

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, November 08, 2011

4:30 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Facilities Committee

**Noel Gallo, Chairperson
Jody London, Vice Chairperson
Alice Spearman, Member**

A. Call to Order

Chairperson Noel Gallo called the meeting to order at 4:31 P.M.

B. Roll Call

Roll Call: Present: Noel Gallo and Alice Spearman
Absent: Jody London

C. Speaker Request Cards/Modification(s) To Agenda

Director Spearman requested Legislative File ID 11-2893 be pulled from the Committee General Consent Report for further discussion and possible separate action.

D. Adoption of Committee Minutes



[11-2982](#) Minutes - Facilities Committee - October 18, 2011

Approval by Facilities Committee of its Meeting Minutes of October 18, 2011.

Attachments: [Minutes - Facilities Committee - October 18, 2011](#)

A motion was made by Alice Spearman, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

E. Adoption of the Committee General Consent Report

Darrel Carey talked about his review of the contracts appearing on the today's Facilities Committee General Consent Report that have cost overruns and contract amendments. Mr. Carey wanted to how are "non-locals" are being awarded contracts and contract extensions. He said the people in Oakland are losing their homes and their jobs and the money needs to be recycled back into the community. He said the District should give back

to Oakland as Oakland has given to the District. He said it is upon the Board to do something special for the citizens of Oakland who have invested over \$800 million over the years in their tax dollars based on bonds for the modernization of District schools.

Mr. White said in many cases he agrees with Mr. Carey. He said as a public agency it is important to reinvest local dollars. He said he is interested in seeing people have the opportunity to be employed using Measure "B" Funds. He noted the District has one of the most successful Local Vendor Policy of any public agency in the area and the District has a great success rate in making sure that every contract meets the local participation percentage and requirements. He said there is room for improvement and he supports Mr. Carey's statement and he supports the District's Local Vendor Policy.

Chairperson Gallo asked Mr. White to talk about the bidding process and how a contractor is selected for a project.

Mr. White said all contracts are publicly bided. He said in the case of construction contracts and professional services contracts, there is an RFP process. The District can't restrict business to local vendors in the City of Oakland. The District does say if a contractor wants to come from outside of Oakland that's OK, but the contractor must meet a Local Vendor participation level.

Roll Call (Secretary's Observation)

Jody London present at 4:40 P.M.

Roll Call: Present: Noel Gallo, Jody London and Alice Spearman



11-2469

Amendment No. 2, Professional Services Facilities Contract - S. Meek Architecture - Havenscourt Middle School New Cafeteria & New Classroom Building Project

Approval by the Board of Education of Amendment No. 2, Professional Services Facilities Contract between District and S. Meek Architecture, San Francisco, CA, for the latter to provide additional professional services associated with bidding the Havenscourt New Building and Havenscourt Interim Dining Projects separately and provide design services to change classroom #D25 in the new building into a computer lab, including modifications to the layout, panel schedule, circuitry and additional data drops, in conjunction with the Havenscourt Middle School New Cafeteria & New Classroom Building Project, in an additional amount not to exceed \$9,380.00, increasing the Contract not to exceed amount from \$993,540.00 to \$1,002,920.00. All other terms and conditions of the Contract remain in full force and effect.

Resource Code - 2122-207

Funding Source: GO Bond-Measure B

Attachments: [Document\(s\)](#)
[11-2469 - Amendment No. 2, Professional Services Facilities Contract - S. Meek Architecture - Havenscourt Middle School New Cafeteria & New Classroom Building Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2889****Project Budget, Key Code and Project Number - Retro-Commissioning Project**

Approval by the Board of Education of Resolution No. 1112-0071 - Authorizing and approving the Project Budget, Key Code and Project Number for the Retro-Commissioning Project, for Oakland Technical High School, McClymonds High School and Castlemont High School, in the amount of \$300,000.00.

Funding Source: GO Bond-Measure A

Attachments: [11-2889 - Project Budget, Key Code and Project Number - Retro-Commissioning Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2890****Project Budget Increase - Claremont Middle School Landscaping Project**

Approval by the Board of Education of Resolution 1112-0073 - Authorizing and approving the Project Budget Increase for Claremont Middle School Landscaping Project in the amount of \$750,000.00, increasing the project budget from \$800,000.00 to \$1,550,000.00.

Funding Source: GO Bond-Measure A

Attachments: [11-2890 - Project Budget Increase - Claremont Landscaping Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0

Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2891****Amendment No. 2, Professional Services Facilities Contract - Sensible Environmental Solutions - Lowell Middle School Modernization Project**

Approval by the Board of Education of Amendment No. 2, Professional Services Facilities Contract between District and Sensible Environmental Solutions, Oakland, CA, for the latter to provide additional investigation, design and development of a second design package to encompass design changes / modifications in conjunction with the Lowell Middle School Modernization Project, in an additional amount not to exceed \$75,000.00, increasing the Contract not to exceed amount from \$109,982.25 to \$184,982.25. All other terms and conditions of the Contract remain in full force and effect.

Resource Code - 2122-204

Funding Source: GO Bond-Measure B

Attachments: [11-2891 - Amendment No. 2, Professional Services Facilities Contract - Sensible Environmental Solutions.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2893****Amendment No. 1, Professional Services Facilities Contract - Ninyo & Moore - LaEscuelita Educational Complex**

Approval by the Board of Education of Amendment No. 1, Professional Services Facilities Contract between District and Ninyo & Moore, Oakland, CA, for the latter to provide investigation of potential impacts of hazardous material which may have been released by the underground storage tank recently discovered beneath the East 10th Street sidewalk across from the Harper Building, including project coordination, permitting, boring marketing/utility clearance, sampling of soil and groundwater, lab analysis and report preparation, in conjunction with the LaEscuelita Educational Complex (DEC), in an additional amount not to exceed \$15,000.00, increasing the Contract not to exceed amount from \$32,000.00 to \$47,000.00 and extending the Contract period of October 29, 2009 through December 31, 2009 to December 31, 2011. All other terms and conditions of the Contract remain in full force and effect.

Resource Code - 2122-121

Funding Source: GO Bond-Measure B

Attachments: [11-2893 - Amendment No. 1, Professional Services Facilities Contract - Ninyo & Moore - LaEscuelita Educational Complex.pdf](#)

Director Spearman requested additional information regarding why the contract for Legislative File ID 11-2893 for Nino & Moore [La Escuelita Educational Complex] is being amended so soon.

Tadashi Nakadegawa, Director of Facilities, said throughout the project there has been a public disclosure process that Nino & Moore helped the District to follow as well as cleaning the site which was part of the grant work. He said once the portables on the property were demolished, the site had to be cleaned before construction could start. The State Department of Toxics asked for additional reports from Nino & Moore and that is the reason for the Contract Amendment. There were additional requirements imposed by the State after the initial report had been submitted based on what was found at the site once the cleaning process began.

Director Spearman wanted to know if the District did background checks on what has been on the property over the years.

Mr. Nakadegawa said there was extensive research on those issues. Additional contamination was identified during the cleanup that was not found through the borings, research and history done on the project.

Director Spearman wanted to know what the District can do to mitigate some of the Amendments on projects which raise the cost. She said when contracts are brought to the Board for approval there is one price, by the time the project is completed the cost is almost two times the amount of the original contract.

Timothy White, Associate Superintendent for Facilities Planning and Management said the facilities department followed the steps necessary according to CDE and the Department of Toxic Substance and Control to make sure the District was aware of what previously existed on the site. He said the process of bringing Amendments to the Board allows the facilities department to be scrutinized on what the department knew, when they knew it and what steps are necessary to mitigate.

Mr. Nakadegawa said the District reached an agreement with the Department of Toxic Substance to pump all the hazardous materials out and back fill with cement.

A motion was made by Jody London, seconded by Alice Spearman, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Noel Gallo, Jody London and Alice Spearman
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2894****Agreement for Architectural Services Contract - Loving & Campos Architects (LCA) - Calvin Simmons Middle School Improvements and Career Tech Lab**

Approval by the Board of Education of Agreement for Architectural Services Contract between District and Loving & Campos Architects (LCA), Oakland, CA, for the latter to modify existing Career Tact Lab designed for Life Academy from the former Read Cross Building on International Boulevard to the new location on Calvin Simmons Middle School campus; provide design site improvement and modernization efforts inside the main building at Calvin Simmons for the period commencing October 27, 2011 and concluding no later than July 1, 2013 in an amount not to exceed \$1,000,636.00

Resource Code - 2122-205

Funding Source: GO Bond-Measure B

Attachments: [11-2894 - Agreement for Architectural Services Contract - Loving & Campos Architects \(LCA\) - Calvin Simmons Improvements and Career Tech Lab .pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2895****Agreement for Architectural Services Contract - S. Meek Architects - Oakland High School Modernization Project**

Approval by the Board of Education of an Agreement for Architectural Services between the District and S. Meek Architects, San Francisco, CA, for the latter to provide architectural and engineering services for the schematic design phase to provide additional lunch serving access points in conjunction with the Oakland High School Modernization Project for the period commencing November 8, 2011 and concluding no later than February 15, 2012 in an amount not to exceed \$7,560.00.

Resource Code - 2122-304

Funding Source: GO Bond-Measure B

Attachments: [11-2895 - Agreement for Architectural Services Contract - S. Meek Architects - Oakland High School Modernization Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London

Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2896****Independent Contractor Agreement for Services - Simplex Grinnell - District-wide Fire Alarm Project**

Approval by the Board of Education of Independent Contractor Agreement for Services between District and Simplex Grinnell, Livermore, CA, for the latter to provide fire alarm and sprinkler repairs and annual testing of systems as required by the Division of State Architect (DSA) in conjunction with the District-wide Fire Alarm Maintenance Project for the period commencing January 2, 2012 and concluding no later than December 31, 2012 in an amount not to exceed \$500,000.00.

Resource Code - 2122-918

Funding Source: Go Bond-Measure B

Attachments: [11-2896 - Independent Contractor Agreement for Services - Simplex Grinnell - District-wide Fire Alarm Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**11-2901****Amendment No. 6, Professional Services Facilities Contract - SCA Environmental, Inc. - Elmhurst Middle School Modernization Project**

Approval by the Board of Education of Amendment No. 6, Professional Services Facilities Contract between District and SCA Environmental, Inc., Oakland, CA, for the latter to provide additional services for waste characterization of the excavated soils including sampling for CAM-17 metals and naturally occurring asbestos in conjunction with the Elmhurst Middle School Modernization Project in an additional amount not to exceed \$1,900.00, increasing the Contract not to exceed amount from \$34,421.98 to 36,321.98, and extending the Contract period of June 18, 2007 through December 31, 2011 to June 30, 2012. All other terms and conditions of the Contract remain in full force and effect.

Resource Code - 2122-202

Funding Source: GO Bond-Measure B

Attachments: [11-2901 - Amendment No. 6, Professional Services Facilities Contract - SCA Environmental, Inc. - Elmhurst Middle School Modernization Project.pdf](#)

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0

Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Passed The Committee General Consent Report

A motion was made by Alice Spearman, seconded by Noel Gallo, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

F. Unfinished Business

None.

G. New Business



11-2906

Agreement for Construction Management Services - Seville Group, Inc., dba SGI Construction Management - Division of Facilities, Planning and Management Project

Approval by the Board of Education of Agreement for Construction Management Services between District and Seville Group, Inc., dba SGI Construction Management, Pasadena, CA, for the latter to provide Construction Management and Project Management Services, as describe in the Scope of Work, in conjunction with the Division of Facilities, Planning and Management, for the period December 1, 2011 through December 31, 2013, at a cost not to exceed \$7,205,793.00.

Resource Code - 2212-918

Funding Source: GO Bond - Measure B

Attachments: [11-2906 - Agreement for Construction Management Services - Seville Group, Inc., dba SGI Construction Management - Division of Facilities, Planning and Management Project.pdf](#)

Mr. White said GKK/McCarthy managed all District construction projects for seven years. He said the firm served the District well in terms of managing hundreds of millions of dollars in facilities improvements across the District. He said the District was looking for better systems, better controls, better document controls, better institutional levels, and a commitment to the District's construction program. He said with talks about a new bond measure and the Board having local control, this was an ideal time to make a change. The Facilities Department went through an extensive process and Seville Group Inc. (SGI) was selected as the new construction management firm. Representatives from SGI are present at today's meeting to answer any questions. He said SGI is a construction management firm that does K-12 work exclusively. He said SGI is not a large firm which gives them the ability to work with a district this size given some of the District's policy statements with local vendor participation, local hire requirements, and energy efficiency polices.

Lance Jackson, Senior Vice President of Operations, Seville Group, said he is in the community and in charge of every operation throughout the company. He said the company has 85 employees mainly in the Bay Area. He said the company has programs in Richmond and San Jose.

Committee Member Comments

President London wanted to know more about the RFP process and who responded. She said based on the contract she did not see how this contractor meets the District's Local Vendor Policy.

Mr. White said a process was put together primarily framed by legal counsel in terms of outreach to companies and their inclusion making sure the District met the letter of the law and exceeded it. He said local vendor participation has been met by SGI [just below 30%]. He said the District had about six respondents to the RFP. The panel was composed of outside people [from Alameda County] as well as District staff. He said he wanted to make the panel had objective opinions and did not have a vested interest. The outside people were highly qualified .

Mr. Nakadegawa talked about the RFP process:

- (1) The Facilities Department advertised in local newspapers of record.*
- (2) The RFP posted on the Facilities Department website.*
- (3) Advertised in the CASH Register [a statewide agency responsible for helping school districts navigate through the State Building Program in solicitation of proposals for the project management/construction management needs].*
- (4) The District received six proposals in October. One of the proposals was deemed non responsible by not substantiating any local participation.*
- (5) The five remaining respondents were interviewed on October 27th and October 28th.*
- (6) The panel met and scored the proposals, held interviews and came up with a recommendation for the selected firm.*

Director Spearman wanted to know if SGI was a local firm.

Mr. Nakadegawa said SGI opened an Oakland office but is not currently certified because

the Oakland office has to be opened for a year before certification.

Director Spearman wanted to know the location of the closest office that qualified the company as local.

Mr. Jackson said 1300 Potrero Avenue, Richmond.

Chairperson Gallo wanted to know some of the other school districts SGI has worked with and the scope of work.

Mr. Jackson said SGI has worked with West Contra Costa County since 1998, Eastside Unified School District, Sweetwater Unified School District and the City of Richmond.

Rene Flores, GSI, said in terms of local participation, GSI merged with the community. He said he believes in giving people that are coming up the ladder an opportunity to get where GSI is at. He said the majority of GSI's employees are people of color. He said GSI's philosophy is supporting the efforts of the communities where they work.

Chairperson Gallo wanted to know how GSI plans to involve high school students in the company. Mr. Jackson said GSI have interns working with the company various times during the year with their Asset Academy Program [Architecture Engineering, Technology and Construction supported at a local high school] where professionals nurture and lecture students and various aspects of construction is taught.

Public Comments

Daryl Carey said the Board needs better community inclusion. He asked the Board to do what will let the citizens of Oakland know the District has made a decision that is in the best interest of Oakland.

Director Spearman said if this firm is approved by the Full Board, she thinks it prudent the Board hold a large community meeting to introduce the District's next project management firm and what they bring to the table to market what the District is trying to do.

Chairperson Gallo said he will coordinate the meeting with Mr. White.

A motion was made by Jody London, seconded by Alice Spearman, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Noel Gallo, Jody London and Alice Spearman
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



11-2993

Amendment No. 2, Professional Services Facilities Contract- GKK/McCarthy - Division of Facilities, Planning and Management

Approval by the Board of Education of Amendment No. 2, Professional Service Facilities Contract between District and GKK/McCarthy, Irvine, CA, for the latter to provide additional Construction Management services as needed to allow for adequate time for the District to transition services to the new construction management firm, in conjunction with the Division of Facilities, Planning and Management Project, in an additional amount not to exceed \$300,000.00, increasing the Contract not to exceed amount from \$5,136,980.00 to \$5,436,980.00, and extending the contract period of July 1, 2010 through November 30, 2011 to January 13, 2012. All other terms and conditions of the Contract remain in full force and effect.

Resource Code - 2122-918

Funding Source: GO Bond-Measure B

Attachments: [11-2993 - Amendment No. 2, Professional Services Facilities Contract - GKKMcCarthy - Division of Facilities, Planning and Management.pdf](#)

Mr. White said as the District plans the transition what's most important for the program is to acknowledge about 50 projects in different school sites and making sure construction is done efficiently and effectively in concert with what the communities expected. He said the transition is huge and any one of those projects has the potential to create blow back. Mr. White said he wants to make sure he has adequate time for transition and that the transition be as seamless as possible creating as little hardship as possible on each community.

Director Spearman wanted to know why Mr. White needs an additional two month extension of the current contract.

Mr. White said he wanted to make sure there was an orderly process and no assumptions were made.

Public Comments

Darrel Carey said with the current construction management firm 94% of the people's money was being exported out of Oakland. He said the Board believes it is making the right decision on behalf of the District yet the people have not been included.

Director Spearman wants to have a discussion regarding increasing the local vendor participation to 33%.

A motion was made by Alice Spearman, seconded by Jody London, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Jody London
Nay: 1 - Alice Spearman
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

H. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

None.

I. Superintendent of Schools or Designee's Committee Liaison Report

None.

J. Introduction of New Legislative Matter

None.

K. Adjournment

Chairperson Gallo adjourned the meeting at 5:30 P.M.

Prepared By: _____

Approved By: _____