

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of February 14, 2012**

**ITEM #**

**ITEM TITLE:**

Consider Ratification of Change Order No. 5, ADA Improvements at Laney College, Vertex Construction Services

**SPECIFIC BOARD ACTION REQUESTED:**

Ratification is requested for Change Order No. 5 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$130,390.

**ITEM SUMMARY:**

Ratification is requested for Change Order No. 5 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$130,390. Including the previously Board approved Change Order Nos. 1, 2, 3 and 4, the cumulative total is \$432,976, which is 18.7% of the original contract amount (\$2,318,000).

This change order is comprised of the following:

- 40% of Change Order No. 5 reflects the Settlement Agreement and Order for work that was added to the contract as a compromise after the bid and DSA approval
- 49% of Change Order No. 5 is for work along Fallon Street mandated by the City of Oakland
- The remaining 11% has resulted from District changed standards for the drinking fountains and unforeseen circumstances

**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, "Handicap accessibility."

**BACKGROUND/ANALYSIS:**

The ADA Improvements Project at Laney College is a court ordered project designed to address pathway access in accordance with the 1990 Americans with Disabilities Act and subsequent Amendments Act of 2008. The law mandated programmatic as well as physical barrier removal, in order to ensure that all persons with disabilities receive comparable access to all public and some private places of business.

Nineteen (19) areas at the Laney campus were identified that required physical barrier removal through construction. The majority of the areas also required DSA approval due to significant structural, fire/life safety and access components included in the settlement. In addition, an aggressive time line was established to complete all facets of the work. Due to DSA review delays and the complexity of the final settlement, four areas of injunctive relief were agreed to be added as modifications to the awarded contract.

On June 10, 2010, this Board awarded a contract for the ADA Improvements Project at Laney College to IMR Contractor Corporation in the amount of \$2,318,000. A Notice to Proceed was

issued directing IMR to commence work on August 23, 2010, with construction targeted for completion in August 2011.

Unfortunately, the project was fraught with challenges at the beginning and continued throughout construction. In July 2011, IMR Contractor Corporation filed for bankruptcy, which effectively ended any further progress on the project. IMR's surety company, First National Insurance Company of America, assumed the responsibility of completing the construction. Subsequently, First National awarded the contract to Vertex Construction Services under a takeover agreement with the District.

In September 2011 Vertex Construction Services began work on the project with an end date of February 29, 2012. The District also discontinued the services of the previous construction management firm, Stegeman & Kastner, and contracted with Olive Construction Management, Inc., in order to decrease management fees by hiring a local firm familiar with Peralta's campus and organization.

Four previous change orders were ratified by the Board of Trustees:

- Change Order No. 1, in the amount of \$93,901, was ratified at the meeting of March 15, 2011. This change order was necessary due to the complexity of scheduling construction work around the college educational requirements in various and numerous areas. Additionally, due to the aged infrastructure, unforeseen conditions were encountered during the demolition of the walls, floors and ceilings.
- Change Order No. 2, in the amount of \$105,715, was ratified at the meeting of June 28, 2011. This change order was necessary due to the complexity of scheduling the construction work around the college educational requirements, unforeseen conditions due to the aged infrastructure, and water intrusion problems.
- Change Order No. 3, in the amount of \$29,728, was ratified at the meeting of July 19, 2011. This change order was necessary due to field changes and to meet code compliance with DSA and the City of Oakland.
- Change Order No. 4, in the amount of \$73,242, was ratified at the Board meeting of December 6, 2011. It was issued to Vertex Construction Services for work performed by IMR as a provision of the takeover agreement between the District and the surety company, First National Insurance Company of America.

The total of the first four change orders is \$302,586, which is 13% of the original contract amount. Cumulatively these four change orders are attributed to:

Deferred Maintenance due the aged infrastructure	30%
Owner Requested Changes	7%
Division 1 (permits)	15%
Other Unforeseen Conditions (not deferred maintenance)	14%
City of Oakland requested changes	11%
Changes required by DSA	7%
Errors and Omissions	16%

Change Order No. 5

To date Vertex Construction Services has submitted an additional \$292,129 in proposed change orders. Change Order No. 5 represents \$130,390 for work that is warranted and should be ratified by the Board in order to complete the project by March 13, 2012. The \$130,390 Change Order No. 5 amount represents a negotiated reduction of \$28,134, or 22%. Any delays to approval of Change Order No. 5 will result in future stop notices and prevent the project from attaining completion on schedule, as well as opening the District to delay liabilities by the surety company. The District will address the credit issues and liquidated damages at the completion of this project.

From the additional \$292,129 of proposed change order items requested by Vertex, items totaling \$124,497 have been rejected and \$15,000 is still pending. Staff believes one final change order will be forwarded to the Board prior to project completion, but it may be deductive in nature. Staff is currently in the process of assessing existing requests in order to recommend rejection or approval. Although every effort has been made to reduce the change order work on this project, these changes were unavoidable. It was necessary for the contractor to perform this work so that the project 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 Change Order No. 5 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize and ratify this change order.

**DELIVERABLES/SCOPE OF WORK:**

Change Order No. 5 consists of ten (10) Preliminary Change Order Items as detailed in the attached Summary of Change Order No. 5.

**ANTICIPATED COMPLETION DATE:**

This change order work has been completed, and Board ratification is requested.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Ratification is recommended for Change Order No. 5 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$130,390.

**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 Ikharo

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

**DOCUMENT PREPARED BY:**

Prepared by: Dr. Sadiq B. Ikharo Date: February 2, 2012  
Vice Chancellor for General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo Date: February 2, 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, 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: \_\_\_\_\_  
General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Wise E. Allen, Chancellor

# PERALTA COMMUNITY COLLEGE DISTRICT

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## CHANGE ORDER NO. 05

**PROJECT:** Laney College ADA project #2348

**DATE:** January 24, 2012

**DSA FILE NO.:** 1-C1

**OWNER:** Peralta Community College District

**DSA APP NO.:** 111245

**CONTRACTOR:** Vertex Construction Services

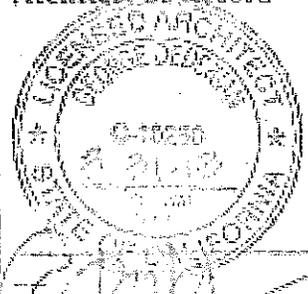
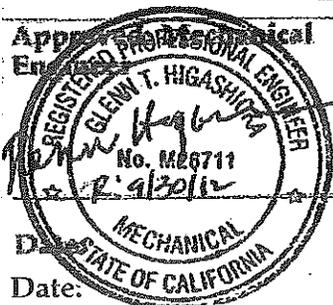
**PCCD PROJECT #:** 2368

**CONSTRUCTION MANAGER:** Olivia Rocha

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. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....	\$2,318,000.00
Net Change by previously authorized Change Orders.....	\$ 302,586.00
The Contract sum prior to this Change Order was.....	\$2,620,586.00
The Contract sum will be increased/decreased by this Change Order.....	\$ 130,390.00
The New Contract Sum including this Change Order will be.....	\$2,750,976.00
Cumulative Change Order(s) as a percentage of contract including this Change Order <u>18.7%</u>	
The Contract is changed by (13) Days	
Contract completion date as of this Change Order therefore is: March 13, 2012	

Summary reference attached items PCO 180, 181, 182, 183, 184, 185, 01v, 186, 187, 188

<p><b>Approved:</b> Architect of Record</p>  <p>Date: 1/25/12</p>	<p><b>Approved:</b> General Contractor</p>  <p>Date: 1/26/12</p>	<p><b>Approved:</b> Peralta Community College District</p> <p><i>John Train</i> Director of Capital Projects</p> <p>Date: 01/26/12</p> <p><i>Sally B. Thomas</i> Vice Chancellor of General Services</p> <p>Date: 1/30/2012</p> <p>Approved: Div. of the State Architect</p> <p>Date:</p>
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# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER No. 05 Attachment

PROJECT: Laney College ADA Project #2348

DATE: January 24, 2012

DSA FILE NO.: 1-C1

OWNER: Peralta Community College District

DSA APP NO.: 111245

CONTRACTOR: Vertex Construction Services

PCCD FILE NO.: 2368

1.	PCO 180	A168 Counter	ADDITIVE	\$1,029.00
			ADD/DEDUCT	0 Days

Description: 1-F Modify the existing counter to accommodate ADA accessibility in A168 for loading film

Requested by: Owner

Reason: During construction, it was noted that the existing film loading counter in A168 was not ADA accessible. This work will modify the existing counter in order to accommodate the ADA need as shown in attached CE123.

DSA prelim.  
approval date: 04/24/11

2	PCO 181	Raise drain outside of pool Injunctive Relief	ADDITIVE ADD	\$8,087.00 4 Days
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Description: 1-F Sawcut paving and raise the existing drain to correct the excessive slope. This drain is located in the interior pathway in between the entrance to the swimming pool and the women's locker room.

Requested by: Owner

Reason: According to the Settlement Agreement and Order, Exhibit B, Item 7, to resolve the injunctive relief and damage claim, the District was ordered to raise the drain and to repair the paving around the drain to correct the excessive slope. This drain is located in the interior roadway in the path of travel between the entrance to the swimming pool and the women's locker room. This work was mandated as part of the final Settlement Agreement and Order. Work as shown in attached CE139

DSA prelim.  
approval date: 03/02/11

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<b>3</b>	<b>PCO 182 Tennis Court Parking Stalls</b>	<b>ADDITIVE ADD</b>	<b>\$12,465.00 3 Days</b>
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Description: 1-F Re-slope and restripe accessible parking stalls adjacent to the tennis courts to comply with ADAAG and Title 24.

Requested by: Owner

Reason: According to the Settlement Agreement and Order, Exhibit B, Item 6, to resolve the injunctive relief and damage claim, the District was ordered to restripe accessible parking stalls adjacent to the tennis courts to comply with ADAAG and Title 24. This work was mandated as part of the final Settlement Agreement and Order. Work as shown in CE140.

DSA prelim.  
approval date: 03/02/11

<b>4</b>	<b>PCO 183 Art Center Handrails</b>	<b>ADDITIVE ADD/DEDUCT</b>	<b>\$17,304.00 5 Days</b>
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Description: 1-F Fabricate and install handrails for the Art Building walkway as required by ADA accessibility.

Requested by: Owner

Reason: According to the Settlement Agreement and Order, Exhibit B, Item 4, to resolve the injunctive relief and damage claim, the District was directed to fabricate and install handrails for the Art Building walkway pending DSA approval within one year of the execution of the agreement. This work was mandated as part of the final Settlement Agreement and Order. Work as shown in CE141

DSA prelim.  
approval date: 04/06/11

# PERALTA COMMUNITY COLLEGE DISTRICT

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5	PCO 184 Theater men, women & makeup rm	ADDITIVE ADD/DEDUCT	\$14,723.00 0 Days
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Description: 1-F ADA upgrades at the Theater mens, womens and make-up rooms.

Requested by: Owner

Reason: According to the Settlement Agreement and Order, Exhibit D, Back Stage Theater Corrections, to resolve the injunctive relief and damage claim, the men, women and make-up room required ADA upgrades. This work was mandated as part of the final Settlement Agreement and Order. Work as shown in CE 142

DSA prelim.  
approval date: 01/12/12

6	PCO 185 Light at Forum Elevator	ADDITIVE ADD/DEDUCT	\$2,595.00 1 Day
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Description: 1-F Additional light outside of the Forum elevator.

Requested by: Owner

Reason: According to the Building Code as directed by DSA, lighting is required at all accessible pathways. This light is needed to provide for lighting as required by code and address security concerns at the Forum elevator. Work as shown in CE 143.

DSA prelim.  
approval date: 01/12/12

7	PCO 01v	ADDITIVE ADD/DEDUCT	\$63,896.00 0 Day
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Description: 1-F Provide approval for changes to the contract work as mandated by the City of Oakland to the West campus entry. This work was approved by the District during construction.

Requested by: Owner

Reason: During construction, the City of Oakland required that several changes occur in order to receive a permit for construction. These changes occurred at the beginning of construction as well as during construction and included changing the location of the mailbox; replacement of existing broken valve box; change the existing elevations to comply with the City's; and replace existing broken sidewalk concrete not originally in contract. Work at shown in CE 144

DSA prelim.  
approval date: 10/11/11

# PERALTA COMMUNITY COLLEGE DISTRICT

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<b>8</b>	<b>PCO 186 Last Drinking Fountain</b>	<b>ADDITIVE</b>	<b>\$4,980.00</b>
		<b>ADD/DEDUCT</b>	<b>0 Day</b>

Description: 1-F Change the District standard for two drinking fountains in both Forum lobbies

Requested by: Owner

Reason: During construction the District changed the specification of the contract drinking fountains. This change order will provide for the change in District's standard as well as provide for power to be run to the new drinking fountains. This was previously approved elsewhere in change order no. 2. Work as shown in CE150.

DSA prelim.  
approval date: 07/29/11 - DSA approved by Change order no. 2/PCO 03

<b>9</b>	<b>PCO 187</b>	<b>Rm. A271 Casework Changes</b>	<b>ADDITIVE</b>	<b>\$2,914.00</b>
			<b>ADD/DEDUCT</b>	<b>0 Day</b>

Description: 1-F Provide a protective cover to the existing acid waste line, flooring and modified counter to accommodate the changes in the casework caused by the placement of the Smart Classroom Audiovisual rack.

Requested by: Owner

Reason: During construction of the Smart Classroom project a portion of the existing casework was removed in order to accommodate placement of the audiovisual rack. Due to this need the designed casework needed to be modified. This work will accommodate the new layout. Work as shown in CE 154.

DSA prelim.  
approval date: 09/28/11

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<b>10</b>	<b>PCO 188 Add power to station in A274</b>	<b>ADDITIVE</b>	<b>\$2,397.00</b>
		<b>ADD/DEDUCT</b>	<b>0 Day</b>

Description: 1-F Provide new conduit to feed the electrical to one station in room A274.

Requested by: Owner

Reason: During construction of the new ADA accessible student stations, it was discovered that the existing electrical conduit day-lighted in the open space required for wheelchair access. This cost will move the existing electrical wire to a new location back to the panel . Work as shown in CE160.

DSA prelim.  
approval date: na

**End of Items**