

Board Office Use: Legislative File Info.	
File ID Number	12-0635
Committee	Facilities
Introduction Date	3-14-2012
Enactment Number	12-0909
Enactment Date	3-14-12 by



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Tony Smith, Ed.D., Superintendent
Timothy White, Associate Superintendent, Facilities Planning and Management

Board Meeting Date March 14, 2012

Subject Amendment No. 5, Independent Contractor Agreement - Professional Service Industries (PSI)- Montclair New Classroom Building Project

Action Requested Approval by the Board of Education of Amendment No. 5, Independent Contractor Agreement with Professional Service Industries (PSI) for Geological Services on behalf of the District at Montclair New Classroom Building Project, in an amount not-to exceed \$800.00 increasing previous contract amount from \$24,824.00 to a not to exceed amount of \$25,624.00. All remaining portions of the agreement shall remain in full force and effect as originally stated.

Background Division of State Architect (DSA) original request was performed by PSI and now DSA is requiring additional information.

Local Business Participation Percentage 100.00%

Strategic Alignment Among the key purposes of the District's Facilities Master Plan is to provide an academic environment for the Oakland community that will give every student, educator, and community member using our facilities the best possible opportunity for learning.

Through implementation of the Facilities Master Plan, the District intends to improve the District's facilities in terms of structural integrity, safety, reliability of operating (mechanical) systems, access to modern resources,



number and type of appropriate laboratories and specialized instruction rooms, opportunities for physical education, and attractiveness, such that the Oakland Public Schools are second to none. Operation of the District schools under the planned approach is intended to ensure safety, cleanliness, and orderliness for all individuals participating in the learning process.

The basic facility needs of students such as proper lighting, functional roofs, noise control and well maintained buildings, not only convey the message that we value our students and teachers but may foster a sense of school pride and community ownership which may improve attitudes towards learning. The implementation of the Facilities Master Plan is our first step in that direction.

Recommendation

Approval by the Board of Education of Amendment No. 5, Independent Contractor Agreement with Professional Service Industries (PSI) for Geological Services on behalf of the District at Montclair New Classroom Building Project, in an amount not-to exceed \$800.00 increasing previous contract amount from \$24,824.00 to a not to exceed amount of \$25,624.00. All remaining portions of the agreement shall remain in full force and effect as originally stated.

Fiscal Impact

General Obligation Bond-Measure B

Attachments

- Independent Contractors Agreement including scope of work

AMENDMENT NO. 5 TO INDEPENDENT CONSULTANT CONTRACT

This Amendment is entered into between the Oakland Unified School District (OUSD) and Professional Services Industries (PSI).(CONTRACTOR). OUSD entered into an Agreement with CONTRACTOR for services on February 2, 2010 and the parties agree to amend that Agreement as follows:

1. Services:	<input type="checkbox"/> The scope of work is <u>unchanged</u> .	<input checked="" type="checkbox"/> The scope of work has <u>changed</u>.
<p>If scope of work changed: Provide brief description of revised scope of work including description of expected final results, such as services, materials, products, and/or reports; attach additional pages as necessary. <u>Attach revised scope of work.</u></p> <p>The CONTRACTOR agrees to provide the following amended services: <u>The scope is to provide additional calculations for Division of State Architect (DSA) for the two slopes below the pedestrian walk ways from the parking lot to the new school building.</u></p>		
2. Terms (duration):	<input checked="" type="checkbox"/> The term of the contract is <u>unchanged</u>.	<input type="checkbox"/> The term of the contract has <u>changed</u> .
<p>If term is changed: The contract term is extended by an additional _____ (days/weeks/months), and the amended expiration date is _____, 20____.</p>		
3. Compensation:	<input type="checkbox"/> The contract price is <u>unchanged</u> .	<input checked="" type="checkbox"/> The contract price has <u>changed</u>.
<p>If the compensation is changed: The contract price is amended by</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Increase of \$800.00 to original contract amount</p> <p style="padding-left: 40px;"><input type="checkbox"/> Decrease of \$_____ to original contract amount</p> <p>and the new contract total is <u>Twenty-five thousand, six hundred twenty-four dollars and no cents (\$25,624.00)</u></p>		

4. Remaining Provisions: All other provisions of the Agreement, and prior Amendment(s) if any, shall remain unchanged and in full force and effect as originally stated.

5. Amendment History:

There are no previous amendments to this Agreement. **This contract has previously been amended as follows:**

No.	Date	General Description of Reason for Amendment	Amount of Increase (Decrease)
1	6-23-2010	The scope of the project is to provide drilling boring for geological study of soils at the new two story building. The attached proposal is incorporated into the contract to the extent that it is subordinate to and not inconsistent with the contract terms.	\$10,639.00
2	3-23-2011	The scope of the project is to perform slope evaluation, analyze soil conditions and geotechnical properties of the subsurface below the asphalt-surfaced slope.	\$2,470.00
3	4-13-2011	The scope of the project is to provide a site specific ground movement analysis for the project to be prepared in accordance with the 2007 CBC. An addendum letter will be prepared for submittal to California Geological Survey (CGS).	\$2,500.00
4	10-18-2011	The scope of the project is to take additional soil samples of sloped area of the playground for a "Slope Stability Analysis."	\$800.00

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 PLANNING
 DEPARTMENT

6. **Approval:** This Agreement is not effective and no payment shall be made to Contractor until it is approved. Approval requires signature by the Board of Education, and the Superintendent as their designee.

OAKLAND UNIFIED SCHOOL DISTRICT

CONTRACTOR

Jody London
Jody London, President, Board of Education
Date 3/15/12

[Signature]
Contractor Signature
Date 2/15/12

Edgar Rakestraw, Jr.
Edgar Rakestraw, Jr., Secretary
Board of Education
Date 3/15/12

Frank Ross, Depe Mgr.
Print Name, Title

[Signature]
Timothy White, Associate Superintendent
Facilities, Planning and Management
Date

LEGISLATIVE FILE
File ID Number 12-0635
Introduction Date 3-14-12
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Enactment Date 3-14-12 *BJ*

EXHIBIT "A" Scope of Work

Contractor Name: Professional Services Industries (PSI)

Billing Rate: Eight Hundred Dollars and no cents (\$800.00)

1. Description of Services to be Provided

Slope stability calculations

2. Specific Outcomes:

Stabilize two slopes at Montclair Elementary School

3. Alignment with District Strategic Plan: Indicate the goals and visions supported by the services of this contract:

<input type="checkbox"/> Ensure a high quality instructional core	<input type="checkbox"/> Prepare students for success in college and careers
<input type="checkbox"/> Develop social, emotional and physical health	<input checked="" type="checkbox"/> Safe, healthy and supportive schools
<input checked="" type="checkbox"/> Create equitable opportunities for learning	<input checked="" type="checkbox"/> Accountable for quality
<input type="checkbox"/> High quality and effective instruction	<input type="checkbox"/> Full service community district

ADDITIONAL SERVICE AGREEMENT

A.S.A. NO.: 575-51829-1

Client: Oakland Unified School District
955 High Street
Oakland, CA 94601
ATTN: John Esposito

Project: Montclair Elementary School
1757 Mountain Boulevard
Oakland, California

PSI Project No.: 575-111-7

Date: January 17, 2011

Client Ref. No.: OUSD # 07050

Description of Changes: PSI will provide slope stability calculations for the two slopes at the subject site to include truck loading at the tops of slopes. An addendum letter will be prepared for submission to the DSA.

Check Below as Appropriate:

- Work to be done in accordance with contract unit rates.
 Work to be done at unit rate of: (list) _____

Estimated change in contract amount: \$ 800.00

A detailed proposal/contract modification is required by _____ (date).
Until then, additional work is authorized as follows: _____

Change in schedule of _____ days.

Other (describe): _____

PSI Representative Receiving Authorization: Brand Burfield

Name of Individual

Authorizing Change: _____

Title: _____

Company Name: _____

Telephone No.: _____

Signature: _____

Customer WO No.: _____

All work to be done in accordance with contract terms and conditions for above referenced project.

PSI B-900-199 (Mod 08)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/17/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA Inc. TWO LOGAN SQUARE PHILADELPHIA, PA 19103 Attn: Philadelphia.Certs@Marsh.com Fax: 212-948-0360	CONTACT NAME:	
	PHONE (A/C, No. Ext):	FAX (A/C, No):
E-MAIL ADDRESS:		
PRODUCER CUSTOMER ID #:		
J19623-PSI-GAWUP-11-12 GAW NA Y	INSURER(S) AFFORDING COVERAGE	
INSURED PROFESSIONAL SERVICE INDUSTRIES, INC. 4703 TIDEWATER AVENUE, SUITE B OAKLAND, CA 94601	INSURER A: Zurich American Insurance Co	16535
	INSURER B: N/A	N/A
	INSURER C: N/A	N/A
	INSURER D: American Zurich Insurance Company	40142
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CLE-002689779-10 **REVISION NUMBER:** 10

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			GLO 6580471-20	03/01/2011	03/01/2012	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> PROD / COMPLETED OPS.						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> CONTRACTUAL						GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
<input checked="" type="checkbox"/> POLICY	<input type="checkbox"/> PROJECT	<input type="checkbox"/> LOC				\$	
A	AUTOMOBILE LIABILITY			BAP 6580472-20	03/01/2011	03/01/2012	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						\$
	<input type="checkbox"/> NON-OWNED AUTOS						\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DEDUCTIBLE						\$
	RETENTION \$						\$
D A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC 6580421-20 (AOS)	03/01/2011	03/01/2012	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A	WC 9302890-09 (MA, WI, HI)	03/01/2011	03/01/2012	E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
OAKLAND UNIFIED SCHOOL DISTRICT AND ITS DIRECTORS, OFFICERS, EMPLOYEES, AGENTS AND REPRESENTATIVES ARE INCLUDED AS ADDITIONAL INSURED WHERE REQUIRED BY WRITTEN CONTRACT, BUT ONLY TO THE EXTENT OF THEIR LIABILITY RESULTING FROM THE NEGLIGENCE OF THE INSURED AND WITH RESPECT TO SERVICES PROVIDED BY THE INSURED FOR THE ADDITIONAL INSURED, EXCEPT FOR WORKERS COMPENSATION.

CERTIFICATE HOLDER OAKLAND UNIFIED SCHOOL DISTRICT ATTN: SUSIE BUTLER-BERKLEY 955 HIGH STREET OAKLAND, CA 94601	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE of Marsh USA Inc.

AMENDMENT TO INDEPENDENT CONSULTANT AGREEMENT ROUTING FORM

Project Information

Project Name	Montclair New Classroom Building	Site	Montclair Elementary School
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Basic Directions

Services cannot be provided until the contract is fully approved and a Purchase Order has been issued.

Attachment Checklist	<input type="checkbox"/> Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000 <input type="checkbox"/> Workers compensation insurance certification, unless vendor is a sole provider
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Contractor Information

Contractor Name	Professional Service Industries (PSI)	Agency's Contact	Brand Burfield
OUSD Vendor ID #	1004969	Title	Project Manager
Street Address	4703 Tidewater Avenue, Suite B	City	Oakland
Telephone	510-434-9200	State	CA
		Zip	94601
		Policy Expires	3-1-2012
Contractor History	Previously been an OUSD contractor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Worked as an OUSD employee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
OUSD Project #	07050		

Term

Date Work Will Begin	11-22-2010	Date Work Will End By <small>(not more than 5 years from start date)</small>	11-24-2011
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Compensation

Total Contract Amount	\$	Total Contract Not To Exceed	\$25,624.00
Pay Rate Per Hour (If Hourly)	\$	If Amendment, Changed Amount	\$ 800.00
Other Expenses		Requisition Number	

Budget Information

If you are planning to multi-fund a contract using LEP funds, please contact the State and Federal Office before completing requisition.

Resource #	Funding Source	Org Key	Object Code	Amount
9299, 9399, 9499	Measure B	1439901811	6252	\$800.00

Approval and Routing (in order of approval steps)

Services cannot be provided before the contract is fully approved and a Purchase Order is issued. Signing this document affirms that to your knowledge services were not provided before a PO was issued.

	Division Head	Charles Love	Phone	510-535-7081	Fax	510-535-7082
1.	Capital Program Contract & Accounting Manager					
	Signature		Date Approved	2-17-12		
2.	General Counsel, Department of Facilities Planning and Management					
	Signature		Date Approved	2-22-12		
3.	Associate Superintendent, Facilities Planning and Management					
	Signature		Date Approved			
4.	President, Board of Education					
	Signature		Date Approved			

Brand Burfield

Subject: FW: Request for Slope Stability Addendum Letter

From: John Springer [mailto:John.Springer@GouldEvans.com]
Sent: Wednesday, December 21, 2011 2:48 PM
To: Brand Burfield; Robert Russell; John Esposito
Cc: 'glen@kyase.com' (glen@kyase.com); Kam Yan (kam@kyase.com); Aaron Thornton; Bob Baum
Subject: RE: Request for Slope Stability Addendum Letter

Brand.
Please see below in red.

Best regards,

John Springer

Associate

Gould Evans | Baum Thornley

From: Brand Burfield [mailto:brand.burfield@psiusa.com]
Sent: Wednesday, December 14, 2011 11:30 AM
To: John Springer; Robert Russell; John Esposito
Cc: 'glen@kyase.com' (glen@kyase.com); Kam Yan (kam@kyase.com); Aaron Thornton; Bob Baum
Subject: Request for Slope Stability Addendum Letter

John -

Our engineer, Bob Russell, has a couple of questions before he can perform the requested revision to the slope stability analysis;

- Which slope is of concern for emergency vehicle surcharge loading - the one with the parking lot at the top or with Mountain Boulevard at the top? Both? We believe the right answer is both
- What values would you like us to use for the emergency vehicle surcharge loads? We have requested a value for fire truck load from our civil engineer...the DOT limit for tractor/trailer rigs is 80,000lbs (40 tons) legal **U.S.** weight per axle is: STEER 12,000 lbs DRIVES 34,000 lbs TRAILER 34,000 lbs...also see this link for DOT fire truck weight limits; <http://www.dot.ca.gov/hq/traffops/trucks/exemptions/firetrucks-ccr.htm>

Please forward the requested information to our engineer (Kam or Glen?).

I note that David Choi has a number of comments in his e-mail below (what "*failure plane*" is he speaking of?). Also, the DSA (their reviewer Bill Rogers of Interwest Group?) made several comments in their letter; "*Comments on Slope stability analysis.*" PSI provided a response letter to the DSA comments, which was sent to David Choi, Bill Rogers and Kalun Fok. I have not seen any formal comment from the DSA regarding our response letter and whether the comments they raised have been addressed to their satisfaction. Since David Choi is asking regarding the stability of slopes with emergency vehicles at the top, it seems clear that the DSA does not agree with *all* of the responses we made to their comments (our response was that, "...based on the extremely high factor of safety obtained, additional detailed analysis is not considered to be warranted"). The email (below in this string) from David Choi may be what we are getting for formal comment at this point. It continues to appear that his primary concern is the truck loading, so by re-running the calcs for slope stability with the truck loading, it would be our hope that this would be addressed to his satisfaction. John Esposito has brought up a good point that should be considered in this, which is that there will be truck loading in these areas (especially in the upper parking area) during construction, on the existing condition. Please include this issue.

Before we issue an addendum letter, I suggest that it would be a good idea to make sure you know *all* that the DSA wants addressed so that we can take care of all issues with *one* letter (cheaper and quicker for the OUSD). We understand the preference, but this may be easier said than done. We will attempt to clarify the extent of DSA's questions, but in the

meantime, would appreciate it if you would proceed with re-running the calcs. We should know whether your expectation that the slope will remain stable with these loads as soon as possible.

Let us know what issues you want us to address in an addendum letter and it can be done. I will need to get authorization from the OUSD project manager, John Esposito, before issuing anything. Let us know if you have any questions. Thanks! We will follow up.

Brand Burfield, PG
Project Geologist
Professional Service Industries, Inc. (PSI)

From: John Springer [<mailto:John.Springer@GouldEvans.com>]
Sent: Monday, December 12, 2011 2:50 PM
To: Brand Burfield; Robert Russell
Cc: 'glen@kyase.com' (glen@kyase.com); Kam Yan (kam@kyase.com); Aaron Thornton; Bob Baum
Subject: FW: CGS No. 01-CGS0534 - Oakland USD; Montclair Reports

Brand and Robert.

Please see below; as we discussed during our phone conference on this, it appears DSA needs some further confirmation as to the potential truck loading at the top of slope. Would you please run your calcs again with the emergency vehicle loading to substantiate the expectation that the slopes will still be stable?

The findings should then be included in a memo describing same, and provided to Ron Rubin at CGS and David Choi at DSA.

Thank you.

Best regards,

John Springer
Associate
Gould Evans | Baum Thornley

From: glen lin [<mailto:glen@kyase.com>]
Sent: Monday, December 12, 2011 2:02 PM
To: Aaron Thornton
Subject: FW: CGS No. 01-CGS0534 - Oakland USD; Montclair Reports

Aaron,

What are your thoughts on addressing David Choi concern regarding the slope stability and his recommendations? See email below.

We think that if the slope stability report can be revised to show that that the slope is still safe even with additional surcharge load from fire truck, utility vehicle and/or crane truck, then it would solve David's concern. Please advise.

Thanks,

Glen Lin, P.E.

Kam Yan & Associates
433 Hegenberger Road, Suite 204
Oakland, CA 94621
(510) 562 - 0581
(510) 562 - 0584