

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 10, 2008

ITEM 28

ITEM TITLE:

Approval of Extended Construction Management Services to Close Out Athletic Facilities Upgrades, Phase 1C, Laney College, MSE Group

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for extended services with MSE Group, the project managers for the Athletic Facilities Upgrades, Phase 1C, at Laney College, at a fee of \$65,000. This will compensate MSE Group for services to close out the project.

ITEM SUMMARY:

MSE Group has provided project and construction management services for the Athletic Facilities Upgrades, Phase 1C project at Laney College under a contract approved by the Board at the meeting of April 15, 2006. The original contract amount was \$129,635 plus \$6,482 for reimbursable expenses, totaling \$136,117. At the meeting of July 11, 2006, the Board approved an amendment and time extension through October 2006, at a fee of \$89,155.50. At the meeting of March 27, 2007, the Board approved a time extension through June 15, 2007, at a fee of \$92,550. Approval is now requested for a fee of \$65,000 to compensate MSE Group for the additional level of effort required from mid-June 2007 to May 2008 to complete and close out the project. (The project was accepted at the Board meeting of February 26, 2008.) The additional fee was negotiated by staff and reduced from MSE's original request of \$80,000.

BACKGROUND/ANALYSIS:

Costs beyond the contract were incurred by MSE due to the extensive time required in the finalization of change orders, determination of the liquidated damages amount, assistance in the resolution of the payment of prevailing wages to subcontractors by the general contractor, and DSA project close-out. Further details are provided in the attached letter from MSE Group.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for extended services with MSE Group, the project managers for the Athletic Facilities Upgrades, Phase 1C, at Laney College, at a fee of \$65,000.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure E

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

Yes _____ No X

COMMENTS:

No additional comments.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Vice Chancellor Ikharo

DID A BOARD STANDING COMMITTEE APPROVE THE ITEM? YES _____ No X
IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:
Prepared by: Sadiq B. Ikharo Date: June 10, 2008
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:
Sadiq B. Ikharo Date: June 10, 2008
Dr. Sadiq B. Ikharo
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: Thomas Smith Date: 6.3.08
Thomas Smith
Vice Chancellor for Finance and Administration

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):
X Legal review required _____ Legal review *not* required
If Legal review is required, determination is: _____ Approved _____ Not Approved
Signature: Thuy T. Nguyen, General Co Date: 6/3/08

CHANCELLOR'S OFFICE APPROVAL
X Approved, and Place on Agenda _____ Not Approved, but Place on Agenda
Signature: Elihu Harris Date: 6/4/08
Elihu Harris, Chancellor



302 Pendleton Way
Oakland, CA. 94621
License No. 724938

May 27, 2008

Dr. Sadiq Ikharo
Vice Chancellor for General Services
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

**Re: Peralta Community College District
Laney Athletic Field
Professional Services Fees Settlement Invoice**

Dear Dr. Ikharo:

As requested in our phone conversation of May 23rd with Ms. Carol Reil, please find the settlement invoice and backup attached.

Justification:

These additional fees are requested due to the additional level of effort required to complete the Laney Athletic Field project. Prior to Mark Sennette coming on board with the Peralta College District Dr. Ikharo committed to paying the costs accrued by MSE in resolving the outstanding change order issues with Bay Construction and the close out of the project with DSA.

MSE has diligently worked with the Peralta staff, stakeholders, Design Team, Project management team and the end-users to expedite the completion of this project. Many challenges have arisen along the way as documented on numerous occasions. The main tasks MSE has undertaken over the last 8 months have been:

- **The finalization and approval of the final change orders.**
MSE negotiated tirelessly with Bay Construction to minimize the final change order costs meeting with them on the site for numerous walk visits illustrating corrective actions and identifying work that should not be treated as a change order and defining credits to the District.
- **The resolution of the payment of Prevailing Wages to Bay Construction Sub Contractors.**
As directed by the District MSE coordinated the resolution of adjusted payments to several contractors by Bay Construction the last was resolved with Davillier Sloan, Inc. in November of 2007.

- **The ratification of the Change Orders by the Board of Trustees.**
MSE packaged and repackaged the change orders for approval of the Vice Chancellor on 3 occasions, with revisions and acceptance as directed by the Vice Chancellor.
- **Determination of actual project schedule.**
MSE met with District staff on at least 4 occasions to determine the actual construction schedule as adjusted for rain delays, DSA mandated delays, and subsequent liquidated damages to be assessed the contractor as allowed in the District's contract with Bay Construction
- **Negotiated extensively with Bay Construction to minimize the final change order costs.**
MSE met with the contractor on the site for numerous walks with District staff and the project management team and end-users, illustrating corrective actions and identifying work that should not be treated as a change order and defining credits to the District.
- **Negotiation with the District the extra professional services fees requested by CTSI (the testing company and special inspectors), KYA (the Architect of Record) and MSE.**
MSE packaged these requests and communicated with district staff on many occasions the need to extend the contracts or determine the requirements to pay these consultants. MSE staff has met with the Vice Chancellor and his staff on more than 4 occasions and sent numerous written requests to finalize these issues.

The level of effort to accomplish these tasks from June of 2007-May of 2008 resulted in the number of hours accrued by MSE staff as noted in our meeting of May 2nd and documented by previously submitted time sheets.

Should you have any further questions please contact me at the office during business hours at 510-383-9600 or by cell phone at 510-851-2466.

Sincerely,
MSE

Alatic Robinson, Project Director

Cc: Carol Reil, PCCD

Carl Hackney, MSE

Period Ending: April 30, 2007

INVOICE SUPPORT

PROFESSIONAL SERVICES

Name	TITLE	HOURS	RATE	TOTAL
Carl E. Hackney	Project Executive	26	180.00	\$4,680.00
Alaric V. Robinson	Project Manager	478	150.00	\$71,700.00
Della Murphy	Administrative Assistant	52	70.00	\$3,640.00
Total MSE Fee				\$80,020.00 *
Total amount due and payable to MSE after settlement with the Vice Chancellor for General Services Dr. Sadiq Ikhara				\$65,000.00

** Note the above noted total fee does not include reimbursables to include cell phones, reproduction and other out of pocket expenses. These expenses have been waived to expedite this settlement.*