

Board of Trustees Agenda Item

Board Meeting Date: June 4, 2012

Title of Item: Ralph Larsen & Son, Inc. – Change Order #7 - \$185,000

Background and Analysis:

After start of construction of the Smithwick Theater upgrade, it became apparent that the mechanical subcontractor had not received all drawings sent out for bidding, so had not included some of the mechanical work scope in its bid. The subcontractor agreed to proceed with the work under protest to allow the project to continue in a timely manner.

The subcontractor had received its bid documents from a plan room, a trade institution that promotes bidding on construction projects. Public entities such as the District are required by law to provide electronic bid documents to plan rooms, if requested to do so. One plan room either received corrupted electronic files from the District or passed incomplete files on to bidders.

Careful examination of bid documentation provided by the subcontractor confirmed that the subcontractor had not included pricing for the work in question in its bid. Gilbane Maas and the District negotiated an equitable price for the work in order to settle the subcontractor's protest; the District has received fair value for the work included in Change Order #7.

In order to avoid repetition of this problem, the District's instructions to bidders have been modified to inform all bidders that documents issued directly by the District will prevail over other documents obtained by bidders from any other source.

Change Order #7 also includes a non-compensable time extension of 124 days due to delayed delivery of some mechanical equipment, unrelated to the issue discussed above. Although completion of the project was delayed, the contractor provided temporary facilities at the theater so that it could be used for classes and performances without interruption.

In summary, this change order settles all remaining costs and claims for the project.

Recommendation: Executive Director of Facilities, Operations and Construction Management Charles Allen recommends board approval of Change Order #7 for Ralph Larsen & Son, Inc.

Submitted by:	Charles Allen x6150
Additional contact names:	Art Heinrich x6295
Is backup provided?	Yes

Prime Contract Change Order

Detailed, Based on Unit Prices, Architect - Foothill with
DSA Number

Date: 6/4/2012
To Contractor:
Ralph Larsen & Son, Inc.
300 8th Avenue
San Mateo, CA 94401

DSA Number 01-111842
Architect's Project
Contract Date:
Contract Number: MC120245
Change Order Number: 007

The Contract is hereby revised by the following items:

June 2012 Smithwick Change Order

PCO	Description	Amount
016	Settlement for work not included in Contract Documents issued by plan rooms and based on evidence provided by Contractor that the work was not included in the bid price. This change order settles all claims at direct cost with no mark-up.	\$185,000
061	Non compensable time extension that represents full and final settlement of all costs and claims, with the exception of the list of unresolved change requests, against Foothill-De Anza Community College District for the work provided under this contract.	\$0

The original Contract Value was.....	\$2,560,000
Sum of changes by prior Prime Contract Change Orders.....	\$163,757
The Contract Value prior to this Prime Contract Change Order was.....	\$2,723,757
The Contract Value will be changed by this Prime Contract Change Order in the amount of.....	\$185,000
The new Contract Value including this Prime Contract Change Order will be.....	\$2,908,757
The Contract duration will be changed by.....	124 Days
The revised Substantial Completion date as of this Prime Contract Change Order is.....	5/31/2012

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.

HMC Architects

Ralph Larsen & Son, Inc.

Foothill-De Anza Community College
District

ARCHITECT

1570 The Alameda, Suite 330
San Jose, CA 95126

Address

By Gene Ely

SIGNATURE

DATE

CONTRACTOR

300 8th Avenue
San Mateo, CA 94401

Address

By Barrie Solomon

SIGNATURE

DATE

OWNER

12345 El Monte Road
Los Altos Hills, CA 94022

Address

By Charles Allen

SIGNATURE

DATE

College Approval

Signature

Date: