

**LEGISLATIVE FILE**

File ID No. 13-0144

Introduction Date 1-23-13

Enactment No. 13-0256

Enactment Date 1-23-13

By [Signature]

**OAKLAND UNIFIED SCHOOL DISTRICT**  
Office of the Board of Education  
January 23, 2013

To: Board of Education

From: Tony Smith, Ph.D., Superintendent  
Timothy E. White, Associate Superintendent of Planning & Management,  
Building & Grounds and Custodial Services



Subject: Change Order No. 1 with Bay Construction Company for Various District-Wide Playground Repairs in an amount of \$4,604.00 increasing the current contract from \$467,000.00 to \$471,604.00.

**ACTION REQUESTED**

Authorize the President and Secretary of the Board to enter into and execute Change Order No. 1 on behalf of the District with Bay Construction Company for additional work due to District requested inspection and repairs requested changes to District-Wide Playground Repairs Project in the amount not to exceed \$4,604.00 increasing the current contract from \$467,000.00 to \$471,604.00.

**BACKGROUND**

The scope of the project is provide inspection, repairs and replacement of playground Play Structures and matting at various school sites "District-Wide". Funding for the project is General Obligation Bond-Measure B.

All costs associated with this change order have been thoroughly monitored and documented by the Architect, Inspector of Record, and Project Manager.

All changes pertaining to this change order, amount to 0.99% of original contract sum, have been categorized as to source. Percentage figures relate amount of change (by source), to the original contract sum of \$467,000.00

Changes due to Unforeseen Condition (Preliminary Change Order No. 1)	\$4,604.00	0.99%
<b>Total</b>	<b>\$4,604.00</b>	<b>0.99%</b>

Under a separate series of actions not related to this change order approval, the District will review and adjust the consultant fees to acknowledge costs resulting from their errors and omissions.

Original Contract Sum:	\$467,000.00
Sum of previously approved Change Orders:	<u>\$0.00</u>
Contract sum prior to this Change Order	\$467,000.00
Cost of current Change Order No. 1	<u>\$ 4,604.00</u>
New Contract Sum:	\$471,604.00
Current Change Order(s) as % of contract	0.99%
Contract completion date as of this Change Order No. 1	8/12/12

**RECOMMENDATION**

Authorize the President and Secretary of the Board to enter into and execute Change Order No. 1 on behalf of the District with Bay Construction Company for additional work due to District requested inspection and repairs requested changes to District-Wide Playground Repairs Project in the amount not to exceed \$4,604.00 increasing the current contract from \$467,000.00 to \$471,604.00.

All remaining portions of the agreement shall remain in full force and effect as originally stated.

**FUNDING SOURCE**

The funding source for this change order is the General Obligation Bond-Measure B. The scope of work is included in the Board of Education approved total budget for the District-Wide Playground Inspection Project. The total budget for this project is \$ 471,604.00.

**ATTACHMENT**

Change Order No. 1 which includes: District-Wide Playground Inspection, PCO (Preliminary Change Orders 1) Number: 1

Key Codes: 9189901871-6271

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Contract completion date as of this Change Order No. 1	8/12/11

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Authorize the President and Secretary of the Board to enter into and execute Change Order No. 1 on behalf of the District with Bay Construction Company for additional work due to District requested inspection and repairs requested changes to District-Wide Playground Repairs Project in the amount not to exceed \$4,604.00 increasing the current contract from \$467,000.00 to \$471,604.00.

All remaining portions of the agreement shall remain in full force and effect as originally stated.

**FUNDING SOURCE**

The funding source for this change order is the General Obligation Bond-Measure B. The scope of work is included in the Board of Education approved total budget for the District-Wide Playground Inspection Project. The total budget for this project is \$ 471,604.00.

**ATTACHMENT**

Change Order No. 1 which includes: District-Wide Playground Inspection, PCO (Preliminary Change Orders 1) Number: 1

Key Codes: 9189901871-6271

# OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management - Phone 510-879-8385 - FAX 510-879-1860

## CHANGE ORDER NO. 01

V011739

**PROJECT:** Various  
Play Structure Repairs

**OWNER:** Oakland Unified School District

**CONTRACTOR:** Bay Construction Co.  
4026 Martin Luther King Jr.  
Oakland, CA 94609

**DATE:** 10/19/2011

**DSA FILE NO.:**  
**DSA APP NO.:**  
**OUSD PROJECT#:** 07038-1  
**PROJECT MGR.:** Donald Chew

File ID Number: 13-0144  
 Introduction Date: 1-23-13  
 Enactment Number: 13-0256  
 Enactment Date: 1-23-13  
 By: *[Signature]*

The Contractor is authorized to make the changes listed in the Summary and described in Change Order Attachment when this Change Order has been approved.

Original Contract Sum	\$467,000.00
Net Change by previously authorized Change Orders	
The Contract sum prior to this change order	
The Contract sum will be increased/decreased	\$4,604.00
The New Contract Sum including the Change Order will be	\$471,604.00
Change Order percentage of base contract	0.99%
The Contract is changed by <b>(0) Zero Calendar Days</b>	0 days
Contract completion date as of this Change Order then	8/12/2011

*[Signature]*  
David Kakishiba, President, Board of Education

*[Signature]*  
Edgar Rakestraw, Secretary,  
Board of Education

Summary reference attached items : 1

<p><b>Approved:</b> Architect of Record</p> <p style="text-align: center; font-size: 1.5em; color: blue;">N/A</p> <p>Signature</p> <p>Date:</p>	<p><b>Approved:</b> General Contractor</p> <p style="text-align: center; font-size: 1.5em; color: blue;"><i>[Signature]</i></p> <p>Signature</p> <p>Date: 10-24-11</p>	<p><b>Approved:</b> OUSD</p> <p style="text-align: center; font-size: 1.5em; color: blue;"><i>[Signature]</i></p> <p>Director of Facilities Signature</p> <p>Date:</p> <p>Asst. Superintendent Signature</p> <p>Date: <i>[Signature]</i></p>
<p><b>Approved:</b> Electrical or Structural Engineer</p> <p style="text-align: center; font-size: 1.5em; color: blue;">N/A</p> <p>Signature</p> <p>Date:</p>	<p><b>Approved:</b> Mechanical Engineer</p> <p style="text-align: center; font-size: 1.5em; color: blue;">N/A</p> <p>Signature</p> <p>Date:</p>	<p><b>Approved:</b> Division of the State Architect</p> <p style="text-align: center; font-size: 1.5em; color: blue;">N/A</p> <p>Signature</p> <p>Date:</p>

RECEIVED

11-7-2011

9189901871-6271

# OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management - Phone 510-879-8385 - FAX 510-879-1860

Change Order 1-2 (Revised 1/19/2006)

## SUMMARY OF CHANGE ORDER NO. 01

**PROJECT:** Various  
Play Structure Repairs  
**DATE:** 10/19/2011

**OWNER:** Oakland Unified School District  
**DSA FILE NO.:**

**CONTRACTOR:** Bay Construction Co.  
4026 Martin Luther King Jr.  
Oakland, CA 94609  
**DSA APP NO.:**  
**OUSD PROJECT#:** 07038-1  
**PROJECT MGR.:** Donald Chew

1	PCO # 1	ADD	\$4,604.00
		ADD/DEDUCT	

Description: Replace damaged play structure components at 2 sites  
Reason: The play structures components at these 2 sites were found to be damaged and hazardous for student play.  
Requested By: 1 Unforeseen Conditions  
DSA Prelim approval date:

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CO #1 (1 PCO's)  
Total: \$4,604.00

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Change Order 2-2 (Revised 1/19/2006)

# OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management - Phone 510-879-8385 - FAX 510-879-1860

## PRELIMINARY CHANGE ORDER NO. 1

PROJECT: **Various**  
**Play Structure Repairs**

DATE: **10/11/2011**

DSA FILE:

CONTRACTOR: **Bay Construction Co.**

DSA APP:

PROJECT MGR: **Donald Chew**

OUSD PROJ: **07038-1**

You are hereby directed to make the indicated change(s) in the Contract. When signed by the Owner and received by the Contractor, this document becomes effective immediately and the Contractor shall proceed as with the changes described below. An official change order shall be issued to follow up on this preliminary change proposal as soon as possible.

### CONTRACTOR TO COMPLETE THIS SECTION ONLY

#### DESCRIPTION:

Replace play structure components at Lafayette and Emerson Elementary Schools. Included in the cost breakdown is a (\$4,000) credit for work deleted at Sobrante Parks ES and a credit balance from the Allowance Account in the amount of (\$1,111.00).

CODE: 1 Unforeseen Conditions

#### REASON:

The play structures components at these 2 sites were found to be damaged and hazardous for student play.

ATTACHMENTS: BCC PCO #4; Game Time Quotation dated 6/10/11

### The proposed basis of adjustment to the Contract Price and Contract Time are as follows:

Amount of Change:  ADD  DEDUCT Final Price: \_\_\_\_\_  
 Lump Sum  Time / Materials Not To Exceed Date: \_\_\_\_\_

Contractor to proceed with work described herein, cost not to exceed \$4,604; final cost to be determined after review and negotiation.

Time Extension: 0 calendar days

INITIATED BY:

REVIEWED BY:

ACKNOWLEDGED BY:

N/A  
Architect of Record Date

[Signature]  
Project Manager Date

[Signature]  
Contractor Date

### OAKLAND UNIFIED SCHOOL DISTRICT APPROVAL

[Signature]  
Director of Facilities Date

[Signature]  
Assistant Superintendent Date

## Bay Construction - PCO #4

### DESCRIPTION:

Replace play structure components at various sites

Game Time:

Lafayette ES

Game Time - 6 feet F5 Slide Attachment \$ 4,303.00

Game Time - 13 feet Upright Assembly \$ 760.00

Emerson ES

Game Time - Handhold Bearing Assembly \$ 2,062.00

Sub - total \$ 7,125.00

Sales Tax at 9.75% \$ 694.69

Freight \$ 1,299.95

Game Time Total \$ 9,119.64

Bay Construction - 5% Mark Up \$ 455.98

Bay Construction - Sub-total \$ 9,575.62

Credit - Sobrante Park \$ (4,000.00)

Sub Total \$ 5,575.62

Bond and Insurance @ 2.5% \$ 139.39

TOTAL \$ 5,715.01

Credit - Balance from Allowance \$ (1,111.00)

**Total - PCO #4 \$ 4,604.01**



1030-B Railroad Avenue  
 Novato, CA 94945  
 Toll Free: 800-235-2440  
 Fax Number: 415-899-9050

QUOTE  
 #51651

06/10/2011

Bay Construction - Replacement Parts for Oakland USD Phase 2 Schools

Bay Construction  
 Attn: Juan Gonzalez  
 4026 Martin Luther King Jr. Way  
 Oakland, CA 94609  
 Phone: 510-658-7225 Ext. 6#  
 Fax: 510-658-4890  
 baygonzalez@yahoo.com

Ship To Zip: 94609

Quantity	Part	Description	Unit Price	Amount
1	XXXXX	<del>Game Time - MAXWELL PARK SCHOOL - Play Structures #01 and #02.</del>		
24	168285	Game Time - 5-12 Age Appropriate Sticker	<del>\$2.59</del>	\$62.16
1	XXXXX	<del>Game Time - JOAQUIN MILLER ELEMENTARY SCHOOL - Play Structure #03.</del>		
12	168285	Game Time - 5-12 Age Appropriate Sticker	<del>\$2.59</del>	\$31.08
1	XXXXX	Game Time - LAFAYETTE ELEMENTARY SCHOOL - Play Structure #01.		
12	168285	Game Time - 5-12 Age Appropriate Sticker	\$2.59	\$31.08
1	81322	Game Time - 6' F5 Slide Attachment - To replace item 10440 Spiral Slide.	\$4,303.00	\$4,303.00
2	80020	Game Time - 13' Upright Assembly (alum) - Required for item 81322 F5 Slide Attachment.	\$380.00	\$760.00
8	804710	Game Time - 3/8" 16 Unc Thread Insert - To install new uprights and slide.	\$0.84	\$6.72
1	818312	Game Time - 3/8"-16 Placing Tool - To install new uprights and slide.	\$35.00	\$35.00
1	XXXXX	Game Time - EMERSON ELEMENTARY SCHOOL - Play Structures #01 and #02.		
12	168285	Game Time - 5-12 Age Appropriate Sticker	\$2.59	\$31.08
1	177391	Game Time - HANDHOLD BEARING ASSY - For item 6201 Tilted Sky Runner.	\$2,062.00	\$2,062.00
2	811050	Game Time - 3/8 X 1 Button Hd Socket - For item 6201 Tilted Sky Runner.	\$1.08	\$2.16
2	817334	Game Time - 3/8 Lockwasher - For item 6201 Tilted Sky Runner.	\$0.19	\$0.38
1	XXXXX	<del>Game Time - PIRALTA ELEMENTARY SCHOOL - Play Structure #01.</del>		
12	168285	Game Time - 5-12 Age Appropriate Sticker	<del>\$2.59</del>	\$31.08



Bay Construction - Replacement Parts for Oakland USD Phase 2 Schools

QUOTE  
#51651

06/10/2011

Pricing is for materials, tax and freight only.  
Site work, safety surfacing and installation not included.

SubTotal:	\$7,355.74	
29,754 Tax:	\$717.18	FLY 7
Freight:	\$1,299.95	
Total Amount:	\$9,372.87	29,974

**CUSTOMER IS RESPONSIBLE FOR OFF-LOADING OF EQUIPMENT FROM DELIVERY TRUCK.**

**Please make your Purchase Order payable to GameTime**

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT GAMETIME PARK AND PLAYGROUND CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED. AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER. Orders cannot be processed without color options.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Payment terms: payment in full, net 30 days subject to approval by GameTime Credit Manager. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Taxes: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry.

Shipment: order shall ship within 30-45 days after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

Freight charges: Prepaid & added

Receipt of Goods: Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping: removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions; bonding of any type; permits and licenses; additional assurances and extended warranties (other than manufacturer's standard offerings); builders risk insurance and additionally insured; waivers of subrogation; provisions for prevailing wages or Davis Bacon Act; making site accessible to installation equipment (such as but not limited to bobcat, front-end loader, etc.); site security; fencing; excavation; off site waste disposal of spoils (spreading spoils within play area included); underground utility location.

To Order: Please complete the acceptance portion of this quotation and provide color selections, purchase order copy and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions herein.

## CHANGE ORDER No. 1 ROUTING FORM

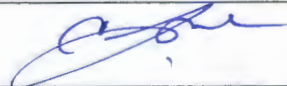
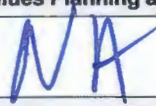

Project Information				
Project Name	District-Wide Playground Repair Project	Site	District-Wide	
Basic Directions				
Services cannot be provided until the contract is fully approved and a Purchase Order has been issued.				
Attachment Checklist	<input type="checkbox"/> Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000 <input type="checkbox"/> Workers compensation insurance certification, unless vendor is a sole provider			

Contractor Information				
Contractor Name	Bay Construction	Agency's Contact	Yong Kay	
OUSD Vendor ID #	V011739	Title	Project Manager	
Street Address	4026 Martin Luther King Jr.	City	Oakland	State CA Zip 94609
Telephone	510-658-7225	Policy Expires		
Contractor History	Previously been an OUSD contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No		Worked as an OUSD employee? <input type="checkbox"/> Yes <input type="checkbox"/> No	
OUSD Project #	07038			

Term			
Date Work Will Begin	06/28/2010	Date Work Will End By <small>(not more than 5 years from start date)</small>	8/12/2011

Compensation			
Total Contract Amount	\$	Total Contract Not To Exceed	\$467,000.00
Pay Rate Per Hour (If Hourly)	\$	If Amendment, Changed Amount	\$ 4,604.00
Other Expenses		Requisition Number	

Budget Information				
<i>If you are planning to multi-fund a contract using LEP funds, please contact the State and Federal Office before completing requisition.</i>				
Resource #	Resource Name	Org Key	Object Code	Amount
9399, 9599, 9699	General Obligation Bond Measure B	9189901871	6271	\$ 4,604.00
				\$

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	12-19-12
2.	General Counsel, Department of Facilities Planning and Management			
	Signature		Date Approved	
3.	Assistant Superintendent, Facilities Planning and Management			
	Signature		Date Approved	
4.	President, Board of Education			
	Signature		Date Approved	