

Board Office Use: Legislative File Info.	
File ID Number	17-0294
Introduction Date	4-12-17
Enactment Number	
Enactment Date	



OAKLAND UNIFIED  
SCHOOL DISTRICT

# Memo

**To** Board of Education

**From** Devin Dillon, Superintendent and Secretary, Board of Education  
By: Vernon Hal, Senior Business Officer *VH*  
Joe Dominguez, Deputy Chief, Facilities Planning and Management *J.D.*

**Board Meeting Date** March 8, 2017  
*22*

**Subject** Change Order No. 1 with Berkeley Cement, Inc. for Glenview at Edna Brewer Project in an amount of \$10,284.00 increasing the current contract from \$40,000.00 to \$50,284.00

**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 Berkeley Cement, Inc., Oakland, CA., for the latter to provide additional sidewalk, curb and gutter work required by the City of Oakland Traffic Engineer, in conjunction with the Glenview at Edna Brewer Project, in the amount not to exceed \$10,284.00, increasing the current contract amount from \$40,000.00 to \$50,284.00.

**Discussion** A change order is required for change to the work with full documentation of costs per contract.

**LBP (Local Business Participation Percentage)** 100%

**Procurement Method** Change Order to CUPCCAA Contract / Awarded to entity following OUSD competitive solicitation process.

**Recommendation** Authorize the President and Secretary of the Board to enter into and execute Change Order No. 1 on behalf of the District with Berkeley Cement, Inc., Oakland, CA., for the latter to provide additional sidewalk, curb and gutter work required by the City of Oakland Traffic Engineer, in conjunction with the Glenview at Edna Brewer Project, in the amount not to exceed \$10,284.00, increasing the current contract amount from \$40,000.00 to \$50,284.00.

	Amount \$	Percent %
DSA and Agency Requested Change (Preliminary Change Order No. 1)	\$10,284.00	25.71%
<b>TOTAL</b>	<b>\$10,284.00</b>	<b>25.71%</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:	\$40,000.00
Sum of previously approved Change Orders:	<u>\$0.00</u>
Contract sum prior to this Change Order:	\$40,000.00
Cost of current CUPCCAA Contract	<u>\$10,284.00</u>
New Contract Sum:	\$50,284.00
Current Change Order(s) as % of contract	25.71%
Contract completion date as of this November 30, 2016	November 30, 2016

**Fiscal Impact**

Fund 21, Measure J

**Attachments**

- Change No. 1 which includes: Glenview at Edna Brewer PCO (Preliminary Change Order) Number: 1
- Key Codes: 1199905822-6274



**CONTRACT JUSTIFICATION FORM**  
**This Form Shall Be Submitted to the Board Office**  
**With Every Consent Agenda Contract.**

**Legislative File ID No.** 17-0296

**Department:** Facilities Planning and Management

**Vendor Name:** Berkeley Cement Inc.

**Project Name:** Glenview New Construction **Project No.:** 13134

**Contract Term:** Intended Start: 3-~~9~~<sup>22</sup>-2017 Intended End: 3-30-2017

**Annual (if annual contract) or Total (if multi-year agreement) Cost:** \$40,000.00

**Approved by:** Tadashi Nakadegawa

**Is Vendor a local Oakland Business or have they meet the requirements of the**

**Local Business Policy?**  Yes (No if Unchecked)

**How was this Vendor selected?**

This vendor was the lowest and most responsive to the informal request for proposals.

**Summarize the services this Vendor will be providing.**

Form/Place/Reinforce/Finish all site concrete listed below:  
1. City Spec Standard Sidewalk  
- Hand tooled  
- Expansion: Joint Sealant  
- Broom Finish  
2. City Spec Curb and Gutter

**Was this contract competitively bid?**  Yes (No if Unchecked)

If No, please answer the following:

1) How did you determine the price is competitive?

2) Please check the competitive bid exception relied upon:

- Educational Materials**
- Special Services** contracts for financial, economic, accounting, legal or administrative services
- CUPCCAA Exception** (Uniform Public Construction Cost Accounting Act)
- Professional Service Agreements** of less than \$86,000 (increases a small amount on January 1 of each year)
- Construction related Professional Services** such as Architects, DSA Inspectors, Environmental Consultants and Construction Managers (require a "fair, competitive selection process)
- Energy** conservation and alternative energy supply (e.g., solar, energy conservation, co-generation and alternative energy supply sources)
- Emergency** contracts
- Technology** contracts
  - electronic data-processing systems, supporting software and/or services (including copiers/printers) over the \$86,000 bid limit, must be competitively advertised, but any one of the three lowest responsible bidders may be selected
  - contracts for computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus, including E-Rate solicitations, may be procured through an RFP process instead of a competitive, lowest price bid process
  - Western States Contracting Alliance Contracts (WSCA)
  - California Multiple Award Schedule Contracts (CMAS) [contracts are often used for the purchase of information technology and software]
- Piggyback" Contracts** with other governmental entities
- Perishable Food**
- Sole Source**
- Change Order for Material and Supplies** if the cost agreed upon in writing does not exceed ten percent of the original contract price
- Other, please provide specific exception**

3)  **Not Applicable - no exception - Project was competitively bid**





CITIES MGMT

C'16PW2:26

Berkeley Cement Inc.  
 1200 Sixth Street  
 Berkeley, CA 94710  
 Phone: 510 525-8175  
 Fax 510 527-0782  
 State License No. 290755  
 www.bciconcrete.com

**INVOICE**

**Bill To**  
 Oakland Unified School  
 District  
 955 High Street  
 Oakland, CA 94601

**Job Location**  
 160804  
 Oakland School Bus Stop  
 Glenview Elementary School  
 4215 La Cresta Ave.  
 Oakland, CA 94601

**Contact**  
 Contact: Fadelli, D  
 Terms: Net 30 days  
 G/C Job #: 13134

**Invoice**  
 Invoice #: 16080402  
 Draw: 160804P02  
 Invoice date: 11/30/2016  
 Period ending date: 11/30/2016

Original Contract	40,000.00
Change Orders	10,284.32
Revised Contract	50,284.32

Percent complete	100.00%
Work Complete to Date	50,284.32
Work previously billed	40,000.00
Amount billed this period	10,284.32
Retainage percent	10.00%
Less retainage amount	1,028.43
Net amount this invoice	9,255.89

Subtotal	10,284.32
Retainage	1,028.43
Net amount this invoice	9,255.89

*Glenview*  
*13134*  
*P1703315*  
*Wm Neal*  
*9,255.89*  
*12/1/16*



INV26006

**CONTRACT DETAIL**

Item ID	Description	Total Contract Amount	Previously Completed Work	Work Completed This Period	Presently Stored Materials	Completed And Stored To Date	% Comp	Balance To Finish	Retainage Balance
01	Concrete @ Bus Stop	40,000.00	40,000.00			40,000.00	100.00		4,000.00
02	Change Order 1	5,959.32		5,959.32		5,959.32	100.00		595.93
03	Change Order 2	4,325.00		4,325.00		4,325.00	100.00		432.50
<b>Totals</b>		<b>50,284.32</b>	<b>40,000.00</b>	<b>10,284.32</b>		<b>50,284.32</b>	<b>100.00</b>		<b>5,028.43</b>



**CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT**  
Civil Code Section 8132

NOTICE: THIS DOCUMENT WAIVES THE CLAIMANT'S LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS EFFECTIVE ON RECEIPT OF PAYMENT. A PERSON SHOULD NOT RELY ON THIS DOCUMENT UNLESS SATISFIED THAT THE CLAIMANT HAS RECEIVED PAYMENT.

**Identifying Information**

Name of Claimant: **Berkeley Cement, Inc.**

Name of Customer: **Oakland Unified School District**

Job Location: # **13134 – Glenview Elementary School New Const, 4215 La Cresta Ave, Oakland, CA**

Owner: **Oakland Unified School District**

Through Date: **November 30, 2016**

**Conditional Waiver and Release**

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job through the Through Date of this document. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. This document is effective only on the claimant's receipt of payment from the financial institution on which the following check is drawn:

Maker of Check : **Oakland Unified School District**

Amount of Check: **\$9,255.89**

Check Payable to: **Berkeley Cement, Inc.**

**Exceptions**

This document does not affect any of the following:

- (1) Retentions.
- (2) Extras for which the claimant has not received payment.
- (3) The following progress payments for which the claimant has previously given a conditional waiver and release but has not received payment:
- (4) Date(s) of waiver and release: **SEPTEMBER 30, 2016**
- (5) Amount(s) of unpaid progress payments: **\$ 36,000.00**
- (6) Contract rights, including (A) a right based on rescission, abandonment, or breach of contract, and  
(b) the right to recover compensation for work not compensated by the payment.

**Signature**

Claimant's Signature: \_\_\_\_\_

Claimant's Title: **Kristine J. Earle - Accounts Receivable Department**

Date of Signature: **November 15, 2016**



# OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management - Phone 510-535-2728 - FAX 510-535-7040

## CHANGE ORDER NO. 01



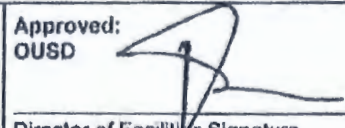
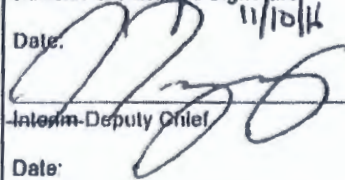
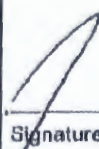
<b>PROJECT:</b>	Glenview At Edna Brewer	<b>DATE:</b>	11/9/2016
<b>OWNER:</b>	Oakland Unified School District	<b>DSA FILE NO.:</b>	
<b>CONTRACTOR:</b>	Berkeley Cement Inc. 1200 Sixth Street Berkeley, CA 94710	<b>DSA APP NO.:</b>	
		<b>OUSD PROJECT#:</b>	13134-2
		<b>PROJECT MGR.:</b>	Wil Newby

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	\$40,000.00
Net Change by previously authorized Change Orders	
The Contract sum prior to this change order	
The Contract sum will be increased/decreased	\$10,284.00
The New Contract Sum including the Change Order will be	\$50,284.00
Change Order percentage of base contract	25.71%
The Contract is changed by (0) Zero Calendar Days	0 days
Contract completion date as of this Change Order therefore is:	

Summary reference attached items : 1 2

Reviewed by: \_\_\_\_\_ Date \_\_\_\_\_  
Bond Program Director

<p><b>Approved:</b> Architect of Record</p>  <p>Signature _____</p> <p>Date: 11/18/2016</p>	<p><b>Approved:</b> General Contractor</p>  <p>Signature _____</p> <p>Date: _____</p>	<p><b>Approved:</b> OUSD</p>  <p>Director of Facilities Signature _____</p> <p>Date: 11/10/16</p>  <p>Interim Deputy Chief _____</p> <p>Date: _____</p>
<p><b>Approved:</b> Electrical or Structural Engineer</p>  <p>Signature _____</p> <p>Date: _____</p>	<p><b>Approved:</b> Mechanical Engineer</p>  <p>Signature _____</p> <p>Date: _____</p>	<p><b>Approved:</b> Division of the State Architect</p>   <p>Signature _____</p> <p>Date: _____</p>

1199505822 - 6274



OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management - Phone 510-838-2720 - FAX 510-836-7040

PRELIMINARY CHANGE ORDER NO. 1

PROJECT: **Glenvlew**  
**At Edna Brewer**

DATE: 11/2/2016

CONTRACTOR: **Berkeley Cement Inc.**

DSA FILE:

PROJECT MGR: **Wii Newby**

DSA APP:

OUSD PROJ: 13134-2

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:

- 1. Form ADA Curb & Gutter (200lf)
- 2. Pour Curb & Gutter (3CY)
- 3. Pour Sidewalk (3CY)
- 4. Added Concrete Finish (300SF)
- 5. Roughen Concrete Surface (200SF)
- 6. Dowel @12"oc (200EA)

CODE: 3 DSA or Agency Requested Change

REASON:

Final design revised per City of Oakland Department of Transportation calls for additional concrete and concrete finish. Monolithic concrete pours are not allowed by City. However, the project was bid to include "monolithic" concrete placement.

ATTACHMENTS: BCI COR 01

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

Amount of Change:  ADD  DEDUCT Final Price: 45,759 -  
 Lump Sum  Time / Materials Not To Exceed Date: 11/9/2016

Contractor to proceed with work described herein, cost not to exceed \$6,868; final cost to be determined after review and negotiation.

Time Extension: 0 calendar days

INITIATED BY:	REVIEWED BY:	REVIEWED BY:	ACKNOWLEDGED BY:
			
Architect of Record	Date 11/18/16 Project Manager	Bond prog. Director	Date Contractor Date

OAKLAND UNIFIED SCHOOL DISTRICT APPROVAL

	Date 10/11/16		Date
Director of Facilities	Date	Interim Deputy Chief	Date

Project Name: OAKLAND UNIFIED SCHOOL DISTRICT  
 EDNA BREWER MS DROP-OFF AREA IMPROVEMENT  
 Oakland, CA

Project Number: 13126  
 Date: 31-Oct-16

Description: PCO  
 ADDITIONAL COST DUE TO SIDEWALK SCOPE CHANGE

Reference Drawing: Preliminary Sketch/Alternate Method, Bld Drawings and Cost Proposal dated 9/7/2016  
 GEN CONTRACTOR: BERKELEY CEMENT INC. (BCI)

	Total Base Labor Costs	Total Fringes	B) Total Material Costs	C) Total Rental Equipment Cost	Total Labor Burden	TOTAL
1	SHEET 1 of 2	Summary				
2	SHEET 2 of 2					
3	\$ 2,103.04	\$ 1,558.08	\$ 1,180.88	\$	\$ 525.76	\$ 5,367.76
4						
5						
6						
7	\$ 2,103.04	\$ 1,558.08	+ \$ 1,180.88	+ \$ -	+ \$ 525.76	= \$ 5,367.76
8						
9	<b>Expenses:</b>					
10	Material Sales Tax.....			9.50%	..... of Total Material:	Incl.
11	Rental Sales Tax.....			9.50%	..... of Total Rental:	Incl.
12						
13					<b>Subtotal - Line 7 thru 12: \$</b>	<b>5,367.76</b>
14						
15			SubContractor OH&P:	10.00%	Base Labor	\$ 210.30
16			SubContractor OH&P:	10.00%	Fringes	\$ 155.81
17			SubContractor OH&P:	10.00%	Material	\$ 118.09
18			SubContractor OH&P:	10.00%	Equipt. Rental	\$ -
19						
20					<b>Subtotal - Line 13 thru 19: \$</b>	<b>5,851.96</b>
21						
22			<b>Sub-Subcontractor's Cost - None</b>			<b>\$ -</b>
23						
24			Sub-Subcontractor OH&P:	5.00%	None	\$ -
25						
26			Misc Expenses: Travel, Lodging, Food, Rental, etc.....			\$ -
27			Subcontractor Bond & ins.:	2.00%		\$ 107.36
28	<b>TOTAL PROBABLE CONSTRUCTION COST - BERKELEY CEMENT INC.</b>					<b>\$ 5,959.32</b>



1200 Sixth Street  
Berkeley, California 94710  
Phone: 510.525.8175  
Fax: 510.527.0782  
State License No.: 290755  
[www.bciconcrete.com](http://www.bciconcrete.com)

September 7th, 2016

Re: Oakland School District- Remobilization Fee

To: William Newby

**Scope of Work:** Supply labor, equipment, and material to construct the following:

**Total: \$8,106.00**

- Form Curb & Gutter
- Pour Curb & Gutter
- Pour Sidewalk/ ADA ramp

We hope to be of service to you on this project. If you have any additional questions please don't hesitate to contact me at 925-876-6101 (cell).

Sincerely,  
Berkeley Cement Inc.

Dan Fadelli  
[Daniel.Fadelli@bciconcrete.com](mailto:Daniel.Fadelli@bciconcrete.com)



OAKLAND UNIFIED SCHOOL DISTRICT  
Division of Facilities Planning and Management • Phone 510-535-2728 • FAX 510-535-7040

PRELIMINARY CHANGE ORDER NO. 2

PROJECT: **Glenview  
At Edna Brewer**

DATE: 11/2/2016

CONTRACTOR: **Berkeley Cement Inc.**

DSA FILE:

PROJECT MGR: **Will Newby**

DSA APP:

OUSD PROJ: 13134-2

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:

Supply labor, equipment and material to construct the following:

1. dowel into existing concrete curb
2. install 1/2" expansion joint along existing wall
3. install 280 ft of rebar
4. grade gutter slope

CODE: 3 DSA or Agency Requested Change

REASON:

Final design as revised per field meeting with City of Oakland Department of Public Works field inspector, calls for more robust structural support increase useful life of sidewalk bulbout installation.

ATTACHMENTS: BCI COR 02

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

Amount of Change:

ADD

DEDUCT

Final Price: \$ 4,325

Lump Sum

Time / Materials Not To Exceed

Date: 11/10/2016

Contractor to proceed with work described herein, cost not to exceed \$4,325; final cost to be determined after review and negotiation.

Time Extension: 0 calendar days

INITIATED BY:

REVIEWED BY:

REVIEWED BY:

ACKNOWLEDGED BY:


  
Architect of Record

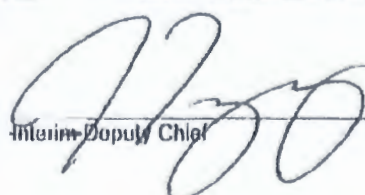
  
Date: 11/18/16  
Project Manager

  
Date: \_\_\_\_\_  
Bond prog. Director

  
Date: 11.11.16  
Contractor

OAKLAND UNIFIED SCHOOL DISTRICT APPROVAL

  
Date: 11/10/16  
Director of Facilities

  
Date: \_\_\_\_\_  
Interim Deputy Chief



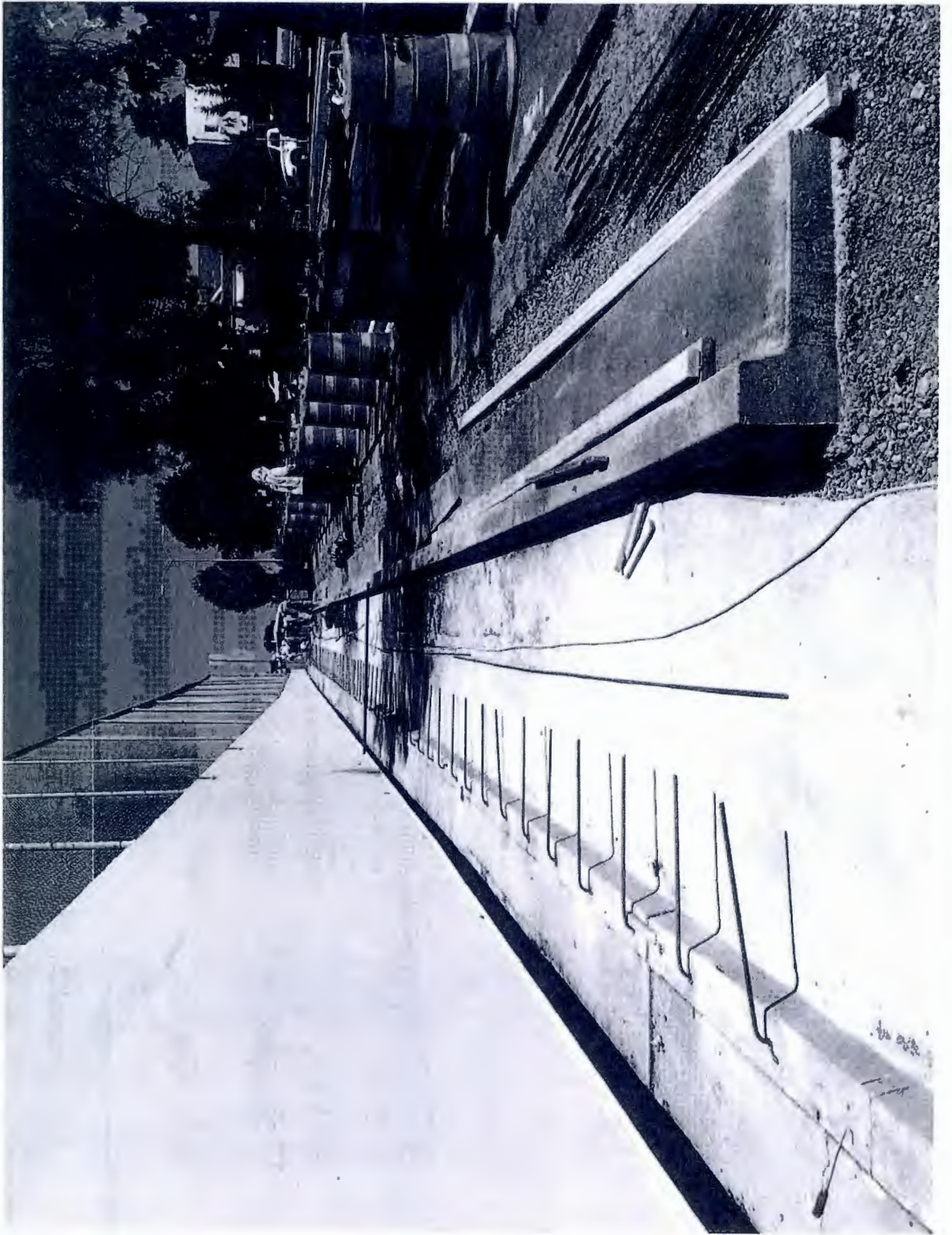
Additional pricing for added reinforcement @ Oakland bus stop

Item Description	QTY	CONCRETE		LABOR										EQ	SUB		
		yd5	TYPE	MAT	CF	C	MF	CM	L	OE	HRS	HRS Total	Rate			Qty	Unit
dowel into existing concrete	70 ea			\$ 3.50							6						
Precast 1/2" expansion joint	140 lf			\$ 2.50							2						
Install 280 ft of rebar	280 lf			\$ 0.66							2.0						
Grade outdoor skids	140 lf										2.0						
lost time due to grade issues	140 lf										3.0						

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CHANGE ORDER PRICE TOTALS						
MAT	LMB	EQ	COMC	SUB	GROUND	TOTAL
Total	Total	Total	Total	Total		
\$ 245.00	\$ 872.96	\$ -	\$ -	\$ -	\$ -	\$ 1,118.96
\$ 350.00	\$ 145.96	\$ -	\$ -	\$ -	\$ -	\$ 495.96
\$ 184.89	\$ 145.96	\$ -	\$ -	\$ -	\$ -	\$ 330.85
\$ -	\$ 814.04	\$ -	\$ -	\$ -	\$ -	\$ 814.04
\$ -	\$ 1,032.72	\$ -	\$ -	\$ -	\$ -	\$ 1,032.72
780	2,581	-	-	-	-	3,761
C & P	15%					564
Subtotal						4,325
OSP on Sub						-
Total						4,325









## CHANGE ORDER ROUTING FORM

Project Information			
<b>Project Name</b>	Glenview New Construction	<b>Site</b>	131
Basic Directions			
Services cannot be provided until the contract is fully approved and a Purchase Order has been issued.			
<b>Attachment Checklist</b>	<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					
<b>Contractor Name</b>	Berkeley Cement, Inc.	<b>Agency's Contact</b>	D. Fadelti		
<b>OUSD Vendor ID #</b>	1007151	<b>Title</b>	Project Manager		
<b>Street Address</b>	1200 Sixth Street	<b>City</b>	Berkeley	<b>State</b>	CA
<b>Telephone</b>	510-525-8175	<b>Policy Expires</b>	12-31-2016		
<b>Contractor History</b>	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		
<b>OUSD Project #</b>	13134				

Term			
<b>Date Work Will Begin</b>	3- <sup>22</sup> 8-2017	<b>Date Work Will End By</b> (not more than 5 years from start date)	3-30-2017

Compensation			
<b>Total Contract Amount</b>	\$	<b>Total Contract Not To Exceed</b>	\$50,284.00
<b>Pay Rate Per Hour (If Hourly)</b>	\$	<b>If Amendment, Changed Amount</b>	\$ 10,284.00 -
<b>Other Expenses</b>		<b>Requisition Number</b>	

Budget Information				
If you are planning to multi-fund a contract using LEP funds, please contact the State and Federal Office before completing requisition.				
<b>Resource #</b>	<b>Funding Source</b>	<b>Org Key</b>	<b>Object Code</b>	<b>Amount</b>
9450	Fund 21, Measure J	1199905822	6274	\$10,284.00

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.				
	<b>Division Head</b>	<b>Phone</b>	510-535-7038	<b>Fax</b> 510-535-7082
1.	<b>Director, Facilities</b>			
	<b>Signature</b>	<b>Date Approved</b>	2/8/17	
2.	<b>General Counsel, Department of Facilities Planning and Management</b>			
	<b>Signature</b>	<b>Date Approved</b>	2/14/17	
3.	<b>Deputy Chief, Facilities Planning and Management</b>			
	<b>Signature</b>	<b>Date Approved</b>		
4.	<b>Senior Business Officer</b>			
	<b>Signature</b>	<b>Date Approved</b>		
5.	<b>President, Board of Education</b>			
	<b>Signature</b>	<b>Date Approved</b>		