

Board of Trustees Agenda Report For the Trustee Meeting Date of June 12, 2012

ITEM TITLE:

Consider Approval of Resolution 11/12-45, Acceptance and Retention, and *Ratification* of Change Order No. 4, Learning Center/Library Renovation Project at Merritt College, Alten Construction, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 11/12-45, which formally accepts the Learning Center/Library Renovation project at Merritt College as complete and provides for a retention payment to the contractor, Alten Construction, Inc. Ratification is also requested for Change Order No. 4 to the contract, in the amount of \$24,664.

ITEM SUMMARY:

On December 7, 2010, this Board approved awarding a contract to Alten Construction, Inc. for the Learning Center/Library Renovation project 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. Project acceptance is recommended. This resolution accepts the work as complete and provides a retention payment of \$384,617, which is 10% of the contract price as modified by change orders.

Ratification is also requested for Change Order No. 4, in the amount of \$24,664. Including the previously Board approved Change Order Nos. 1, 2 and 3, the cumulative change order total is \$349,170, which is 9.99% of the original contract amount (\$3,497,000). In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 is now brought before the Board for ratification.

Change Order No. 4 was required to address non-compliant aspects of the existing building that were not included in the contract documents but are required for code compliance, safe occupancy of the building and correct functioning of the various systems. The non-compliant items included:

- Missing fire alarm monitoring modules for new flow-tamper switches and new fire smoke dampers, which were omitted from the original contract documents
- Correction of existing hidden flooring conditions that did not meet ADA accessibility codes

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, "Additional space for the college Learning Center," "HVAC in Library," "Repair and refurbish Library bathrooms," "Language listening lab in Library," "Group Study rooms in Library," "Program/Event space in Library," "Remodel ancillary staff rooms in Library," 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:

Change Order No. 4 has been reviewed and approved by the project architect, NBBJ; the project IOR (Inspector of Record), Anthonio, Inc.; the project manager, SGI Construction Management; and the General Services Department. 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. It is in the best interests of the District and financially prudent to authorize this change order.

DELIVERABLES/SCOPE OF WORK:

This project renovated the current Building L Library to house the Merritt College Learning Center on the first floor. The library and support spaces remain on the second floor. The project included:

- Installation of a new elevator serving the first and second floors
- Painting existing interior walls
- Replacement of all existing flooring on the second and third floors
- Installation of new mechanical equipment to assist the existing air handling units in heating and cooling
- Installation of new ceilings and lighting

ANTICIPATED COMPLETION DATE:

The work under this project has been completed.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 11/12-45, which formally accepts the Learning Center/Library Renovation project at Merritt College as complete and provides for a retention payment to the contractor, Alten Construction, Inc., is recommended. Ratification is also recommended for Change Order No. 4 to the contract, in the amount of \$24,664.

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: May 31, 2012
Vice Chancellor for General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: May 31, 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: Ronald Gerhard Date: _____
Ronald Gerhard, Vice Chancellor of Finance

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: _____
General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: Wise E. Allen Date: _____
Wise E. Allen, Chancellor

PERALTA COMMUNITY COLLEGE DISTRICT

Department of General Services • Phone 510/466-7341 • Fax 510/466-7315

CHANGE ORDER NO. 4

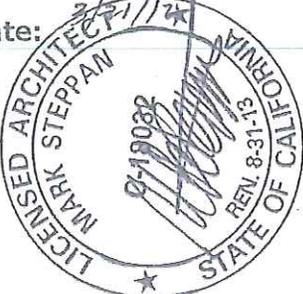
PROJECT:	Merritt Library & Learning Center	DATE:	3/12/12
PROJECT MGR:	Johnnie Fudge	DSA FILE NO.:	1-C1
OWNER:	Peralta Community College District	DSA APP. NO.:	01-110378
CONTRACTOR	Alten Construction	PCCD FILE NO.:	2324

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	\$3,497,000
Net Change by previously authorized Change Orders	\$324,506
The Contract sum prior to this Change Order	\$3,821,506
The Contract sum will be increased/decreased by this Change Order	\$24,664
New Contract Sum including this Change Order	\$3,846,170
Cumulative Change Order(s) as a percentage of contract including this Change Order	9.985%
Contract is changed by (0) Days	61 Days
Contract completion date as of this Change Order	3/26/12

Summary reference attached items:

Summary of PCO's: PCO 45-52 and all applicable back up documentation including approved CPE & RFI responses

<p>Approved: Architect of Record</p> <p style="text-align: center;"><i>Mark Steppan</i></p> <hr/> <p>Date: <u>3/21/12</u></p> <div style="text-align: center;">  </div>	<p>Approved: General Contractor</p> <p style="text-align: center;"><i>Paul Steppan</i></p> <p style="text-align: center;">ALTEN CONST.</p> <hr/> <p>Date: <u>4/5/12</u></p>	<p>Approved: Peralta Community College District</p> <p style="text-align: center;"><i>Johnnie Fudge</i></p> <hr/> <p>Director of Capital Projects</p> <hr/> <p>Date: <u>05/16/12</u></p> <p style="text-align: center;"><i>Sadia B. Ithman</i></p> <hr/> <p>Vice Chancellor of General Services</p> <hr/> <p>Date: <u>5/16/2012</u></p>
<p>Approved: Electrical or Structural Engineer</p> <hr/> <p>Date: _____</p>	<p>Approved: Mechanical Engineer</p> <hr/> <p>Date: _____</p>	<p>Approved: Div. of the State Architect</p> <hr/> <p>Date: _____</p>

Johnnie Fudge
4/16/12

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services ● 333 East 8th Street Oakland, California 94606 ● Phone 510/466-7200 ● Fax 510/466-7315

SUMMARY OF CHANGE ORDER No. 4 Attachment

PROJECT: LIBRARY & LEARNING CENTER
MERRITT COLLEGE
OWNER: Peralta Community College District
CONTRACTOR: ALTEN CONSTRUCTION

DATE: 2-27-12
DSA FILE NO.: 1-C1
PCCD FILE NO.: 2324

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

01	PCO 45	ADD	\$5,313
		ADD/DEDUCT	0 Days

Description: Cost difference for custom manufacturer "Joy" supply fan motors versus the supply fan motor that was submitted, approved and supplied.

Requested by: 1 – Unforeseen Condition – Owner Initiated

Reason: The Contract Documents did not specify the type of motor that was to be replaced. Per the design team, this is an unforeseen condition in that there was no way to gain access to determine the existing motor.

02	PCO46	ADD	\$11,049
		ADD/DEDUCT	0 Days

Description: Provide new air registers on the 2nd & 3rd floor.

Requested by: 4 – Design error or omission – Architect Initiated

Reason: The Contract Documents did not include provisions for new registers except for the ones specifically called out on gridlines 5/6 & D/E. The PCO is just for the required extra material to add the new Air Registers on the 2nd & 3rd floors, there is no charge for labour.

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SUMMARY OF CHANGE ORDER No. 4 Attachment

03	PCO 47	ADD	\$1,700
		ADD/DEDUCT	0 Days

Description: Relocation of the DPT sensors.

Requested by: 4 - Design error or omission - Architect Initiated

Reason: The DPT Sensors could not be located as shown in the Contract Documents. Per RFIs 156 & 156.1, the DPT sensors are to be located on gridline D/4 & on gridline D between 8 & 9 on the 3rd floor. This resulted in additional material. The total cost of the CPE was negotiated from \$2,587 down to \$1,700.

04	PCO 48	ADD	\$3,996
		ADD/DEDUCT	0 Days

Description: Add code-required Fire Alarm monitoring modules for new flow-tamper switch @ 1st floor riser closet in L-118A.

Requested by: 4 - Design error or omission - Architect Initiated

Reason: The Contract Documents included new flow-tamper switch but did not include the code-required monitoring modules. The monitoring modules & their required programming & inclusion in the as-builts were added by the design team via RFI 214 & 214.1.

05	PCO 49	ADD	\$2,378
		ADD/DEDUCT	0 Days

Description: Add Fire Alarm Control Module at new Fire Smoke Dampers on the 1st floor.

Requested by: 4 - Design error or omission - Architect Initiated

Reason: The Contract Documents included new FSDs but did not include the required control module & PAM relay. Via RFI 176, the design team directed that the required control module & PSM be counted adjacent to Panel '1RB'.

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SUMMARY OF CHANGE ORDER No. 4 Attachment

06	PCO 50	ADD	\$0
		ADD	30 Days

Description: Add 21 non-compensable working days/30 non-compensable calendar days to the project schedule to account for unforeseen delays.

Requested by: 1 – Unforeseen Condition – Owner Initiated

Reason: The Contractor submitted a request for additional compensation for a time extension claim. PCCD denied the compensation request, but approved non-compensable time.

07	PCO 51	ADD	\$0
		ADD	31 Days

Description: Add 31 calendar days to the project schedule.

Requested by: 1 – Unforeseen Condition – Owner Initiated

Reason: The lack of required additional permanent power from the planned Power Plant & the lack of the new Chiller prevented the completion of HVAC Contract scope. Via an outside project, PCCD has arranged for a temporary generator & portable Chiller. The GC is staying onsite to complete the project with the required temporary rental equipment.

08	PCO 52	ADD	\$228
		ADD/DEDUCT	0 Days

Description: Patch and float concrete slab at 2nd Floor entrance to correct slab tolerances.

Requested by: 1 – Unforeseen Condition – Owner Initiated

Reason: The existing condition of the slab floor at the 2nd floor entrance is not level and is not acceptable for ADA tolerances.

PERALTA COMMUNITY COLLEGE DISTRICT

PROJECT FINAL ACCEPTANCE

PROJECT NAME: Learning Center/Library Renovation

LOCATON: Merritt College

CONTRACTOR: Alten Construction

This Project is accepted as complete and approved by the College

Facilities Project Manager:

Johnnie Fudge
Print Name

Johnnie Fudge
Signature

5/17/12
Date

College Business Manager:

Connie Willis
Print Name

Connie Willis
Signature

5.17.12
Date

College President:

George Herring
Print Name

George Herring
Signature

5/17/12
Date

Recording Requested By: <u>Peralta Community College District</u>	For Recorder's Use
When Recorded, Mail To: Office of General Services 333 East 8th Street Oakland, CA 94606	

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 – Learning Center/ Library Renovation
 PROJECT NUMBER: 2324
 PROJECT ADDRESS: Merritt College, 12500 Campus Drive, Oakland, CA 94619,
 CONTRACTOR: Alten Construction
 CONTRACTOR'S ADDRESS: 720 12th Street, Richmond, CA 94801
 DSA APPLICATION NUMBER: 110378
 CONTRACT START DATE: January 31, 2011
 ORIGINAL CONTRACT TIME: 360 Calendar Days
 CONTRACT TIME EXTENSIONS: 463 calendar days to May 8, 2012
 APPROVED VIA CHANGE ORDER: Change Order No. 4
 CONTRACT COMPLETION DATE: May 8, 2012

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)

5-11-2012
Date

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

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

Sadiq B. Ikharo
(Signature of Affiant)

5-17-2012
Date

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

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 11/12-45
ACCEPTANCE AND RETENTION**

**LEARNING CENTER/LIBRARY RENOVATION
AT MERRITT COLLEGE
ALTEN CONSTRUCTION, INC.**

WHEREAS, Alten 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 Learning Center/Library Renovation 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 THREE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED SEVENTEEN AND NO/100 DOLLARS (\$384,617.00), which is ten percent (10%) of said contract price, as modified by Change Order Nos. 1, 2, 3 and 4, 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 12th day of June, 2012. 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