

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 12, 2012

ITEM # 48

ITEM TITLE:

Consider Approval to Enter into an Agreement with Clark & Sullivan/Walsh Construction to Provide Design-Build Project Delivery Services and Construction for the Merritt College New Science and Allied Health Building

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested to enter into an agreement with Clark & Sullivan/Walsh Construction to provide design-build project delivery services and construction for the Merritt College New Science and Allied Health Building, in the estimated amount of \$42,760,000.

ITEM SUMMARY:

A multiple-step RFQ (Request for Qualifications) process was followed in the selection of a design-build team for the Merritt College New Science and Allied Health Building. At the meeting of January 24, 2012, the Board of Trustees approved entering into negotiations with Turner Construction Company for the project. It was further recommended and approved that if the District and Turner Construction Company were unable to arrive at a design-build agreement acceptable to both parties, the Chancellor was authorized to negotiate an agreement with the second highest scoring firm, Clark & Sullivan/Walsh Construction. After several months of extensive negotiations, the District determined that an acceptable agreement could not be reached with Turner Construction Company and concluded negotiations. As a result, on March 28, 2012, the District initiated contract negotiations with Clark & Sullivan/Walsh Construction for design-build services and construction for the Merritt College New Science and Allied Health Building. Clark & Sullivan/Walsh Construction has teamed up with NTD Architects (architect of record) and a local architectural firm, Murakami/Nelson, to negotiate and implement this project. Clark & Sullivan/Walsh Construction will conduct a vigorous community outreach program to create opportunities for small local businesses in the Peralta District service area. In order to maximize small local business participation, bid requests will be developed and grouped in competitive packages suitable to achieve a 30% minimum small local business participation. This project is also part of the Project Labor Agreement with the Building and Construction Trades Council of Alameda County.

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:

Selection of a design-build team for the Merritt College New Science and Allied Health Building has been a multiple-step process, which has included a Request for Qualifications (RFQ) for the selection of a bridging architect, an RFQ for the selection of a design-build team, and this request for approval to enter into an agreement with Clark & Sullivan/Walsh Construction.

In December 2009, a selection committee was formed, which was comprised of representatives from the Department of General Services and the Merritt College faculty and administration, to select the bridging architect for Merritt College New Science and Allied Health Building. The design team of FLAD and WLC Architects received the highest scores in the proposal evaluations and interviews by the selection committee and was recommended to the Chancellor. At the Board of Trustees' meeting of January 12, 2010, the bridging team of FLAD and WLC Architects was approved.

In June 2011, the District solicited a formal Request for Proposals (RFP 11-12/01) inviting pre-qualified design-build teams to submit bid proposals to design and construct the Merritt College New Science and Allied Health Building based on bridging documents developed by FLAD and WLC Architects, in conjunction with the Merritt College stakeholders and user groups.

The District received (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services. From those submittals received, seven (7) design-build teams successfully pre-qualified and five (5) actually submitted proposals. The proposals were reviewed by a selection committee comprised of representatives from the Department of General Services and Merritt College administrative leadership. The selection committee also conducted interviews with the five proposed design-build teams. All design-build teams were given the same interview questions. Interview scoring was based on the evaluation factors and weighted scores included in the RFP. Based on the proposals and oral interviews, the committee recommended Turner Construction Company. It was also recommended and approved by the Peralta Board of Trustees that if the District and Turner Construction Company were unable to arrive at a design-build agreement acceptable to both parties, the Chancellor was authorized to negotiate a contract with second highest scoring firm, Clark & Sullivan/Walsh Construction.

After several months of extensive negotiations, the District determined that an acceptable agreement could not be reached, and contract negotiations with Turner Construction Company were concluded. In accordance with the Board approved process, contract negotiations were subsequently initiated with Clark & Sullivan/Walsh Construction.

The Administration is now requesting that the Board approve entering into an agreement with Clark & Sullivan/Walsh Construction for the estimated amount of \$42,760,000 to provide design-build project delivery services and construction for the Merritt College New Science and Allied Health Building.

DELIVERABLES/SCOPE OF WORK

Complete design and construction services for the New Science and Allied Health Building at Merritt College.

ANTICIPATED COMPLETION DATE:

May 2015

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended to enter into an agreement with Clark & Sullivan/Walsh Construction to provide design-build project delivery services and construction for the Merritt College New Science and Allied Health Building, in the estimated amount of \$42,760,000.

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: 6-7-12
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: 6-7-12
General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: *Wise E. Allen* Date: 6-5-12
Wise E. Allen, Chancellor