

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of April 23, 2013

ITEM TITLE:

Consider Approval for Reduction of Retention to E.F. Brett's Contract for the Berkeley City College Build-out Phase 3 Project from 10% to 5%

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested to reduce the retention in E.F. Brett's Contract for the Berkeley City College Build-out Phase 3 Project from 10% to 5%.

ITEM SUMMARY:

Approval is requested to reduce the retention of E.F. Brett's Contract for the Berkeley City College Build-out Phase three (3) Project from 10% to 5%. E.F. Brett's original contract was approved by the Board of Trustees at the meeting of July 17, 2012, in the amount of \$2,377,704 and a construction timeline of 334 calendar days; with the project completion date of July 31, 2013. However, the construction work has progressed more timely and over 91% completion of the project has been achieved as of March 31, 2013. Substantial Completion date for the above project is anticipated by the end of April 2013 and no Change Orders are anticipated. This project is ahead of schedule and on budget.

E.F. Brett (contractor) has requested a reduction in retention from 10% to 5%. Per the Public Contract Code, this reduction in retention is allowable if substantial completion of a project is attained. This reduction of retention will be in line with the District's newly adopted retention amount of 5% for all future projects. The administration has recommended approval of the reduction to 5% to allow for release of 5% to E.F. Brett's contract at the end of April 2013. The new State of California retention percentage is now 5% effective from January 1, 2013. The Chancellor recommends approval.

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, Laney College, "Classroom and facilities repairs and grounds improvements," Merritt College, "Classroom and facilities repairs and grounds improvements," College of Alameda, "Remodeling and equipping classroom and campus facilities," and Berkeley City College, "Plumbing, electrical, mechanical system upgrades and improvements."

BACKGROUND/ANALYSIS:

The Berkeley City College Build-out Phase 3 Project was issued to provide for the build-out of existing unimproved spaces in art studios on the 4th floor and improvements/alterations to labs, classrooms and offices on the 1st, 2nd, 3rd and 5th floors at Berkeley City College. A formal bid was conducted for this project (Bid No. 1112/19), and a bid opening was held on June 13, 2012. Five (5) bids were received and the contract was awarded to E.F. Brett & Company Inc. with a starting date of September 3, 2012. On January 22, 2013, the College moved into one of two art studios and the remaining project has proceeded ahead of schedule with an anticipated completion date of mid-May 2013. On March 31, 2013, the project reached 91% completion. Per the Public Contract Code, a release of 5% retention is acceptable. The

District recommends reduction of the contract retention to 5% to provide a release of the Contractor's end of April 2013 billing pay application.

DELIVERABLES AND SCOPE OF WORK:

The deliverable is the completion of construction work of the Berkeley City College Build-out Phase 3 Project.

ANTICIPATED COMPLETION DATE:

The anticipated completion date of this project is May 15, 2013.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

Approval is requested to reduce the retention in E.F. Brett's contract for the Berkeley City College Build-out Phase 3 Project from 10% to 5%.

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

YES _____ NO X

COMMENTS

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? 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: April 16, 2013
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: April 16, 2013
Vice Chancellor of General Services

FINANCE DEPARTMENT REVIEW

 X 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: _____
Ron Gerhard, Vice Chancellor for Finance and Administration

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: _____
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: *José M. Ortiz* Date: _____
Dr. José M. Ortiz, Chancellor



DEPARTMENT OF GENERAL SERVICES—PROJECT EVALUATION FORM

Vendor: E. F. Brett

Vendor No.: _____

Date: April 10, 2013

This evaluation form is to be used by the Department of General Services and external Project Managers and Construction Managers to evaluate all projects including Consultants contracts.

The Department of General Services recognizes that Consultant cannot improve or sustain good performance without project-specific constructive feedback. This evaluation is to provide constructive feedback and will be kept on file for review for future consultant selection.

Interim evaluations are used to give timely performance feedback, and allows opportunity for performance modification to ensure the project's success.

Final evaluation is used for future Consultant selection, and helps the District's General Services Department develop and hire the best possible firms.

PROJECT INFORMATION

Project No:	2335 DSA#01-111745	Project Name: BERKELEY CITY COLLEGE BUILD-OUT PHASE III	
Project Start Date:	September 4, 2012	Location of Project: 2050 Center Street, Berkeley, CA 94704	% Complete: 90
Scope of Work: This project consist of build-out of existing unimproved spaces into Art Studios on the 4th floor; improvements and alterations to lab spaces, classrooms and offices on the 1st, 2nd, 3rd and 5th floors; modifications to mechanical, plumbing, electrical and fire sprinkler systems.			
Type of Work:	Construction Modernization	Facilities Project Manager:	Johnnie Fudge
Firm Name:	E.F.Brett	Consultant Project Manager:	Olive Construction Management.
Evaluation Date:	April 9, 2013	Evaluation Type: (Check one)	<input checked="" type="checkbox"/> Interim or <input type="checkbox"/> Final

RATING SYSTEM DEFINITIONS

Scale	Rating Name	Rating Description
5	Outstanding	Deliverables exceed standards with minimal District General Service's direction; seeks opportunities for self-improvement; models, coaches and inspires excellent service; owns project problems and offers analysis of resolution options.
4	Great	Deliverables exceed standards with some District General Service's direction; frequently checks in on status of service and provides consistent quality service; identifies project problems in advance and offers timely alternative options.
3	Good	Deliverables meet standards with some District General Service's direction; provides expected service and quality checks required by the contract; helps to analyze and resolve problems as they occur.
2	Improvement Needed	A comment is required. Deliverables eventually meet minimum standards with frequent District General Service's coaching required; provides mediocre service, rarely checking for feedback; unaware of problems until discovery by others, then provides weak solution analysis.

CAPITAL PROJECTS

1	Unacceptable	A comment is required. Deliverables are substandard even with frequent District General Service's coaching; rarely provides expected service and no quality service checks are evident; unaware of problems until discovery by others, then unable to provide analysis or resolution options.
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GENERAL MANAGEMENT

Complete this section for all services

	<u>Score</u>	<u>Comment</u>
1) RESOURCES —Manages resources effectively including, sub-consultants, schedules meetings and provides progress reports, and milestones.	4	
2) QUALITY CONTROL —Provides quality control throughout the project. Follows the District's standards. Implements a quality control/assurance plan for the project.	4	
3) COMMUNICATION — Communicates effectively with the Project Team, Sub-consultants, Stakeholders, District Management, and at meetings.	4	
4) BUDGET —Manages budgets effectively. Brings projects in within budget. Reviews all invoices and makes sure proper scope of work is addressed on invoices, and submits invoices on time.	4	
5) MANAGEMENT —Manages the contract and modifications. Negotiates change orders in a fair collaborative and open manner.	4	
6) POLICY —Understands and conforms to the District's General Services policies, procedures, standards, manuals of instruction, and if applicable any State-Aid requirements.	4	
7) SCHEDULE —Develops and meets a realistic schedule for the project and scope of services.	4	
8) OPERATION —Reviews drawings/specifications and works with Project Manager to mitigate exposure to change orders. Understands the entire project scope and work to makes sure sub-consultants understand the scope.	4	
9) PROVIDES SOLUTIONS —Proposes innovative solutions to Design & Construction Challenges.	4	
10) TEAMWORK —Works effectively with project team members and stakeholders.	4	
TOTAL FOR GENERAL MANAGEMENT	40	

ENVIRONMENTAL SERVICES

Complete this section if this contract is for environmental services.

	<u>Score</u>	<u>Comment</u>
1) QUALITY —Prepares quality environmental documents.		
2) FOLLOWS THE LAW —Understands and conforms with state and local laws regarding environmental services.		
3) COLLEGE INVOLVEMENT —Involves the Colleges with regard to environmental issues. Makes sure Colleges are		

CAPITAL PROJECTS

informed.		
TOTAL FOR ENVIRONMENTAL SERVICES		

DESIGN SERVICE

Complete this section if this contract is for design services.

	<u>Score</u>	<u>Comment</u>
1) DESIGN PROCESS —Follows the District’s General Services Design Process and is knowledgeable of Federal/State/Industry design standards.		
2) DESIGN GOALS —Design to the District’s needs, and fulfills project mitigation commitments for any environmental, right of way, utility, etc. requirements.		
3) CONTENT SOLUTION —Design connect with the College values and the build environment. Design meets the Districts Standards.		
4) DELIVERABLES —Develops quality plans, specifications, estimates, reports, meeting minutes.		
5) INNOVATION —Delivers a product that effectively applies innovative solutions to project challenges within the project requirements (scope, schedule, and budget).		
6) OUTSIDE AGENCIES —Works effectively with State & Local Agencies.		
TOTAL FOR DESIGN SERVICES		

CONSTRUCTION ENGINEERING MANAGEMENT

Complete this section if this contract is for construction engineering management.

	<u>Score</u>	<u>Comment</u>
1) PARTNERS —Effectively partners with Contractor, District General Services, District Consultants (AOR, IOR), State (DSA), Local Agency, Utility Firms, and adjacent property owners to work solutions to Design & Construction Challenges.		
2) INSPECTION AND TESTING —Performs and documents in a timely manner quality materials testing and inspections consistent with District’s General Services standards.		
3) OVERSIGHT —Ensures Contractors complies with the construction contract.		
4) WORKING ENVIRONMENT —Monitors and supports a SAFE work environment for project personnel and the public.		
5) CONTRACT ADMINISTRATION —Provides timely and accurate contract administration. Processes change orders, and payments on-time, reviews project documentation.		
6) CLOSEOUTS —Provides timely and accurate closeout process with state and local agencies.		
TOTAL FOR CONSTRUCTION ENGINEERING SERVICES		

CAPITAL PROJECTS

OVERALL EVALUATION COMMENTS/FEEDBACK

Director of Capital Projects Comments/Feedback:

The project has gone smoothly and the contractor has been very cooperative.

Facilities Project Manager Feedback:

How likely is it you will select this consultant for future projects?

Check One: Very Likely Likely Maybe Unlikely (Explain) Very Unlikely (Explain)

The project has gone smoothly and the contractor has been very cooperative.

Consultant Project Manager Comments/Feedback:

Overall Evaluation Score:

40

APPROVAL SIGNATURES

1. Project Manager

X

Signature

N/A

Date

Print Name

Phone

2. Director of Capital Projects

X

Signature

Johnnie Fudge

Date

4/15/13

Johnnie Fudge

510 466-7213

Print Name

Phone

3. Vice Chancellor of General Services

X

Signature

Sadiq B. Ikharo

Date

4-18-13

Dr. Sadiq B. Ikharo

510 466-7336

Print Name

Phone