

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of July 16, 2013

ITEM TITLE:

Consider Approval of Resolution No. 13/14-13, Acceptance of Completed Work for the Laney College ADA Improvements Project (Bid No. 09-10/24), IMR Construction Corporation

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Resolution No. 13/14-13 for completed work of the Laney College ADA Improvements Project (Bid No. 09-10/24), IMR Construction Corporation

ITEM SUMMARY:

On June 10, 2010, the Board of Trustees approved Bid No. 09-10/24, awarding a contract to IMR Construction Corporation for the Laney College ADA Improvements Project. The final completion date was on February 6, 2013 for the entire project. A Notice of Completion (NOC) has been filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete. There were seven (7) change orders implemented on this project that totaled \$200,388 or 8.6 % of the contract price (\$2,318,000), which were approved by the Board of Trustees. However, \$52,579 of the contract changes were court ordered and are not subject to the 10 % change order limit imposed by the Public Contract Code Section 20659. Therefore, for purposes of calculating compliance with Public Contract Code Section 20659, the net change order amount is \$147,809 or 6.4 %.

An approval by the Board of Trustees is recommended accept the project as complete. Approval to accept this project as complete and release of retention are recommended by the Chancellor.

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:

Change orders were reviewed and approved by the project architect, the project manager, and the General Services Department. In accordance with the District's Board Policy, approval was requested from the Chancellor for the change order work. These items are now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order.

DELIVERABLES AND SCOPE OF WORK:

IMR Construction Corporation completed construction work as specified by the architectural, structural, mechanical, electrical and plumbing Contract Drawings, as well as other related construction work to upgrade accessibility compliance.

ANTICIPATED COMPLETION DATE:

The project completion date was February 6, 2013.

ALTERNATIVES/OPTIONS:

Not applicable

EVALUATION AND RECOMMENDED ACTION:

The administration recommends approval of Resolution No. 13/14-13 for completed work of the Laney College ADA Improvements Project (Bid No. 09-10/24), IMR Construction Corporation.

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

YES _____ No X

COMMENTS:

All Board approved contract subject to final negotiation and execution by the Chancellor.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Vice Chancellor Ikhara

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

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo
Vice Chancellor of 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
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
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz
Dr. José M. Ortiz, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION - _____ ACCEPTANCE**

**ADA IMPROVEMENTS PROJECT
at LANEY COLLEGE
IMR Construction Corporation**

WHEREAS, IMR Construction Corporation, 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 **ADA Improvements Project at Laney 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 ZERO AND 00/100 DOLLARS (\$00.00), 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 16th day of July, 2013. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District



DEPARTMENT OF GENERAL SERVICES—PROJECT EVALUATION FORM

Vendor: IMR Construction Corporation

Vendor No.: 723444

Date: July 11, 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:	2348	Project Name: Laney College ADA Project	
Project Start Date:	August 23, 2010	Location of Project: Laney	% Complete: 100 %
Scope of Work: ADA Improvements to Laney College, including 2 new Elevators, 1 inclined Lift in the Theater, several Drinking Fountains, Ramps, Signage, Door Thresholds, Bathroom Access, Site entrance on Fallon St. & 8 th Street, Parking Lots and Hand rails.			
Type of Work:	Mechanical, Electrical and Civil Eng.	Facilities Project Manager:	Jeff Cook
Firm Name:	IMR Construction Corporation	Consultant Project Manager:	Anchor Engineering
Evaluation Date:	July 11, 2013	Evaluation Type: (Check one)	<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.
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.

CAPITAL PROJECTS

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.	1	Contractor Filed Bankruptcy and did not complete the Project
2) QUALITY CONTROL —Provides quality control throughout the project. Follows the District's standards. Implements a quality control/assurance plan for the project.	1	Contractor did not complete the project
3) COMMUNICATION — Communicates effectively with the Project Team, Sub-consultants, Stakeholders, District Management, and at meetings.	1	Contractor did not complete the project
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.	1	Contractor did not complete the project
5) MANAGEMENT —Manages the contract and modifications. Negotiates change orders in a fair collaborative and open manner.	1	Contractor did not complete the project
6) POLICY —Understands and conforms to the District's General Services policies, procedures, standards, manuals of instruction, and if applicable any State-Aid requirements.	1	Contractor did not complete the project
7) SCHEDULE —Develops and meets a realistic schedule for the project and scope of services.	1	Contractor did not complete the project
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.	1	Contractor did not complete the project
9) PROVIDES SOLUTIONS —Proposes innovative solutions to Design & Construction Challenges.	1	Contractor did not complete the project
10) TEAMWORK —Works effectively with project team members and stakeholders.	1	Contractor did not complete the project
TOTAL FOR GENERAL MANAGEMENT	10	Unacceptable

ENVIRONMENTAL SERVICES

Complete this section if this contract is for environmental services.

	<u>Score</u>	<u>Comment</u>
1) QUALITY —Prepares quality environmental documents.	1	Contractor Filed Bankruptcy
2) FOLLOWS THE LAW —Understands and conforms with state and local laws regarding environmental services.	1	Contractor did not complete the project
3) COLLEGE INVOLVEMENT —Involves the Colleges with regard to environmental issues. Makes sure Colleges are informed.	1	Contractor did not complete the project
TOTAL FOR ENVIRONMENTAL SERVICES	3	Unacceptable

CAPITAL PROJECTS

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.	1	Contractor filed for Bankruptcy and did not complete the project
2) DESIGN GOALS —Design to the District's needs, and fulfills project mitigation commitments for any environmental, right of way, utility, etc. requirements.	1	Contractor did not complete the project
3) CONTENT SOLUTION —Design connect with the College values and the build environment. Design meets the Districts Standards.	1	Contractor did not complete the project
4) DELIVERABLES —Develops quality plans, specifications, estimates, reports, meeting minutes.	1	Contractor did not complete the project
5) INNOVATION —Delivers a product that effectively applies innovative solutions to project challenges within the project requirements (scope, schedule, and budget).	1	Contractor did not complete the project
6) OUTSIDE AGENCIES —Works effectively with State & Local Agencies.	1	Contractor did not complete the project
TOTAL FOR DESIGN SERVICES	6	Unacceptable

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.	1	Contractor filed for Bankruptcy and did not complete the project
2) INSPECTION AND TESTING —Performs and documents in a timely manner quality materials testing and inspections consistent with District's General Services standards.	1	Contractor did not complete the project
3) OVERSIGHT —Ensures Contractors complies with the construction contract.	1	Contractor did not complete the project
4) WORKING ENVIRONMENT —Monitors and supports a SAFE work environment for project personnel and the public.	1	Contractor did not complete the project
5) CONTRACT ADMINISTRATION —Provides timely and accurate contract administration. Processes change orders, and payments on-time, reviews project documentation.	1	Contractor did not complete the project
6) CLOSEOUTS —Provides timely and accurate closeout process with state and local agencies.	1	Contractor did not complete the project
TOTAL FOR CONSTRUCTION ENGINEERING SERVICES	6	Unacceptable

OVERALL EVALUATION COMMENTS/FEEDBACK

Director of Capital Projects Comments/Feedback:	
Facilities Project Manager Feedback: How likely is it you will select this consultant for future projects? Check One: Very Likely <input type="checkbox"/> Likely <input type="checkbox"/> Maybe <input type="checkbox"/> Unlikely (Explain) <input checked="" type="checkbox"/> Very Unlikely (Explain)	
Consultant Project Manager Comments/Feedback: IMR Construction Corporation were awarded the project to complete ADA Improvements at Laney College, during the construction period IMR Construction Corporation filed for Bankruptcy and was unable to complete the project.	
Overall Evaluation Score:	25

APPROVAL SIGNATURES

1. Project Manager

X Jeffrey Cook
Signature

July 11, 2013
Date

Jeffrey Cook
Print Name

510-466-7344
Phone

2. Director of Capital Projects

X Johnnie Fudge
Signature

July 11, 2013
Date

Johnnie Fudge
Print Name

510 466-7213
Phone

3. Vice Chancellor of General Services

X Sadiq B. Ikharo
Signature

July 11, 2013
Date

Dr. Sadiq B. Ikharo
Print Name

510 466-7336
Phone