

<b>Board Office Use: Legislative File Info.</b>	
File ID Number	19-2169
Introduction Date	11-13-2019
Enactment Number	19-1770
Enactment Date	12/11/19 If



# Memo

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
 Timothy White, Deputy Chief, Facilities Planning and Management

**Board Meeting Date** November 13, 2019

**Subject** Approval of Change Order No. 2 - to the Construction Contract with Digital Design Communications on the Fruitvale Elementary School Fire and Intrusion Alarm Replacement Project

**Action Requested** Approval by the Board of Change Order No. 2 to the Construction Contract with Digital Design Communications for the Fruitvale Elementary School Fire and Intrusion Alarm Project, and authorizing the President and Secretary of the Board to sign the change order to the contract.

**Discussion** The Changes in the contract scope of work include additional construction services, due to design errors and omissions discovered after the work started, thus additional construction work was needed. As a result, going back out to bid for additional work required by these unforeseen circumstances would not produce any advantage, and if fact, would be detrimental to the project schedule, also most certainly resulting in additional cost and delay to the District. The contract price will be increased by \$76,399.84, and the completion deadline will be extended to April 20, 2020.

Competitive bidding is not required since the change is less then 10% of the original contract price. In addition no competitive bidding is necessary because it would be no advantage to bidding. Competitive bidding is therefore excused under the reasoning of *Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631* and related case law.

**LBP** (Local Business Participation Percentage)  
**Recommendation**

99.9%

Approval by the Board of Education of Change Order No. 2 to the Construction Contract with Digital Design Communications for the Fruitvale Elementary School Fire and Intrusion Alarm Project, and authorizing the President and Secretary of the Board to sign the change order to the contract.

**Fiscal Impact** Fund 21, Measure B

**Attachments**

- Change No. 2, including documentation

# OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management • 955 High Street Oakland, California 94601 • Phone 510/879-8385 • Fax 510/879-1860

## CHANGE ORDER NO. 2

**PROJECT:** Fire Alarm  
Fruitvale Elementary School

**DATE:** 9/3/2019

**OWNER:** OAKLAND UNIFIED SCHOOL DISTRICT  
**CONTRACTOR:** DIGITAL DESIGNS COMMUNICATIONS  
8135 Capwell Drive\_  
Oakland, CA 94621

**DSA FILE NO.:** 1-29  
**DSA APP NO.:** 117173  
**OUSD PROJECT #:** 15125  
**PROJECT MANAGER:** Nicole Wells

If not previously directed, the Contractor is hereby directed to perform the work described in this change order and its attachments, including but not limited to the Summary, the relevant CORs or PCOs, and the backup documentation for the CORs or PCOs.

**DESCRIPTION OF AGREED CHANGES IN WORK** (specifically refer to attached pages or incorporated documents, such as CORs or PCOs): Change order needed to perform extra work required due to unforeseen conditions and conditions shown incorrectly on the drawings; requiring conduit, wiring and devices. Relocation of Intrusion Alarm and Fire Alarm Panels due to issues with other building systems installed in the office. Accommodation of copper theft devices installed at portables by Buildings and Grounds. Existing conduit to portables also full requiring new pathways.

**OTHER AGREED CHANGES TO THE CONTRACT:** None

**AGREED ADJUSTMENT TO CONTRACT PRICE FOR THIS CHANGE ORDER:** \$76,399.84

**AGREED ADJUSTMENT TO CONTRACT TIME FOR THIS CHANGE ORDER:** 120 calendar days

### SUMMARY OF ADJUSTMENTS TO CONTRACT PRICE:

Original Contract Price (including all allowances):	<u>\$796,800.00</u>
Total of Prior Change Orders' Adjustments:	<u>\$35,346.07</u>
Total Contract Price Prior to this Change Order:	<u>\$832,146.07</u>
This Change Order's Adjustment:	<u>\$76,399.84</u>
New Contract Price (including all allowances):	<u>\$908,545.91</u>

Current Change Order's Percentage of Original Contract Price:	<u>9.59%</u>
Total Change Orders' Percentage of Original Contract Price:	<u>14.02%</u>

**NOTE:** Any unspent allowance amounts shall be retained by the Owner at the end of the Contract. To process an allowance expenditure, use the Allowance Expenditure Directive form, which requires signatures of Contractor and Owner, but does not require Board approval.

### SUMMARY OF ADJUSTMENTS TO COMPLETION DEADLINE:

Original contract completion deadline:	<u>12/20/2019</u>
Time extensions granted in prior change orders:	<u>365</u> Calendar Days
Time extension granted in this change order:	<u>120</u> Calendar Days
Adjusted contract completion deadline:	<u>4/20/2020</u>

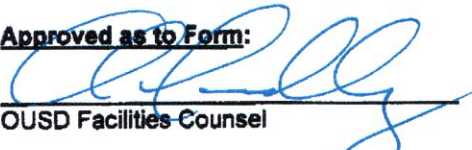
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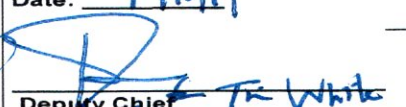
THE COMPENSATION (TIME AND COST) SET FORTH IN THIS CHANGE ORDER COMPRISES THE TOTAL COMPENSATION DUE THE CONTRACTOR FOR THE CHANGE DEFINED IN THE CHANGE ORDER, INCLUDING EXTRA WORK AND IMPACT ON UNCHANGED WORK. ACCEPTANCE OF THIS CHANGE ORDER CONSTITUTES A FULL AND COMPLETE ACCORD AND SATISFACTION OF ANY AND ALL CLAIMS BY CONTRACTOR ARISING OUT OF OR RELATING TO THE WORK AND ISSUES COVERED BY THE CHANGE ORDER, INCLUDING BUT NOT LIMITED TO CLAIMS FOR CONTRACT BALANCE AND RETENTION, TIME, EXTENDED FIELD, HOME OFFICE OR OTHER OVERHEAD, ALL ACCELERATION, IMPACT, DISRUPTION AND DELAY DAMAGES, ANY AND ALL OTHER DIRECT AND/OR INDIRECT COSTS, CLAIMS BY SUBCONTRACTORS AND SUPPLIERS, AND ANY AND ALL OTHER CLAIMS AGAINST THE OWNER FOR TIME OR MONEY, FROM ANY SOURCE AND UNDER ANY LEGAL THEORY WHATSOEVER, AS TO THE SUBJECT OF THIS CHANGE ORDER. NO SIGNATURE UNDER PROTEST OR ACCOMPANIED BY RESERVATION OF RIGHTS OR PROTEST LANGUAGE, OR ANY OTHER ATTEMPTS TO AVOID SUCH WAIVER SHALL BE OF ANY FORCE OR EFFECT WHATSOEVER. NO ADDITIONS OR DELETIONS TO THIS CHANGE ORDER SHALL BE ALLOWED, EXCEPT WITH WRITTEN PERMISSION OF OWNER. NO LANGUAGE CONTAINED IN BACKUP MATERIAL TO ANY CHANGE ORDER SHALL CONSTITUTE A WAIVER OF THIS REQUIREMENT, AND SUCH BACKUP MATERIAL SHALL BE INTERPRETED AS THOUGH SUCH LANGUAGE DOES NOT EXIST.

This Change Order is hereby agreed to, accepted, and approved, and will be binding and enforceable upon approval by the Owner's governing body.

**Approved as to Form:**

  
 \_\_\_\_\_  
 OUSD Facilities Counsel

10/25/19  
 \_\_\_\_\_  
 Date

<p><b>Approved: Architect of Record</b></p>  <p>          _____          Signature          Date: 10/09/2019</p>	<p><b>Approved and Agreed: General Contractor</b></p>  <p>          _____          Signature          Date: 10/9/19</p>	<p><b>Approved: OUSD</b></p> <p>          _____          Director of F          Date: 10/16/19</p> <p>          _____          Deputy Chief          Date: 10/16/19</p>
<p><b>Approved: Electrical or Structural Engineer</b></p>  <p>_____          Date:</p>	<p><b>Approved: Mechanical Engineer</b></p>  <p>_____          Date:</p>	<p><b>Approved: Div. of the State Architect</b></p>  <p>_____          Date:</p>

Aimee Eng 12/12/19  
 Aimee Eng  
 President, Board of Education

Kyla Johnson Trammell 12/12/19  
 Kyla Johnson Trammell  
 Secretary, Board of Education

OAKLAND UNIFIED SCHOOL DISTRICT  
 FRUITVALE ES FIRE & INTRUSION ALARM REPLACEMENT  
 PROJ # 15125

RFI#1-24 OVERALL SUMMARY

To: N. WELLS/PM  
 From: Emil Vinuya/Chief Cost Estimator  
 Date: 4-Sep-19

General Comments:

1 SUMMARY OF COSTS

	DDC	OUSD
RFI#1	\$ 977.19	\$ 977.19
RFI#3	\$ (7,518.00)	\$ (7,518.00)
RFI#4	\$ 1,605.61	\$ 1,605.61
RFI#5	\$ 1,381.47	\$ 1,381.47
RFI#7	\$ 557.13	\$ 557.13
RFI#8	\$ 1,429.50	\$ 1,429.50
RFI#9	\$ 557.13	\$ 557.13
RFI#13	\$ 541.20	\$ 541.20
RFI#14	\$ 1,294.63	\$ 1,294.63
RFI#15	\$ 940.61	\$ 940.61
RFI#16	\$ 619.12	\$ 619.12
RFI#17	\$ 6,458.22	\$ 6,458.22
RFI#19	\$ 572.88	\$ 572.88
RFI#22	\$ 1,824.04	\$ 1,824.04
RFI#23	\$ 1,034.98	\$ 1,034.98
New pathways for FA & IA wiring to all portables	\$ 64,124.13	\$ 64,124.13
<b>2 TOTAL AMOUNT</b>	<b>\$ 76,399.84</b>	<b>\$ 76,399.84</b>

3 NOTES:

DDC - All cost proposed by DDC under DDC scope are reasonable & accepted.

PENINSULA SECURITY SERVICES - Cost provided by Sub appears reasonable.

Per meeting with Johnson Controls Inc. on August 26, 2019, the labor manhour to install/program/test per device was agreed between OUSD & JCI.

GIRON - Based on the revised cost proposed by this Sub for New pathways - cost appears reasonable



### DIVISION OF FACILITIES PLANNING & MANAGEMENT ROUTING FORM

Project Information			
Project Name	Fruitvale Elementary School Fire & Intrusion Alarm	Site	117

Basic Directions	
Services cannot be provided until the contract is awarded by the Board or is entered by the Superintendent pursuant to authority delegated by the Board.	
Attachment Checklist	<input checked="" type="checkbox"/> Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000 <input checked="" type="checkbox"/> Workers compensation insurance certification, unless vendor is a sole provider

Contractor Information			
Contractor Name	Digital Design Communications	Agency's Contact	Victor Zamora
OUSD Vendor ID #	001380	Title	Manager
Street Address	1630 San Pablo Avenue Ste. 200	City	Oakland State CA Zip 94621
Telephone	925-866-9000	Policy Expires	
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 #	15125		

Term of Original/Amended Contract			
Date Work Will Begin (i.e., effective date of contract)	12-18-2018	Date Work Will End By (not more than 5 years from start date; for construction contracts, enter planned completion date)	12-20-2019
		New Date of Contract End (If Any)	4-20-2020

Compensation/Revised Compensation			
If New Contract, Total Contract Price (Lump Sum)	\$	If New Contract, Total Contract Price (Not To Exceed)	\$
Pay Rate Per Hour (if Hourly)	\$	If Amendment, Change in Price	\$ 76,399.84
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 #	Funding Source	Org Key	Object Code	Amount
9399 9668	Fund 21, Measure B	210-9399-0-9668-8500-6274-117-9180-9901-9999-99999	6274	\$76,399.84

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	Phone	510-535-7038	Fax 510-535-7082
1.	Director, Facilities Planning and Management	Signature	Date Approved	10/17/19
2.	General Counsel, Department of Facilities Planning and Management	Signature	Date Approved	10/25/19
3.	Deputy Chief, Facilities Planning and Management	Signature	Date Approved	10/26/19
4.	Chief Financial Officer	Signature	Date Approved	
5.	President, Board of Education	Signature	Date Approved	