

Board of Trustees Agenda Item

Board Meeting Date: March 12, 2012

Title of Item: Measure C Consent

Background and Analysis:

The aggregate of these items is: \$13,185,386

De Anza College –

- A) Consolidated Engineering Laboratories – Revision #3 to Agreement for Services – Mediated Learning Center - \$20,000
- B) Joseph J Albanese Inc. – Change Order #5 – Combined Site Improvements Phase I - \$13,043
- C) Romkon, Inc. – Change Order #3 – Repair Tile Roofs – Phase III: E2-E3-Administration Buildings - \$4,343

Purchasing -

- D) Accept a list of Contractors as prequalified to bid on the Foothill College Measure C Project #144 Campus Center Improvements – Construction Estimate \$5,500,000
- E) Accept a list of Contractors as prequalified to bid on the foothill College Measure C Project #162 – Parking & Circulation – Construction Estimate \$5,000,000
- F) Accept a list of General Contractors as prequalified to bid on the De Anza College Measure C Project #214 – Corporation Yard Renovation - \$2,100,000
- G) Award of a contract pursuant to Bid Document #1372-200C-A9 & PE6 HVAC Improvements at De Anza College - \$548,000

Recommendation: Executive Director of Facilities, Operations, and Construction Management Charles Allen; Director, Bond Program Management, De Anza College, Tom Armstrong; Director, Bond Program Management, Foothill College, Art Heinrich; and Director, Purchasing Services Carmen Redmond, recommend ratification/approval of the Measure C consent items

Submitted by:	Charles Allen, Executive Director, Facilities, Operations, & Construction Management
Additional contact names:	Tom Armstrong, Director, Bond Program Management, De Anza College, Art Heinrich, Director, Bond Program Management, Foothill College Carmen Redmond, Director, Purchasing Services Gina Bailey, Senior Buyer, Purchasing Services
Is backup provided?	Yes

Title: Revision #03 to Agreement for Services
Vendor: Consolidated Engineering Laboratories
Agreement Date: December 6, 2010
Campus: De Anza College
Project Number: 261
Project Name: MEDIATED LEARNING CENTER
Amount: \$ 20,000

For: This revision is required to provide additional funding to the Consolidated Engineering Laboratories Agreement for Services on the Mediated Learning Center project.

The scope of this revision is as follows:

- 1) Pull testing for drop ceiling connections to structure. A significantly larger quantity of connections require testing than was included in the original project proposal.
- 2) Rebar testing and inspection for site retaining walls was not included in the original proposal.
- 3) Sample, test, and provide strength reports for site retaining wall concrete, which was not included in the original proposal.
- 4) Welding inspection of steel plates below the mechanical shaft louvers. This scope was added by DSA during the construction phase.

The original contract duration of 12/6/2010 through 12/5/2012 remains unchanged. The total for Revision #03 is in the amount of \$20,000 on a Time & Materials Not-To-Exceed basis.

Action Requested: Approval

CHANGE NO. 03 TO AGREEMENT FOR SERVICES

The Agreement is changed only as described herein. All other terms, conditions, and prices remain unchanged. This Change to the Agreement is entered this 12TH day of March, 20 12, by and between the District, a community college district of the State of California, hereinafter called "District" and Consolidated Engineering Laboratories hereinafter called "Contractor."

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. Services to be performed by Contractor. In consideration of the payments hereinafter set forth, Contractor shall perform services for District in accordance with the terms, conditions and specifications set forth in the original Agreement and in the revised Exhibit "A" which is attached hereto and by this reference made a part hereof.
2. Payments. In consideration of the services rendered in accordance with all terms, conditions and specifications set forth herein and in revised Exhibit "A", District shall make payment to contractor in the manner specified in revised Exhibit "A".
3. Contract Term. This Agreement shall be in effect only as specified in the revised Exhibit "A". The District may terminate this contract at any time for any reason by providing 30 days notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all work provided to the date of termination.
4. Other changes. (Indicate "none" or describe applicable changes in detail)

Original contract duration of 12/6/2010 through 12/5/2012 remains unchanged.

Foothill-DeAnza Community College District Change No. 03
To Agreement/Purchase Order No. MC-111023

Revised EXHIBIT "A"

Contract between Foothill-DeAnza Community College District and
Consolidated Engineering Laboratories
hereinafter called "Contractor".

I. Detailed description of the change in services to be performed or work product to be delivered to District by Contractor: (reference and attach additional pages, if necessary)

This revision is required to provide additional funding to the Consolidated Engineering Laboratories Agreement for Services on the Mediated Learning Center project.

The scope of this revision is as follows:

- 1) Pull testing for drop ceiling connections to structure. A significantly larger quantity of connections require testing than was included in the original project proposal.
- 2) Rebar testing and inspection for site retaining walls, which was not included in the original proposal.
- 3) Sample, test, and provide strength reports for site retaining wall concrete, which was not included in the original proposal.
- 4) Welding inspection of steel plates below the mechanical shaft louvers. This scope was added by DSA during the construction phase.

II. Amount and Method of Payment: (indicate the additional fee for increased scope of work or the deductive amount for decreased scope of work)

The total for Revision #03 is in the amount of \$20,000 on a Time & Materials Not-To-Exceed basis.

Standard payment terms apply

Pricing is based on Consolidated Engineering Laboratories add service request dated February 23, 2012.

ORIGINAL AGREEMENT AMOUNT\$	\$111,810
PLUS OR MINUS AMOUNT OF ALL PREVIOUS CHANGE NO. \$	\$120,690
PLUS OR MINUS AMOUNT FOR THIS CHANGE NO. \$	\$20,000
NEW TOTAL AGREEMENT AMOUNTS	\$252,500

Foothill-DeAnza Community College District Change No. 03
To Agreement/Purchase Order No. MC-111023

In any event, the total payment for services of contractor shall not exceed \$ \$252,500 T&M NTE and District shall have the right to withhold payment if District determines that the quantity or quality of the work performed is unacceptable.

III. Term of the contract: The term of this contract shall commence on the date specified in the first paragraph of this contract, and shall continue until December 5th, 20 12.

Contractor Signature

Date

Contractor's Company Name

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

By _____

Title: _____

This contract is not valid until signed by both parties above.

Date Approved by Board of Trustees if the total cost including change exceeds \$20,00.



**CONSOLIDATED ENGINEERING
LABORATORIES**

February 23, 2012

Mr. Scot Chamberlain
Gilbane - MASS
Administration Building
21250 Stevens Creek Boulevard
Cupertino, California 95014

Via E-Mail: schamberlain@gilbaneco.com

**Subject: De Anza College Mediated Learning Center, Cupertino, California
CEL #10-24313PW
Materials Testing and Construction Inspection Services
Budget Amendment Request**

Dear Mr. Chamberlain:

As discussed and at your request Consolidated Engineering Laboratories is requesting an amendment of \$19,848 be added to our budget of \$223,000.

At present CEL is at 100% of our budget. Due to design changes and recent RFI modifications, specifically RFI 525, added work is being requested for materials testing and special inspection.

Through discussions with the Inspector of Record and Scot Chamberlain of Gilbane, the estimated cost to complete the left over work amounts to \$19,848. A detail of the estimated cost is attached.

Consolidated Engineering Laboratories looks forward to continued assistance to the construction team for completion of this successful project. CEL will continue to respond to dispatch requests to fulfill the requested work assuming this work will be authorized and unless otherwise notified.

Respectfully submitted,
CONSOLIDATED ENGINEERING LABORATORIES

Cal Dickerman
Vice President, Marketing

CD/clr



CONSOLIDATED ENGINEERING
LABORATORIES

Estimated Cost

	Quantity	Hours	Rate	Total
Miscellaneous		64	\$ 70.00	\$ 4,480
Louver		104	\$ 70.00	\$ 7,280
Testing/Inspections		40	\$ 70.00	\$ 2,800
Concrete Inspections		18	\$ 70.00	\$ 1,260
Concrete Compression	16		\$ 18.00	\$ 288
Sample Pick-ups	4		\$ 40.00	\$ 160
Rebar Sample and Tag		8	\$ 70.00	\$ 560
Rebar Tensile and Bend		4	\$ 85.00	\$ 340
Final Affidavit	1		\$ 350.00	\$ 350
			Subtotal	\$ 17,518
PM/OH 3%				\$ 526
			Subtotal	\$ 18,044
Contingency (10%)				\$ 1,804
			TOTAL	\$ 19,848

Title: Prime Contract Change Order # 05
Vendor: Joseph J Albanese Inc.
Agreement Date: July 20, 2011
Campus: De Anza College
Project Number: 274
Project Name: Combined Site Improvements Phase I
Amount: \$ 13,043
For: Prime Contract Change Order #05 revises the original contract sum between the District and Joseph J Albanese, Inc for the following changes:

Removal of site lighting fixtures not called out for removal on contract documents; final off haul and disposal of soil at Flint drop-off area; modification of an existing vault lid in S-Quad; installation of curb around the existing fountain due to grade discrepancies; and credits for reduction of granite pavers and bollard lights around the Sunken Garden fountain.

This change order also includes an agreed-upon zero (0) day, non-compensable schedule extension for all fountain area work.

The total Change Orders to date represent 11.50% against the original contract amount. Funding is included in the current budget.

Action Requested: Ratification



Prime Contract Change Order

Detailed, Based on Unit Prices, Architect - De Anza
(WITH DSA Number)

274 Combined Site Improvements - Phase 1

De Anza College
21250 Stevens Creek Blvd.
Cupertino, CA 95014

Project # 274

Tel: 408-864-5888 Fax: 408-864-5745

Gilbane/MAAS

Date: 3/12/2012

To Contractor:

Joseph J. Albanese, INC.
986 Walsh Avenue
Santa Clara, CA 95050

DSA Number 01-111894

Project # 274

Contract Date: 7/8/2011

Contract Number: MC120214

Change Order Number: 005

The Contract is hereby revised by the following items:

PCO	Description	Amount
030	RFI #012 - Granite Pavers Credit - ADDC	\$(2,000)
096	ASI #021 - Modification to vault lid at S-9 and extends completion, for this work only, until March 9, 2012- ADDC	\$5,607
107	ASI #019 - Contrasting Step Strip - OD	\$4,353
136	Sunken Garden Curb Around Existing Fountain - ADDC	\$11,400
155	Added cost to off-haul soil at Flint Entry - FC	\$2,320
159	Removal of additional Light Poles at the top of the Stairs of the Sunken Garden - ADDC	\$1,707
162	Credit from PCO #153 - Furnish and Install Bollard Lights per ASI #18 around Fountain. This work will not be completed under this contract - FC	\$(10,344)
163	0 Day-Negotiated, non-compensable schedule extension for all fountain work thru March 30, 2012 for JJ Albanese - ADDC	\$0

The original Contract Value was.....	\$4,605,000
Sum of changes by prior Prime Contract Change Orders.....	\$516,509
The Contract Value prior to this Prime Contract Change Order was.....	\$5,121,509
The Contract Value will be changed by this Prime Contract Change Order in the amount of.....	\$13,043
The new Contract Value including this Prime Contract Change Order will be.....	\$5,134,552
The Contract duration will be changed by.....	0 Days
The revised Substantial Completion date as of this Prime Contract Change Order is.....	2/2/2012

The Contract documents are hereby amended to include the additional work described above. The contractor will furnish all labor, material and supervision to complete the work above. The contractor agrees to release the Owner from all additional costs, cost overruns, delay damages, whether known or unknown that arise out of this change order.

Sandis

ARCHITECT

936 E. Duane Avenue
Sunnyvale, CA 94612

Address

By Chad Browning

SIGNATURE

DATE

Joseph J. Albanese, INC.

CONTRACTOR

986 Walsh Avenue
Santa Clara, CA 95050

Address

By John Albanese

SIGNATURE

DATE

Foothill-De Anza Community College District

OWNER

12345 El Monte Road
Los Altos Hills, CA 94022

Address

By Charles Allen

SIGNATURE

DATE

274 - PCCOs

Detailed, Based on Unit Prices, Architect - De Anza (WITH
DSA Number)

College Approval

By Letha Jeanpierre

Signature _____

DATE _____

Title: Change Order #3
Vendor: Romkon Inc.
Agreement Date: February 28, 2011
Campus: De Anza College
Project Number: 236C
Project Name: REPAIR TILE ROOFS – PHASE III: E2-E3-ADM BUILDINGS
Amount: \$4,343
For: Swapping of Administration Building existing roof drains and overflow drains to allow proper drainage with the new roof system.

All changes to date are equal to 0.01% of the original construction contract. Funding for these changes is available within the current project budget.

Action Requested: Ratification



Prime Contract Change Order

Detailed, Based on Unit Prices, Architect - De Anza

236C - Roof Repairs E2-E3-Admin Buildings
De Anza College
21250 Stevens Creek Blvd.
Cupertino, CA 95014

Project # 236C
Tel: 408-864-5888 Fax: 408-864-5745

Gilbane/MAAS

Date: 1/27/2012

To Contractor:

Romkon, Inc.
1856 Pacific Ave.
San Francisco, CA 94109

Contract Date: 2/28/2011
Contract Number: MC111062
Change Order Number: 003

The Contract is hereby revised by the following items:

Change Order #3: Total Amount is \$4,343. There shall be no extension of contract time for this change.

PCO	Description	Amount
009	RFI #30 Swapping drains at Admin Building	\$4,343

The original Contract Value was.....	\$1,300,000
Sum of changes by prior Prime Contract Change Orders.....	\$8,029
The Contract Value prior to this Prime Contract Change Order was.....	\$1,308,029
The Contract Value will be changed by this Prime Contract Change Order in the amount of.....	\$4,343
The new Contract Value including this Prime Contract Change Order will be.....	\$1,312,372
The Contract duration will be changed by.....	0 Days
The revised Substantial Completion date as of this Prime Contract Change Order is.....	9/12/2011

The Contract documents are hereby amended to include the additional work described above. The contractor will furnish all labor, material and supervision to complete the work above. The contractor agrees to release the Owner from all additional costs, cost overruns, delay damages, whether known or unknown that arise out of this change order.

Allana Bulck & Bers, Inc

ARCHITECT
990 Commercial Street
Palo Alto, CA 94303

Address

By MICHAEL JOWIS

SIGNATURE [Signature]

DATE 2.8.2012

Romkon, Inc.

CONTRACTOR
1856 Pacific Ave.
San Francisco, CA 94109

Address

By Roman Knop

SIGNATURE [Signature]

DATE 02/01/2012

Foothill-De Anza Community College District

OWNER
12345 El Monte Road
Los Altos Hills, CA 94022

Address

By Charles Allen

SIGNATURE _____

DATE _____

Title of Item:

Accept a list of Contractors as prequalified to bid on the Foothill College Measure C Project #144
Campus Center Improvements

Background and Analysis:

On August 29, 2011, the Board of Trustees adopted procedures for pre-qualification of prospective bidders for public projects in accordance with Public Contract Code section 20651.5 and Public Contract Code section 20101.

The construction estimate for the Campus Center Improvements project is \$5.5 million. On December 2 and December 7, 2011, Purchasing Services advertised the Prequalification Questionnaire (PQ) #1261-144 in the San Jose Post Record and on Bidnet, and also notified nine (9) local Builders' Exchanges. Four (4) contractors submitted the completed questionnaire to the District by the December 21, 2011 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Program Director evaluated the responses and determined that three (3) of the four (4) contractors meet the minimum requirements of the prequalification questionnaire, including a point score of 80 or higher out of a total possible 100 points.

SUMMARY OF RESULTS	
CONTRACTOR	PREQUALIFIED
Robert A. Bothman, Inc.	Yes
O. C. Jones & Sons, Inc.	Yes
Taber Construction, Inc.	Yes
ValleyCrest Landscape Development, Inc.	No

ValleyCrest Landscape Development, Inc. (ValleyCrest), earned a score of less than the required minimum 80 points to prequalify primarily due to the scores achieved in the Claims and Safety categories of the PQ.

The Board can choose to either:

1. Accept the list of three (3) Contractors who met all of the prequalification requirements as the only prime contractors who are "prequalified" to bid on the Foothill College Measure C Project #144 – Central Campus Improvements, OR
2. Cancel the prequalification procedure for this project.

Recommendation:

Accept the list of three (3) Contractors who met all of the prequalification requirements as the only Contractors who are "prequalified" to participate in the Foothill College Measure C Project #144 – Central Campus Improvements.

Submitted by:	Carmen Redmond
Additional contact names:	Charles Allen, Art Heinrich, Gina Bailey
Is backup provided?	No

Title of Item:

Accept a list of Contractors as prequalified to bid on the Foothill College Measure C Project #162 – Parking & Circulation

Background and Analysis:

On August 29, 2011, the Board of Trustees adopted procedures for pre-qualification of prospective bidders for public projects in accordance with Public Contract Code section 20651.5 and Public Contract Code section 20101.

The construction estimate for the Parking & Circulation project is \$5 million. On December 2, 2011 and December 7, 2011 Purchasing Services advertised the Prequalification Questionnaire (PQ) #1422-162 in the San Jose Post Record inviting “B” General Contractors to participate in the PQ. After the advertisements, an amendment was issued that allowed for both “B” General Contractors and “A” General Engineering Contractors to participate; therefore the PQ was re-advertised on December 14 and December 21, 2011. The PQ was also posted on Bidnet, and nine (9) local Builders’ Exchanges were also notified of the PQ. Three (3) contractors submitted the completed questionnaire to the District by the January 5, 2012 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Program Director evaluated the responses and determined that all of the three (3) contractors meet the minimum requirements of the prequalification questionnaire, including a point score of 80 or higher.

SUMMARY OF RESULTS	
CONTRACTOR	PREQUALIFIED
Robert A. Bothman, Inc.	Yes
O. C. Jones & Sons, Inc.	Yes
Taber Construction, Inc.	Yes

The Board can choose to either:

1. Accept the list of three (3) Contractors who met all of the prequalification requirements as the only prime contractors who are “prequalified” to bid on the Foothill College Measure C Project #162 – Parking & Circulation, OR
2. Cancel the prequalification procedure for this project.

Recommendation:

Accept the list of three (3) Contractors who met all of the prequalification requirements as the only Contractors who are “prequalified” to participate in the Foothill College Measure C Project #162 – Parking & Circulation.

Submitted by:	Carmen Redmond
Additional contact names:	Charles Allen, Art Heinrich, Gina Bailey
Is backup provided?	No

Title of Item:

Accept a list of General Contractors as prequalified to bid on the De Anza College Measure C Project #214 Corporation Yard Renovation

Background and Analysis:

On August 29, 2011, the Board of Trustees adopted procedures for pre-qualification of prospective bidders for public projects in accordance with Public Contract Code section 20651.5 and Public Contract Code section 20101.

The construction estimate for the Corporation Yard Renovation project is \$2.1 million. On November 25 and December 2, 2011, Purchasing Services advertised the Prequalification Questionnaire (PQ) #1341-214 in the San Jose Post Record and on Bidnet, and also notified nine (9) local Builders' Exchanges. Nine (9) contractors submitted the completed questionnaire to the District by the December 22, 2011 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the De Anza College Measure C Bond Program Director evaluated the responses and determined that six (6) of the nine (9) contractors meet the minimum requirements of the prequalification questionnaire, including a point score of 80 or higher out of a total possible 100 points.

SUMMARY OF RESULTS	
CONTRACTOR	PREQUALIFIED
Alten Construction	Yes
Bogard Construction, Inc.	Yes
Big-D Pacific Builders, LP	Yes
Calstate Construction Inc.	No
D. L. Falk Construction Inc.	No
John Plane Construction, Inc.	Yes
Swenson & Associates	Yes
W.A. Thomas Co., Inc.	No
Taber Construction, Inc.	Yes

In order to be prequalified, Contractors were required to show that they have successfully completed renovation projects of similar size and scope of work. Therefore, Contractors had to submit data regarding three projects that met the criteria set forth in the PQ documents. Calstate Construction, Inc. (Calstate) submitted only two (2) projects that met the criteria. Furthermore, Calstate did not submit a signed letter from its insurance company that verifies its three Experience Modification Ratings (EMR), which is an insurance industry measurement of a company's safety record that compares past actual experience to the expected or average experience. The District requires that Contractors must have a calculated average EMR of 1.0 or less for the past three (3) years.

D. L. Falk Construction, Inc. (Falk), earned a score of less than the required minimum 80 points to prequalify primarily due to the scores achieved in the Construction Experience, Claims, Safety, and Financial Capacity categories of the PQ.

W.A. Thomas Co., Inc. does not meet the minimum EMR requirements within the PQ, which is a calculated average of 1.0 or less over the past three (3) years. W.A. Thomas's calculated three (3) year average exceeds 1.0.

The Board can choose to either:

1. Accept the list of six (6) General Contractors who met all of the prequalification requirements as the only prime contractors who are "prequalified" to bid on the De Anza College Measure C Project #214 – Corporation Yard Renovation, OR
2. Cancel the prequalification procedure for this project.

Recommendation:

Accept the list of six (6) General Contractors who met all of the prequalification requirements as the only General Contractors who are "prequalified" to participate in the De Anza College Measure C Project #214 – Corporation Yard Renovation.

Submitted by:	Carmen Redmond
Additional contact names:	Charles Allen, Tom Armstrong, Gina Bailey
Is backup provided?	No

Title of Item: Award a contract pursuant to Bid Document #1372-200C – A9 & PE6 HVAC Improvements at De Anza College

Background and Analysis:

The purpose of this project is to remove and reinstall air-handling units, install variable frequency drive motors, install a building management system, and perform related ductwork in Building A9. Additionally, the contractor shall be required to install variable air volume diffusers and thermostats, and to replace ducting in Building PE6. The contractor will also be responsible for testing and balancing the installed equipment and commissioning the building systems.

Noll & Tam Architects, Inc. prepared the construction documents and a complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1372-200C was legally advertised in the San Jose Post Record on February 3 and February 10, 2012. The "Invitation to Bid" was also sent to nine (9) builders' exchanges and posted on "BidNet" at www.govbids.com. Bids were publicly opened and read on February 28, 2012 at 3:00 p.m. by Purchasing Services. The bid results are shown below:

GENERAL CONTRACTOR	BASE BID AMOUNT
Omni Construction Services, Inc.	\$548,000
Beals Martin and Associates, Inc.	\$579,842
R. C. Benson & Sons, Inc.	\$590,700
Rodan Builders Inc.	\$620,000

The lowest responsive and responsible bidder is Omni Construction Services, Inc. Omni Construction Services, Inc. has completed public works projects for other public agencies such as University of California San Francisco and Berkeley Unified School District. Furthermore, Omni Construction Services, Inc. and its listed subcontractors have each signed the "Agreement To Be Bound" and the "Agreement of Contractors" of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The bid price of \$548,000 as submitted by Omni Construction Services, Inc. is less than the construction budget of \$549,459. The project will be constructed with Measure C funds.

Recommendation:

Authorize the Director of Purchasing Services, Carmen Redmond, to award a contract pursuant to Bid Document #1372-200C, A9 & PE6 HVAC Improvements at De Anza College, in the amount of \$548,000 to Omni Construction Services, Inc.

Submitted by:	Carmen Redmond, Director of Purchasing Services
Additional contact	Charles Allen, Tom Armstrong, Gina Bailey
Is backup provided?	No