

LEGISLATIVE FILE

File ID No. 12-2582

Introduction Date 10/24/12

Enactment No. 12-2667

Enactment Date 10/24/12

By [Signature]

OAKLAND UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT
October 24, 2012

TO: Board of Education

**FROM: Tony Smith, Ph. D, Superintendent
Timothy White, Associate Superintendent for Facilities Planning
& Management**

**SUBJECT: Increased Project Budget Expenditure and Amendment of Facilities
Lease to the Lease Back Agreements Pertaining to the Highland New
Classroom Building – Portable Replacement Project**

ACTION REQUESTED:

Approval by the Board of Education of Resolution No. **1213-0039 - Approval of Increased Project Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreements Pertaining to the Highland New Classroom Building – Portable Replacement Project**, in the amount of \$882,645.00 for the New Highland Classroom Project ("Project") #06009, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,850,000.00 to \$13,732,645.00.

BACKGROUND:

The budget for the New Highland Classroom Project ("Project"), file I.D. # 04-409, was approved by the Board of Education on April 14, 2009 in the amount of \$16,733,142.00. The Guaranteed Project Cost ("GPC") for the Project submitted by the Developer, ADCO, Turner Group, Alten, JV, ("Developer") was \$12,850,000.00. The funds left remaining in the approved budget for the Project, after allocation of the GPC equal \$3,883,142.00.

Staff is requesting that the Board of Education approve a transfer of funds from the existing budget for the Project to increase the GPC due to unforeseen conditions and design error, outside the Developer's control.

The redistribution of the Project budget will result in the following GPC, contingency and allowance changes:

Under Article 2.1.4.2 of Exhibit C to the Facilities Lease, the Developer Contingency is for potential additional construction costs for unforeseen conditions that occur over the course work of construction and/or for scope gaps between the subcontract categories of the work is listed as \$200,000.00. The transfer will increase the Developer's Contingency from \$200,000.00 to \$976,034.00.

Under Article 2.1.5 of Exhibit C, District Allowance is for the exclusive use of the District for additional owner generated Project costs including, but not limited to, owner requested

changes in scope is listed as \$200,000.00. The transfer will increase the District Allowance from \$200,000.00 to \$306,611.00.

Under Article 2.1 of Exhibit C, the GPC is listed as \$12,850,000.00 and following the transfer, will increase to \$13,732,645.00.

The total redistribution of existing Project budget funds is \$882,645.00.

The transfer of existing Project funds will remedy insufficient estimates and unanticipated and/or unforeseen items typical to a project delivery method decided on late in the design process and without the peer review associated with it. The estimated contingency(s) were insufficient based on DSA approved documents and actual site conditions.

FISCAL IMPACT: \$882,645.00. (Delta between original \$12,850,000.00 GPC and new \$13,732,645.00 GPC that transfers funds from approved \$16,733,142.00 budget.)

RECOMMENDATION:

Approval by the Board of Education of Resolution No. **1213-0039 - Approval of Increased Project Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreements Pertaining to the Highland New Classroom Building – Portable Replacement Project**, in the amount of \$882,645.00 for the New Highland Classroom Project ("Project") #06009, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,850,000.00 to \$\$13,732,645.00.

**BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 1213-0039**

APPROVAL OF INCREASED PROJECT BUDGET EXPENDITURE AND AMENDMENT OF FACILITES LEASE TO THE LEASELEASE BACK AGREEMENTS PERTAINING TO THE HIGHLAND NEW CLASSROOM BUILDING – PORTABLE REPLACEMENT PROJECT

WHEREAS, the Board of Education approved Resolution No. 0809-0109 (Enactment No. 09-0830) on April 22, 2009, designating \$16,733,142.00 as the approved project budget for the Highland New Classroom Building – Portable Replacement Project (“the Project”); and

WHEREAS, the Board approved (Enactment No. 11-0175) on February 9, 2011, the Lease Leaseback Method of Construction Delivery for and authorized the execution of Site Lease Agreement, Facilities Lease Agreement and Other Acts Relating to the Construction and Modernization of Highland Elementary School (the Project) with DOANS/TURNER GROUP/ALTEN, JV (“Developer”) for the Guaranteed Project Cost (GPC) of \$12,850,000.00; and

WHEREAS, Project unforeseen conditions and design error outside of the Developer’s control have occurred resulting in an increase in costs by \$882,645.00,

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves an \$882,645.00 increase in the GPC with Developer from \$12,850,000.00 to \$13,732,645.00, with said increase to be taken from (appropriated) said project budget approved April 22, 2009; and

BE IT FURTHER RESOLVED that the Board authorizes and approves Amendment of the Facilities Lease Agreement and Other Acts Relating to the Project to the extent necessary to effectuate the increase in the GPC with Developer.

PASSED AND ADOPTED on October 24, 2012, by the Governing Board of the Oakland Unified School District by the following vote:

AYES: David Kakishiba, Noel Gallo, Alice Spearman, Christopher Dobbins, President Jody London


NOES: None

ABSTENTIONS: None

ABSENCES: Gary Yee, Vice President Jumoke Hinton-Hodge

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

File ID Number: 12-2682
Introduction Date: 10/24/12
Enactment Number: 12-2667
Enactment Date: 10/24/12
By: e



Edgar Rakestraw, Jr.
Secretary of the Governing Board
Oakland Unified School District

LEGISLATIVE FILE

File ID No. 09-0981
Introduction Date 4-14-09
Enactment No. 09-0830
Enactment Date 4-22-09
By JA

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the State Administrator
April 22, 2009

To: Board of Education

From: Roberta Mayor, Ed.D., Interim Superintendent
Timothy E. White, Assistant Superintendent of Facilities Planning & Management, Buildings & Grounds and Custodial Services

Subject: **Authorizing and Approving the Project Budget Increase for the Highland New Classroom Building-Portable Replacement Project in the amount of \$11,783,142.00, increasing the project budget from \$4,950,000.00 to \$16,733,142.00.**

ACTION REQUESTED

Approval by Board of Education of Resolution No. 0809-0109 on behalf of the District authorizing and approving the Project Budget Increase for the Highland New Classroom Building-Portable Replacement Project in the amount of \$11,783,142.00, increasing the project budget from \$4,950,000.00 to \$16,733,142.00.

BACKGROUND

In keeping with the Oakland Unified School District's commitment to the improvement and development of its K-12 facilities, the District has embarked on a groundbreaking plan to create a district-wide modernization of the District's schools.

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

**RESOLUTION OF THE
BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 0809-0109

**AUTHORIZING AND APPROVING PROJECT BUDGET INCREASE FOR
HIGHLAND NEW CLASSROOM BUILDING – PORTABLE REPLACEMENT
PROJECT**

WHEREAS, in keeping with the Oakland Unified School District's commitment to the improvement and development of its K-12 facilities, District staff has prepared the listed New Project Budget, Project Code and Key Code with an attached detailed explanation of the budget component costs; and

WHEREAS, authorization and approval of the Project Budget Increase will provide for a budget increase of \$11,783,142.00. Increase to the project scope and budget include the following: Increase room count in the new bldg. to nine classrooms and add three flex/office type spaces. Add 3,000 sq.ft. multipurpose space to the building. Add remodeling of RISE main bldg to create Kindergarten rooms and central hallway. Add remodeling of New Highland main building to create two kindergarten spaces. Remodel existing multipurpose portable and one classroom portable. Add site work/repaving of entire site; and

WHEREAS, the following table represents the Project Budget Increase for this project, which incorporates all project costs and fees per the attached Board Budget Breakdown to this Resolution, which provides a detailed summary of the costs comprising the Project Budget Increase:

Site	Original Budget	Project Budget Increase	Total
Highland Small School Portable Replacement	\$4,950,000.00	\$11,783,142.00	\$16,733,142.00

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.

FISCAL IMPACT

The funding sources for this project budget are the General Obligation Bond-Measure B.

RECOMMENDATION

Approval by Board of Education of Resolution No. 0809-0109 on behalf of the District authorizing and approving the Project Budget Increase for the Highland New Classroom Building-Portable Replacement Project in the amount of \$11,783,142.00, increasing the project budget from \$4,950,000.00 to \$16,733,142.00.

ATTACHMENTS

Resolution No. 0809-0109 - Authorizing and approving the Project Budget Increase, for the Highland New Classroom Building – Portable Replacement in the amount of \$16,733,142.00.

Site	Original Project Budget	Project Budget Increase	Total
Highland New Classroom Building – Portable Replacement	\$4,950,000.00	\$11,783,142.00	\$16,733,142.00

**RESOLUTION OF THE
BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 0809-0109

**AUTHORIZING AND APPROVING PROJECT BUDGET INCREASE FOR
HIGHLAND NEW CLASSROOM BUILDING — PORTABLE REPLACEMENT
PROJECT**

Page 2

NOW THEREFORE BE IT RESOLVED, that the Project Budget Increase and for the Highland Small School — Portable Replacement in the amount stated herein for the purpose listed are hereby approved.

Passed by the following vote:


AYES: Jody London, David Kakishiba, Jumoke Hodge, Gary Yce, Christopher Dobbins,
Vice President Noel Gallo, and President Alice Spearman

NOES: None

ABSTAINED: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted, at a Regular Meeting of the Governing Board of the Oakland Unified School District held on April 22, 2009.


Edgar Rakestraw, Jr.
Secretary, Board of Education

ATTACHMENT A
Highland New Classroom Project
Project Budget Increase

Project Number: 06009

Key Code : 1269901830

Project Description: Increase to the project scope and budget include the following: Increase room count in the new bldg. to nine classrooms and add three flex/office type spaces. Add 3,000 sq. ft. multipurpose space to the bldg. Add remodeling of RISE main bldg to create Kindergarten rooms and central hallway. Add remodeling of New Highland main bldg to create two kindergarten spaces. Remodel existing multipurpose portable and one classroom portable. Add site work/repaving of entire site.

Budget Code	Budget Description	Project Budget	Budget Increase	Total
4400	Cap Exp Over \$500 but under thresl	\$ -		\$ -
6105	Site Purchase	\$ -		\$ -
6112	Appraisals	\$ -		\$ -
6132	Escrow Costs	\$ -		\$ -
6160	Surveying Costs	\$ -		\$ -
6150	Site Support Costs	\$ -		\$ -
6145	Relocation Assistance	\$ -		\$ -
6170	Hazardous Waste	\$ -		\$ -
6175	Demolition	\$ -		\$ -
6180	Utility Hookup Fees	\$ -		\$ -
6190	Other Site Costs	\$ -		\$ -
6215	Architect/Engineering Costs	\$ 330,000.00	\$ 1,000,000.00	\$ 1,330,000.00
6222	DSA Fees	\$ -		\$ -
6232	CDE Fees	\$ -		\$ -
6242	Energy Analysis	\$ -		\$ -
6252	Preliminary Tests	\$ -		\$ -
6262	Other Planning Costs	\$ 450,000.00	\$ 200,000.00	\$ 650,000.00
6271	Main Construction	\$ 3,660,000.00	\$ 10,000,000.00	\$ 13,660,000.00
6272	Construction Management	\$ -		\$ -
6274	Other Construction	\$ 210,000.00	\$ 233,142.00	\$ 443,142.00
6276	Moving Expenses	\$ 50,000.00		\$ 50,000.00
6278	Interim Housing	\$ -		\$ -
6265	Testing	\$ 100,000.00	\$ 150,000.00	\$ 250,000.00
6235	Inspections	\$ 150,000.00	\$ 200,000.00	\$ 350,000.00
6299	Contingency (Budget Use Only)	\$ -		\$ -
6410	Furniture and Equipment	\$ -		\$ -
6414	Desktop Computers	\$ -		\$ -
6415	Network Equipment	\$ -		\$ -
6416	Printers	\$ -		\$ -
6417	Video Equipment	\$ -		\$ -
6418	Computer Servers	\$ -		\$ -
6420	Other Technology Equipment	\$ -		\$ -
	Totals	\$ 4,950,000.00	\$ 11,783,142.00	\$ 16,733,142.00

**Oakland Unified School District
Division of Facilities Planning and Management**

Budget Increase Request Form

Form Initiation Date: 3/9/2009
 Project Name: Highland New Classroom Bldg
 Project Type: Portable Replacement
 Project Number: 06009
 Site Number: 193
 Project Manager: Kevin Newlon

0809-0109

Reasons For Budget Increase:

Increase to the project scope & budget include the following: Increase room count in the new bldg to nine classrooms & add three flex/office type spaces. Add 3,000 sqft multipurpose space to the bldg. Add remodeling of RISE main bldg to create Kindergarten rooms & central hallway. Add remodeling of New Highland main bldg to create two kindergarten spaces. Remodel existing multipurpose portable & one classroom portable. Add site work/repaving of entire site.

(For Accounting Use Only) Budget Key Code	Budget Object Code	Description	Amount of Increase
	6215	Architects/Engineers	\$ 1,000,000
	6235	Inspector/Inspections	\$ 200,000
	6262	Other Planning Costs	\$ 200,000
	6265	Testing	\$ 150,000
	6271	Main Construction	\$ 10,000,000
	6274	Other Construction	\$ 233,142
	6276	Moving Expense	
		Subtotal	\$ 11,783,142.00

RECEIVED

3-20-09

Original Budget \$ 4,950,000.00
 Budget Increase #1 \$ 11,783,142.00
 Revised Budget Amount \$ 16,733,142.00

Authorized Signatures:

[Signature] *3/10/09*
 Director of Facilities Date

[Signature]
 Assistant Superintendent Date

Board Approval :

[Signature] *3/9/09*
 Contract Administrator Date

cc: Contract Administration
 Accounting
 GKK / McCarthy

For Submittal to Board
 For Budget Loading
 For Input Into Prolog

DESIGN AND CONSTRUCTION AUTHORIZATION

Project # 06009	Site # 126	School: Highland Elementary	Address: 8521 A Street, Oakland, Ca 94621
Project Title: Highland New Classroom/Multipurpose Building			
Project Description/ Justification: Relocation of four existing portable buildings to be replaced with a new two-story building, including, 8-classrooms, 2 restrooms, and all required ancillary spaces. Provisions and installation of all required site utilities, including, electrical, fire/life safety data, security, telephones, etc. Demolition and removal of 8 existing portables buildings after completion of new building and site work.		GUIDELINE ESTIMATE	PRELIMINARY SCHEDULE
		Construction \$3,330,000.00 Consult. Fees \$ 330,000.00 Owner's Misc. \$ 760,000.00 Built-in Equip. \$ 60,000.00 Furniture & Equip. \$ 50,000.00 Contingency \$ 330,000.00 Telecom \$ 50,000.00 TOTAL: \$ 4,950,000.00	Scoping: <u>12/1/06</u> to <u>2/28/07</u> Design: <u>3/1/07</u> to <u>8/1/07</u> Review: <u>8/2/07</u> to <u>9/1/07</u> DSA/Bid: <u>9/2/07</u> to <u>1/31/08</u> Construction: <u>2/1/08</u> to <u>10/1/08</u> Target Move-In: <u>10/2/08</u> to <u>1/31/09</u> Closeout
OUSD Facilities Director _____ Date _____		OUSD Asst. Superintendent _____ Date _____	
Project Scoping Details Increase to the project scope & budget include the following: Increase room count in the new bldg to nine classrooms & add three flex/office type spaces. Add 3,000 sqft multipurpose space to the bldg. Add remodeling of RISE main bldg to create Kindergarten rooms & central hallway. Add remodeling of New Highland main bldg to create two kindergarten spaces. Remodel existing multipurpose portable & one classroom portable. Add site work/repaving of entire site.		PROJECT ESTIMATE	PROJECT SCHEDULE
		Construction \$13,660,000.00 Constt. Fees \$ 1,330,000.00 Owner's Misc. \$ 1,303,142.00 Built-in Equip. \$ 60,000.00 Contingency \$ 330,000.00 Telecom \$ 50,000.00 TOTAL: \$16,733,142.00	Scoping : <u>4/1/09</u> to <u>5/1/09</u> Design : <u>5/2/09</u> to <u>12/31/09</u> Review : <u>1/1/10</u> to <u>3/31/10</u> DSA/Bid: <u>4/1/10</u> to <u>6/1/10</u> Construction: <u>6/2/10</u> to <u>8/22/11</u> Target Move-In: <u>8/23/11</u> Closeout: <u>8/24/11</u> to <u>12/31/11</u>
OUSD Facilities Director _____ <u>3/16/11</u> Date _____		OUSD Asst. Superintendent <u>[Signature]</u> Date _____	
Revision Information		PROJECT ESTIMATE	PROJECT SCHEDULE
		Construction \$ _____ Consult. Fees \$ _____ Owner's Misc. \$ _____ Built-In Equip. \$ _____ Contingency \$ _____ Telecom \$ _____ TOTAL: \$ _____	Scoping : _____ to _____ Design : _____ to _____ Review : _____ to _____ DSA/Bid: _____ to _____ Construction: _____ to _____ Target Move-In: _____ Closeout _____ to _____
OUSD Facilities Director _____ Date _____		OUSD Asst. Superintendent _____ Date _____	
Accounting Code _____			DCA No. 36R1

PROJECT INFORMATION

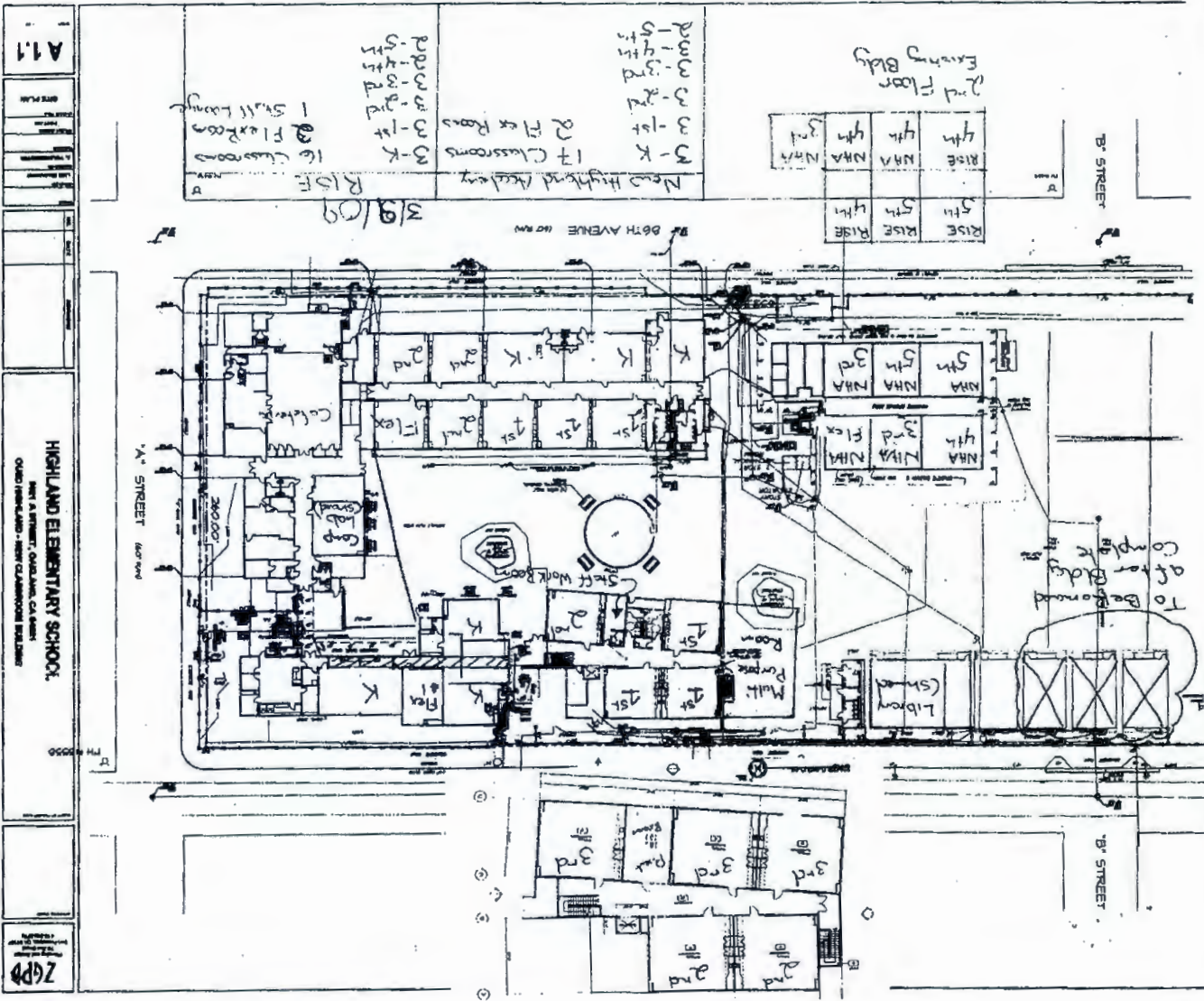
<p>MANAGED BY (Choose One)</p> <p><i>FACILITIES DEVELOPMENT</i></p> <p><input checked="" type="checkbox"/> OUSD Project Mgr. <input type="checkbox"/> Building & Grounds <input type="checkbox"/> District Wide Projects</p>		<p>REGULATORY AGENCY</p> <p><input checked="" type="checkbox"/> DSA <input type="checkbox"/> None <input type="checkbox"/> Local</p> <p>CONSTRUCTION BY</p> <p><input type="checkbox"/> OUSD Buildings & Grounds <input checked="" type="checkbox"/> Outside Contractor</p>	
<p>BUDGET CATEGORY</p> <p><input type="checkbox"/> Deferred Maint. <input type="checkbox"/> G.O. Bond <input type="checkbox"/> Expense <input type="checkbox"/> Developer Fees <input checked="" type="checkbox"/> Other Measure <u>B</u></p>	<p>BUILDING TYPE</p> <p><input checked="" type="checkbox"/> School <input type="checkbox"/> Child Develop. <input type="checkbox"/> District Office <input type="checkbox"/> Portables <input type="checkbox"/> Other</p>	<p>DESIGN BY</p> <p><input checked="" type="checkbox"/> A/E <input type="checkbox"/> Design/Build <input type="checkbox"/> Other</p>	<p>PROJECT PURPOSE</p> <p><input type="checkbox"/> Safety <input checked="" type="checkbox"/> Capacity <input checked="" type="checkbox"/> Adequacy <input type="checkbox"/> Functionality <input type="checkbox"/> Aesthetics <input type="checkbox"/> Other;</p>

BUDGET : FUNDING					
	\$ _____	REVISION		FINAL COSTS	
Current Year	\$ _____				
Other Year	\$ _____	Current Year:	\$ _____	Scoping	\$ _____
Other Years	\$ _____	Other Year	\$ _____	Construction	\$ _____
				Const. Fees	\$ _____
				Owner's	
				Misc.	\$ _____
				Built-In	
				Equip.	\$ _____
TOTAL:	\$ _____	Other Years	\$ _____	TOTAL:	\$ _____
		TOTAL:	\$ _____		

**HIGHLAND ELEMENTARY SCHOOL
NEW CLASSROOM/MULTIPURPOSE BUILDING
BUDGET INCREASE
PROJECT NO. 06009**

3/1/09

PHASE I	BUDGET
DEMO RESTROOM BLDG	\$ 25,000
CONSTRUCT NEW CLASSROOM BLDG (17,000 SQFT)	
- NINE (9) CLASSROOMS (9,000 SQFT)	
- ONE (1) MULTIPURPOSE ROOM (3,000 SQFT)	
- ONE (1) ELEVATOR	
- BOYS & GIRLS RESTROOMS (1,500 SQFT)	
- ONE STAFF WORK ROOM (500 SQFT)	
- ONE FLEX ROOM (600 SQFT)	
- ONE FLEX OFFICE SPACE (400 SQFT)	
15,000 SQFT X 1.2 FOR CIRCULATION FACTOR = 18,000 SQFT	
CONSTRUCTION COST OF \$450/SQFT X 18,000 SQFT	\$ 8,100,000
PHASE II	
REMODEL RISE BUILDING TO CREATE THREE ROOMS, A FLEX SPACE ROOM, A CONTINUOUS HALLWAY FROM THE FRONT OFFICE TO THE NEW BLDG & NEW RESTROOMS	\$ 732,853
REMODEL TWO NEW HIGHLAND ACADEMY ROOMS TO CREATE KINDERGARTEN CLASSROOMS, SCOPE INCLUDES ADDITION OF TWO RESTROOMS WITHIN EXISTING CLASSROOM SPACE.	\$ 440,510
REMODEL EXISTING MULTIPURPOSE PORTABLE: NEW CEILINGS, DIVIDING WALL TO CREATE LIBRARY SPACE	\$ 100,000
REMODEL ONE EXISTING PORTABLE CLASSROOM TO CREATE OFFICE SPACES	\$ 50,000
PHASE III	
REMOVE (7) SEVEN PORTABLE CLASSROOM BLDGS	\$ 400,000
REPAVING PLAYGROUND AREA, NEW PLAY STRUCTURES & EQUIPMENT, LANDSCAPING, IRRIGATION (APPROX 80,000 SQFT X \$10/SQFT)	\$ 800,000
SUBTOTAL	\$ 10,648,363
CONTINGENCY (10%)	\$ 1,064,836
TOTAL CONSTRUCTION COSTS	\$ 11,713,199
Soft Costs (30% of Total Budget):	\$ 5,019,943
TOTAL BUDGET AMOUNT :	\$ 16,733,142



A11	DATE P.L.M.	NO. OF SHEETS	NO. OF SHEETS	NO. OF SHEETS	NO. OF SHEETS

HIGHLAND ELEMENTARY SCHOOL,
 NEW A STREET, OAKLAND, CALIF.
 OLD HIGHLAND - NEW CLASSROOM BUILDING

ZPD