

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of June 23, 2015**

**ITEM TITLE:**

Consider Approval of Resolution 14/51-50 for the Acceptance of Completed Work and Deductive Change Order No. 1, and Release of the 5% Retention for the Merritt College Site Improvements Project (Bid No. 14-15/17), Sposeto Engineering Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval is requested for the acceptance of completed work and deductive change order no. 1 (\$6,880), and the release of the 5% retention for the Merritt College Site Improvements Project (Bid No. 14-15/17).

**ITEM SUMMARY:**

The Governing Board of Trustees approved a contract award (Bid No. 14-15/17) to Sposeto Engineering Inc. for this project at the April 14, 2015 meeting, in the amount of \$126,000. A notice to proceed (NTP) was issued with a start date of March 21, 2015. The administration requests an approval of the deductive change order no. 1 of \$6,880, which is -5.5% of the contract amount. The total contract amount is now \$119,120 due to this deductive change order. This deductive change order will reduce the remaining amount from the contract. Additionally, there was a decrease in the construction contract time of twenty-five (25) calendar days.

Acceptance of the project completion is requested. Since the project is complete, the administration requests to pay the 5 percent (5%) retention payment (\$5,956) to the contractor.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

Measure E Funding

**BACKGROUND/ANALYSIS:**

Under this contract, the contractor performed all work per the contract documents dated November 10, 2014 to replace the existing deteriorated stairs east of Bldg. D at Merritt College. Included in the bid was an allowance for unforeseen conditions and one hundred twenty calendar days for construction. The project was completed twenty-five calendar days ahead of schedule with a savings of (\$6,880).

**DELIVERABLES AND SCOPE OF WORK:**

The completed will be by included but was not limited to the partial demolition, off-haul and replacement of existing concrete stairs with nosing, walkway and metal handrails; including repair of existing handicapped ramp and painting; coordination with the adjacent contractor. The contractor completed the work as described in the Contract Documents prepared by Byrens Kim Design Works dated November 10, 2014.

The work was completed June 23, 2015 and all subsequent paperwork has been reviewed and received by the Architect for approval and delivered to the District.

**ANTICIPATED COMPLETION DATE:**

The project was substantially completed on May 14, 2015. The contract completion is June 23, 2015.

**ALTERNATIVES/OPTIONS:**

Not Applicable

**EVALUATION AND RECOMMENDED ACTION:**

The administration recommends the approval of the acceptance of completed work and deductive change order no. 1, and release of 5% retention for this project.

**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 Date: June 9, 2015  
Vice Chancellor of General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo Date: June 9, 2015  
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: 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  
RESOLUTION 14/51-50 ACCEPTANCE AND RETENTION**

**MERRITT COLLEGE SITE IMPROVEMENTS PROJECT  
(BID NO. 14-15/17)**

**Sposeto Engineering Inc.**

WHEREAS, Sposeto Engineering 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 Merritt College Site Improvements Project (Bid No. 14-15/17), 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 FIVE THOUSAND NINE HUNDRED FIFTY SIX AND 00/100 DOLLARS (\$5,956), which is 5 percent (5%) of said contract price, 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 23rd day of June, 2015. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

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



# 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. 1

**PROJECT:** Merritt College Site  
Improvements Project

**DATE:** 06.02.2015

**OWNER:** Peralta Community College District  
**CONTRACTOR:** Sposeto Engineering Inc.

**DSA FILE NO.:** na  
**DSA APP NO.:** na  
**PCCD PROJECT #:** 2733-04  
**PROJECT MANAGER:** Gary Banks

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. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....\$ 126,000.00  
 Net Change by previously authorized Change Orders.....\$ 0.00  
 The Contract sum prior to this Change Order was.....\$ 126,000.00  
 The Contract sum will be decreased by this Change Order.....\$ (6,880.00)  
 The New Contract Sum including this Change Order will be.....\$ 119,120.00  
 Cumulative Change Order(s) as a percentage of contract including this Change Order -5.44%  
 The Contract is changed by (-25) Days - decrease in time  
 Contract completion date as of this Change Order therefore is: June 23,, 2015

Summary reference attached items PCO 01

<p><b>Approved:</b> Architect of Record</p>          <p>Date:</p>	<p><b>Approved:</b> General Contractor</p>           <p>Date: 06.04.15</p>	<p><b>Approved: Peralta Community College District</b></p>          <p>Project Manager</p> <hr/> <p>Date:</p>          <p>Vice Chancellor of General Services</p> <hr/> <p>Date:</p>
<p><b>Approved: Electrical or Structural Engineer - na</b></p>          <p>Date:</p>	<p><b>Approved: Mechanical Engineer - na</b></p>          <p>Date:</p>	<p><b>Approved: Div. of the State Architect na</b></p>          <p>Date:</p>

# PERALTA COMMUNITY COLLEGE DISTRICT

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

## PRELIMINARY CHANGE ORDER NO. 1

PROJECT: Merritt Site Improvements Project  
12500 Campus Drive, Oakland, CA 94619  
DATE: June 2, 2015

OWNER: Peralta Community College District  
DATE: DSA FILE NO.: na

TO: PCCD  
333 E. 8<sup>th</sup> Street  
Oakland, CA 94607  
DATE: DSA APP. NO.: na

PROJECT NO.: 2733-04

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. The Contractor is authorized to make the changes listed in the **Description**. Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, Contractor's signature includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this change and the Contractor recognizes that there is no basis for any such claim in the future.

DESCRIPTION: 2-F Deduct the remaining Allowance

REASON INITIATED: Under the contract there was an allowance for unforeseen conditions. This deductive change order will deduct the remaining amount from the contract

ATTACHMENTS: PCO 01

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

Amount of Change:  Add  Deduct \$ (6,880.00)

Lump Sum  T & M Not to Exceed  Force Amount

Time Extension: None

ISSUED BY:

\_\_\_\_\_  
Date  
Architect of Record

REVIEWED BY:

\_\_\_\_\_  
Date  
Construction Project Manager

APPROVED BY:

  
\_\_\_\_\_  
Date  
Contractor

06-04-15

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

\_\_\_\_\_  
Date  
Facilities Project Manager

\_\_\_\_\_  
Date  
Vice Chancellor of General Services

\_\_\_\_\_  
Date  
Chancellor