

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of November 10, 2015**

**ITEM TITLE:**

Consider the Approval of Change Order No. 3 for the Merritt College Barbara Lee Science & Allied Health Center Project (RFP No. 11-12/01), Clark & Sullivan / Walsh Construction.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval is requested for Change Order No. 3 to the contract with Clark & Sullivan / Walsh Construction, in the amount of a deduction of (\$46,720.56).

**ITEM SUMMARY:**

This Change Order #3 is a deductive Change Order request of (\$46,720.56). This deductible change order is as a result of not using all of the project's budget allowance that was incorporated in General Contractor's contract and is now being returned to the District.

The Governing Board of Trustees approved Change Order #1 (\$294,534) on April 8, 2014; and Change Order #2 (\$830,020.00) on September 23, 2014. The cumulative total of those two change orders was \$1,124,554 or 2.6% of the original contract sum. Change Order #3, the final change order for this project, will reduce the cumulative total to \$1,077,823.44 or 2.5% of the original contract sum.

The project is approximately 99% complete with punch list items nearing completion and closeout documentation is being finalized. 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:**

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. 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.

**ANTICIPATED COMPLETION DATE:**

The project is Substantially Complete with Final Completion anticipated by February 2016.

**ALTERNATIVES/OPTIONS:**

Not Applicable

**EVALUATION AND RECOMMENDED ACTION:**

The administration recommends approval of this deductive Change Order No. 3 to the original contract with Clark & Sullivan / Walsh Construction.

**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:  October 28, 2015   
Vice Chancellor of General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by:  Dr. Sadiq B. Ikharo  Date:  October 28, 2015   
Vice Chancellor of General Services

**FINANCE DEPARTMENT REVIEW**

X  Finance review required \_\_\_\_\_ Finance review *not* required

If Finance review is required, determination is:  X  Approved \_\_\_\_\_ Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature: Ronald D. Little II  
Ronald D. Little II, 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: Nitasha Sawhney  
Nitasha Sawhney, Acting General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

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

Signature: Jowel C. Laguerre  
Dr. Jowel C. Laguerre, Chancellor

# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER No. 3 Attachment

**PROJECT:** BARBARA LEE CENTER **DATE:** OCTOBER 29, 2015  
**OWNER:** Peralta Community College District **DSA FILE NO.:** 1-C1  
**CONTRACTOR:** Clark & Sullivan / Walsh Construction **DSA APP NO.:** 01-113309  
**PCCD FILE NO.:** 2353

### 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

<b>PCO # 3</b>	<b>DEDUCT</b>	<b>\$46,720.56</b>
	<b>ADD/DEDUCT</b>	<b>0 Days</b>

**Description:** The Design/Build contract the District had with Clark & Sullivan / Walsh Construction contained a budget allowance to be used, with District approval, for scope changes to the project. This deductive change order returns the unused portion of the contract allowance back to the District.

**Requested by:** 2 - Owner Initiated

**Reason:** Budgeted allowance funds not required to complete the project.

**DSA prelim.**

**Approval date:** N/A