
Hensel Phelps	77	71	66	90	304.0	76.00
Rudolph & Sletten	60	72	69	82	283.0	70.75
Webcor	42	70	64	84	260.0	65.00

Below are the total scores from the evaluation of the proposals and the interview results:

SUMMARY OF EVALUATORS' SCORES

	AVERAGE SCORES			Difference
	Proposal	Interview	Total Scores	
Turner Construction	88.50	83.38	171.88	0.13
Clark & Sullivan	89.25	82.50	171.75	
Hensel Phelps	83.75	76.00	159.75	
Rudolph & Sletten	75.25	70.75	146.00	
Webcor	78.75	65.00	143.75	

Based on the review of the proposals and the oral interviews, the committee recommended Turner Construction Company (general contractor), working with MVE Architects. Both firms operate local offices in Oakland and have the capacity and the wherewithal to undertake this project. If the District and Turner Construction Company are unable to arrive at a design-build agreement acceptable to both parties, it is recommended that a contract be negotiate with the next highest-scoring firm, Clark & Sullivan/Walsh Construction. After contract negotiations are complete, the Board of Trustees will be asked to approve the design-build agreement and budget at a subsequent Board meeting.

DELIVERABLES/SCOPE OF WORK:

Design and construction of the new Merritt College Science and Allied Health Building.

ANTICIPATED COMPLETION DATE:

To be determined based on negotiations with the design-build contractor.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Ratification is recommended for the Chancellor or his designee to negotiate an agreement with Turner Construction Company (Turner) to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. If the District and Turner Construction Company are unable to arrive at an agreement that is acceptable to both parties, it is recommended that the Chancellor be authorized by the Board of Trustees to negotiate a contract with the next-highest scoring firm, Clark & Sullivan/Walsh Construction.

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

YES _____ NO X

COMMENTS:

No additional comments.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? (VICE CHANCELLOR)

Vice Chancellor Ikhara

(*****Board contract approval is subject to negotiation and execution by the Chancellor.)

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: January 17, 2012
Vice Chancellor for General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: January 17, 2012
Vice Chancellor for 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 Date: 1-19-12
Ron 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 Thi Nguyen Date: 1-19-12
General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: Wise E. Allen Date: January 17, 2012
Wise E. Allen, Chancellor