

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of January 21, 2014

ITEM TITLE:

Consider Approval of Change Order No. 1 for the HVAC Upgrade to the IT Server Room at the District Administrative Complex (Bid No. 08-09/09), Nick Stavrianopoulos Construction and Painting (NS Construction).

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested on Change Order No. 1 to the contract with NS Construction, in the deductive amount of (\$2000).

ITEM SUMMARY:

This credit change order is owed to the District because of a scope of work reduction. After the new HVAC was installed, it was discovered that the unit was not properly sized to cool the server room. The network access room must be properly cooled and ventilated because heat will not dissipate and will be drawn back into the rack if it is not removed, which can prevent the IT equipment from operating at optimal performance. As a result, the new HVAC equipment was installed to function together with the existing HVAC equipment to maintain the desired cooling and ventilation level necessary for the information technology (IT) equipment to function properly. This is why a credit was initiated for the work that was removed from the scope.

The entire project was completed in June 2010. Litigation with the engineer, KYJ Associates, caused the delay in processing Change Order No. 1. Upon recent resolution of the litigation, now an approval is requested to pay this change order. Nick Stavrianopoulos is the owner of the company; the business is located in Danville, California. Currently, the company has an active contractor's license with California Department of Consumer Affairs – Contractors State License Board. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, approved by the voters in Peralta's constituency and authorized under in Resolution 05/06-45, Exhibit A-1, District-Wide, support services for the "acquisition, construction, repair, refurbishment, equipping, upgrading, and modernization of classrooms, campuses, buildings, facilities, and grounds throughout the District."

BACKGROUND/ANALYSIS:

Under Resolution 08/09-22, the Governing Board of Trustees approved the contractual bid and award of this project to NS Construction on November 18, 2008, in the amount not-to-exceed \$346,500. A formal bid was conducted for this project (Bid No. 08-09/09), and a bid opening was held on October 17, 2008. Bid information for this project was published in newspapers of general circulation and ethnic publications reflecting the diversity of the market area. Further, the bid information was sent to all Chambers of Commerce within the market area to disseminate to their constituency, local plan rooms and associated contractor subscription services. The original project scope of work included the HVAC (heating, ventilation and air conditioning) and fire suppression system replacement at the District server room located in the District Administrative Complex. The replacement of the existing HVAC system equipment

was important because the existing system was old and it was unable to maintain the data server load cool.

ANTICIPATED COMPLETION DATE:

The project completion date was in June 2010.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

Not Applicable

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

YES _____ NO X

COMMENTS:

Not Applicable

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
Vice Chancellor of General Services

Date: January 13, 2014

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

Date: January 13, 2014

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: Susan Rinne
Susan Rinne, Interim 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

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

PRELIMINARY CHANGE ORDER NO. 001

PROJECT: HVAC for ITE Data Processing Center at District DATE: December 17, 2013
OWNER: Peralta Community College District DSA FILE NO.: N/A
CONTRACTOR: N.S. Construction and Painting DSA APP. NO.: N/A
4 Macomber Rd. PCCD Bid. NO.: 08-09/09
Danville, CA 94526

You are hereby directed to make the following change(s) in this Contract. When signed by the Owner and Architect and received by the Contractor, this document becomes effective immediately and the Contractor shall proceed as with the changes described below. An official change order shall be issued to follow up on this preliminary change order as soon as possible.

DESCRIPTION: Delete removal the existing equipment and close opening below equipment.

REASON INITIATED It was determined the existing equipment and opening below were necessary to maintain required room cooling.

ATTACHMENTS: Contractor Change Order Request

The proposed basis of adjustment to the Contract Price and Contract time are as follows:

Amount of Change: Deduct Add (\$2,000)
 Lump Sum T & M Not to Exceed Force Amount

Time Extension: (10) Days

ISSUED BY:

Architect of Record Date

REVIEWED BY:

N/A

Construction Project Manager Date

APPROVED BY:

[Signature] 12-18-13

Contractor Date

Signature by the Contractor indicates the Contractor's agreement with the above adjustments in Contract Sum and Contract Time.

[Signature] 12/18/13

Facilities Project Manager Date Vice Chancellor of General Services Date

[Signature] 12/18/13

Director of Capital Projects Date Chancellor Date

PERALTA COMMUNITY COLLEGE DISTRICT

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

CHANGE ORDER NO. 001

| | | | |
|-------------|--|----------------|-------------------|
| PROJECT: | HVAC for ITE Data Processing Center at District | DATE: | December 17, 2009 |
| OWNER: | Peralta Community College District | DSA FILE NO.: | N/A |
| CONTRACTOR: | N.S. Construction and Painting 4 Macomber Rd. Danville, CA 94526 | DSA APP. NO.: | N/A |
| | | PCCD Bid. NO.: | 08-09/09 |

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 | \$346,500.00 |
| Net Change by previously authorized Change Orders | \$N/A |
| The Contract sum prior to this Change Order | \$346,500.00 |
| The Contract sum will be increased/decreased by this Change Order | (\$2,000) |
| New Contract Sum including this Change Order | \$344,500.00 |
| Cumulative Change Order(s) as a percentage of contract including this Change Order | (0.57%) |
| Contract is changed by (0) Days | (0) Days |
| Contract completion date as of this Change Order | June 30, 2009 |

Summary reference attached items:

P.C.O'. 001

| | | |
|---|---|--|
| <p>Approved:</p> <p>_____</p> <p>Architect of Record Date</p> | <p>Approved:</p> <p>_____</p> <p>Electrical Engineer Date</p> | <p>Approved:</p> <p> _____ 12-18-13</p> <p>General Contractor Date</p> <p>_____</p> <p>Div. of the State Architect Date</p> |
|---|---|--|

Peralta Community College District Approval:

| | |
|--|---|
| <p> _____ 12/18/13</p> <p>Facilities Project Manager Date</p> <p>_____</p> <p>Vice Chancellor of General Services Date</p> | <p> _____ 12/18/13</p> <p>Director of Capital Projects Date</p> <p>_____</p> <p>Chancellor Date</p> |
|--|---|

PERALTA COMMUNITY COLLEGE DISTRICT

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SUMMARY OF CHANGE ORDER No. 001 Attachment A

PROJECT: HVAC for ITE Data Processing Center **DATE:** December 17, 2013
Center at District

OWNER: Peralta Community College District **DSA FILE NO.:** 1-C1

CONTRACTOR: N.S. Construction and Painting **DSA APP NO.:** 01-113468
4 Macomber Rd. **PCCD BID NO.:** 08-09/09
Danville, CA 94526

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 |

| | | | |
|----------|--|------------|------------------------------------|
| 1 | Preliminary Change Order (PCO #001) | ADD | \$2,000.00 0 Days |
|----------|--|------------|------------------------------------|

Description: Delete removal of existing equipment and close off or exiting floor ventilation system.

Requested by: Code 2 – Owner Requested Change

Reason: It was determined after the new equipment was installed that the existing equipment was required in concert with the new to maintain the desired cooling level for the IT equipment.

End of Items

~N.S. Construction & Painting~

4 Macomber Rd. Danville, C.A. 94526

Lic. # 566459. T. 925-389-1122 Fax. 925-820-1508

Email-Stav15@comcast.net

12-9-2013

CREDIT CHANGE ORDER REQUEST # 01

Peralta Community College District
333 E. 8TH St.
Oakland, Ca. 94506
Johnny Fudge

Project: HVAC for ITE
DATA. Peralta C.C.D.
Contract: 08-09/09

PROPOSE CREDIT TO PERALTA C.C.D. :

Project was completed June,30 2009 and due to an engineering complication, the retainage of 5% for the amount of \$17,325.00 was held and we were unable to file for payment.

The only work remaining for us to complete, per contract, is to remove the old equipment. The cost to remove the old equipment is \$1,200.00 and repair the openings, \$800.00. Total cost \$2,000.00.

It is the decision of the district to keep the old equipment, as it is essential to provide additional cold air to the data room.

We propose a credit in the amount of \$2,000.00 to the district. The adjusted retainage payment will be \$15,325.00.

Signature: _____


Nick Stavrianopoulos

Construction & Painting

Macomber Rd. Danville, C.A. 94526
 Lic. No 566459. T. 925-389-1122 Fax. 925-820-1508

CONTRACT PAYMENT
 REQUEST NO. 41

PERALTA COLLEGE
 COMMUNITY DISTRICT
 333 E. 8th ST.
 OAKLAND CA

PROJECT: HVAC FOR ITC DATA CENTER PERALTA C.C. DISTRICT
 CONTRACT/SPEC. NO: 08-09/09
 REQUEST DATE: _____
 PERIOD: (From) _____

1. ORIGINAL CONTRACT AMOUNT..... \$ 346,500.00

2.

| MODIFICATIONS INCLUDED IN PREVIOUS PAYMENTS | | INCREASE | DECREASE |
|---|---------------|------------|------------|
| SUBSEQUENT MODIFICATIONS | | | |
| Modification No. | Date Approved | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| OK TO PAY | | | |
| | 9-10-09 | | |
| TOTALS | | \$0.00 (A) | \$0.00 (B) |

3. NET CHANGE BY MODIFICATIONS (A) - (B)..... \$ 0

4. CONTRACT AMOUNT AS MODIFIED..... \$ 346,500.00

5. EARNED TO DATE OK RE 9-9-09 DISCUSSOR \$ 346,500.00
 6. LESS 5 % RETAINAGE IN ACCORDANCE WITH GENERAL CONDITIONS \$ 17,325.00
 7. TOTAL EARNED LESS RETAINAGE..... HAS BEEN DELAYED TO \$ 329,175.00
 8. LESS PREVIOUS PAYMENT REQUESTS..... NO FAULT OF THEM \$ 303,007.90
 9. PAYMENT DUE THIS REQUEST..... 9-10-09 \$ 26,167.10

The undersigned contractor certifies that the work covered by this Payment Request has been completed in accordance with the Contract Documents, that all amounts have been paid by him for work for which previous Payment Requests were issued and payment received from the Owner, and that the current payment shown herein is now due:

CONTRACTOR: [Signature] DATE: 9-10-09

The undersigned Inspector certifies that the completion percentages as submitted by the Contractor in this Payment Request are true and correct. Construction Manager certifies that in accordance with the Contract and this Payment Request, the Contractor is entitled to payment in the amount shown above.

INSPECTOR: _____ DATE: _____
 CONSTRUCTION MANAGER: [Signature] DATE: 9-10-09
 ARCHITECT/ENGINEER: _____ DATE: _____
 PROJECT COORD/MGR: [Signature] DATE: 9-10-09

OK TO PAY 9/10/09
[Signature]