Board Office Use: Legislative File Info.								
File ID Number	25-0467							
Introduction Date	3-26-2025							
Enactment Number	25-0364							
Enactment Date	3/26/2025 os							





Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent

Preston Thomas, Chief Systems & Services <u>Officer</u> Kenya Chatman, Executive Director, Facilities

Board Meeting Date March 26, 2025

Subject Change Order No. 2 Agreement Between Owner and Contractor – KM 106 Construction,

Inc. – Manzanita Elementary School Site Improvement Project – Division of Facilities

Planning and Management

Action Requested Approval by the Board of Education of Change Order No. 2, Agreement Between Owner

and Contractor by and between the **District** and **KM 106 Construction**, **Inc.**, San Francisco, CA, for installation of a concrete curb, concrete access ramp and utility access

box adjacent to the play structure area per owner direction, which includes PCO 6 attached to this change order for the **Manzanita Elementary School Site Improvement**

Project, in the amount of \$15,128.00, increasing the contract price from \$489,513.00 to \$504,641.00. All other terms and conditions of the Agreement remain in full force and

effect.

Discussion This Change Order is for installation concrete work comprised of PCO 6, which includes

owner directed changes during the course of construction.

LBP (Local Business Participation Percentage) Exempt

Recommendation Approval by the Board of Education of Change Order No. 2, Agreement Between Owner

and Contractor by and between the District and KM 106 Construction, Inc., San

Francisco, CA, for installation of a concrete curb, concrete access ramp and utility access box adjacent to the play structure area per owner direction, which includes PCO 6 attached to this change order for the Manzanita Elementary School Site Improvement

Project, in the amount of \$15,128.00, increasing the contract price from \$489,513.00 to \$504,641.00. All other terms and conditions of the Agreement remain in full force and

effect.

Fiscal Impact Fund 01 General Fund

Attachments • Change Order No. 2 and Other Documents

• File ID: 24-2376 & 23-2854





CHANGE ORDER

Owner:

Oakland Unified School District

Project:

Manzanita Site Improvement

School:

Manzanita ES Site

Contractor:

KM 106 Construction Inc.

Change Order No.:

2

Date:

January 27, 2025

DSA File No.:

N/A

DSA Application No.:

N/A

OUSD Project #:

23136

Project Manager:

Kyle Brower

IF NOT PREVIOUSLY DIRECTED, THE CONTRACTOR IS HEREBY DIRECTED TO PERFORM THE WORK REQUIRED BY 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 AND PCOS.

DESCRIPTION OF AGREED CHANGES IN WORK OR CONTRACT (refer to attached pages or incorporated documents, if necessary): The agreed changes in work are comprised of the attached PCO No. 6, which includes owner directed changes during the course of construction. For this change order, owner and contractor have agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount. Further details are provided in the attached backup documentation.

TOTAL ADJUSTMENT TO CONTRACT PRICE BY THIS CHANGE ORDER: \$15,128.00

TOTAL ADJUSTMENT TO CONTRACT TIME BY THIS CHANGE ORDER: 0 calendar days

Director	Initiale	
DILOCIOI	mmano	





SUMMARY OF ADJUSTMENTS TO CONTRACT PRICE:

Original Contract Price (include all special and

contingency allowances): \$462,000.00

Prior Change Orders: + \$27,513.00 Total Contract Price Prior to this Change Order = \$489,513.00

This Change Order's Adjustment: + \$15,128.00

Adjusted Contract Price (include all special and contingency allowances): = \$504,641.00

Current Change Order's Percentage of Original Contract Price: 3.3%
Total Change Orders' Percentage of Original Contract Price: 9.2%

<u>NOTE</u>: Any unspent allowance amounts (including any contingency allowance) 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: April 23, 2024

Time extensions granted in prior change orders: + <u>0</u> Calendar Days

Time extension granted in this change order: $+ \underline{0}$ Calendar Days Adjusted contract completion deadline: $+ \underline{0}$ Calendar Days $+ \underline{0}$ Calendar Days





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 by Contractor 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 the following: Costs to perform the work; contract balance; contract retention; time; extended field, home office, and other overhead; acceleration, impact, disruption, and delay damages; any and all direct and indirect costs; claims by subcontractors and suppliers; and any and all other requests to 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 the written and signed approval of the Owner. No language contained in backup material to any change order shall constitute a waiver of anything in this paragraph or the next paragraph, 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 signature by Contractor and approval by the Owner's governing body.

Approved: Architect of Record	Approved and Agreed: General Contractor	Approved and Agreed:
N/A	AAROS P. RAMERE	Executive Director, Facilities
Print Name:	Print Name:	211.2025 Date:
Signature:	Signature: 01/28 2025 Date:	
Date:		Chief of Systems & Services Officer
Approved as to Form: James R. Traber OUSD Facilities Counsel		2 · 11 · 2025 Date:
Date: 2/24/25		

319-661/7106499.1

James bank

3/27/2025

Jennier Brouhard, President, BOE

MM Anchones.

3/27/2025

Kyla Johnson-Trammell, Superintendent & Secretary, BOE





CHANGE ORDER REQUEST (Proposed Change Order)

No. 6

PROJECT:

Site Improvement Project

Manzanita ES Site

OWNER:

OAKLAND UNIFIED SCHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DATE: JANUARY 24, 2025

DSA FILE NO.:

N/A

DSA APP NO.:

N/A

OUSD PROJECT #: 23136

PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents.

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents): Scope covered within this proposed change order includes labor, equipment and materials required to install a concrete curb and access ramp at the perimeter of the new play structure area, as well as a utility access box adjacent to it. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED CHANGES TO THE CONTRACT: None.

PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$15,128.00

- If Contractor requests payment from an allowance, please indicate which allowance: N/A

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):	
Unforeseen Conditions	
Direction by Government Agency	
X Owner Requested	
Design Omission	
Design Error	
Other:	





CERTIFICATION

I, Aaron Ramirez [name of declarant], declare the following:

KM 106 Construction Inc. [Contractor company name] has contracted with Oakland Unified School District [public entity name] for the Manzanita Site Improvement Contract ("Contract"). KM 106 Construction Inc. [Contractor company name] authorized me to prepare the attached Change Order Request ("COR") or Allowance Expenditure Request ("AER") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR or AER being dated November 16, 2024, and entitled COR 7, and requesting \$15,128.00 and/or 0 additional days), and I prepared the attached COR or AER. I am the most knowledgeable person at KM 106 Construction Inc. [Contractor company name] regarding this COR or AER.

The attached COR or AER complies with all laws applicable to submission of a COR or AER, including but not limited to California Penal Code section 72, Government Code sections 12650 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction Inc. [Contractor company name].

The attached COR or AER does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR or AER, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that Oakland Unified School District [public entity name] is responsible under its Contract with KM 106 Construction Inc. [Contractor company name].

While preparing this declaration and COR or AER, I consulted with others (including attorneys, consultants, or others who work for <u>KM 106 Construction Inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct.

Contractor understands and agrees that any COR or AER submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR or AER on that basis; and that unless Contractor properly and timely files the COR or AER with the certification, Contractor cannot further pursue the COR or AER in any forum and all rights to additional money or time for the issues covered by the COR or AER are waived due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed <u>January 27, 2025</u>, at <u>San Francisco</u>, California.

Aaron Ramirez [name of declarant]

319-661/7106498.1

EXTRA WORK BILL

JOB # 24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

EW DATE: EW TAG No: OWNER: 11/15/2024 - 11/16/20 24101-07 OUSD



EXTRA WORK DESCRIPTION: CONCRETE CURB AND RAMP

LARCE	DT. LID	DT D 4 777 4	1	1	I	1 05.		
LABOR		RT RATE \$	= RT \$	OT HRS			_	F + OT
1 FOREMAN		\$ 124.94	\$ 999.52	4,00	L	1		1,657.4
2 OPERATOR	-	\$ 109.61	\$ -	0.00			\$	
3 OPERATOR		\$ 109.61	\$ -	0.00	\$ 105,43		\$	
4 LABORER	8.00	\$ 83.21	\$ 665.68	12.00	\$108,43		\$	1,966.8
5 LABORER		\$ 83.21	\$ 665.68	4.00	\$108.43		-	1,099.4
6 LABORER	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43		\$	1,087.4
7 CEMENT MASON	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43		-	1,087.4
8 CEMENT MASON	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43	\$ 421.72	\$	1,087.4
LABOR HRS / SUBTOTAL			¢ 433703			ć 2.CE7.0C	, ,	7.005.00
LABOR W/MARK-UP @ 15.00%			\$ 4,327.92 \$ 5,091.67			\$ 3,657.96 \$ 4,303.48	\$	7,985.88
LABOR W/MARK-UP @ 15.00%			\$ 5,091.67			\$ 4,303.48	\$	9,183.76
E	QUIPMEN	T & TOOLS			HRS	EQ RATE \$		EQ TOTAL
1					0.00		\$	
2 TOOL TRUCK					16.00		\$	752.0
3 VIBRATING PLATE					8.00		\$	152.0
4					0.00		\$	
5					0.00		\$	
6				-	0.00		\$	
7					0.00		\$	
8							\$	
9							\$	
.0							\$	- 3
EQUIPMENT HRS / SUBTOTAL							\$	904.0
EQUIPMENT W/MARK-UP @ 15%							\$	1,039.60
10	TRUC	KING			HRS	RATE \$	TO	TAL\$
1 CONCRETE PUMP					LS	\$ 1,500.00	\$	1,500.00
2 SUPER DUMP					8.00	\$135.00		\$1,080.00
TRUCKING SUBTOTAL							\$	2,580.00
TRUCKING W/MARK-UP @15%				1			\$	2,967.00
MATERIAL		QTY	UNIT	UP \$	COST \$	TAX 10.25%	TC	TALS
1 CONCRETE		1.00	LS	01 2	\$1,675.00	TAX 10.2370	\$	1,675.00
2 FORMING WOOD/SCREWS, STAKES		1.00	LS		\$1,890.00		\$	1,890.00
3 UTILITY BOX & LID		1.00	LS		\$ 595.00		\$	595.00
MATERIAL HRS / SUBTOTAL		2.00			, 555.00		Y	333.00
MATERIAL W/MARK-UP @ 15%							\$	4,784.00
							Ť	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	UBCONT	RACTORS			HRS	RATE \$	TC	TAL\$
1								
2								
SUBS SUBTOTAL								
SUBS MARK-UP % 15.00%								

INTENT & BENEFIT:

EWF AND MULCH SURFACING PROVIDES PERMEABILITY, MODERATION OF HEAT, ACCESSIBILITY (WITH EWF), WEED SUPPRESSION AND PLAY VALUE WITH A COW-COST, SUSTAINABLE, NON-TOXIC MATERIAL.

DESIGN NOTES:

- LOCATE LOOSE MATERIAL GROUND SURFACING AWAY FROM BUILDINGS, HIGH TRAFFIC AREAS, AND ACTIVE AREAS SUCH AS BALL PLAY. PROVIDE DISTINCT AREAS FOR ENTRY AND EXIT TO THESE AREAS WITH A WIDE
 - THRESHOLD MATERIAL THAT CAN BE EASILY MAINTAINED SUCH AS A CONCRETE PATH, SAND BOX EDGING WITH TRANSFER PLATFORM FOR THOSE USING A WHEELCHAIR, OR A WOODEN BRIDGE.
 - THE LOOSE MATERIAL SURFACING AREA AT SPOTS OTHER THAN THE ENTRANCE/EXIT. DIVIDERS MAY BE A FENCE, PLANTING AREA, TOPOGRAPHY CHANGE, CURB, OR EMBEDDED LOG. PROVIDE A DIVIDER TO KEEP PEDESTRIAN TRAFFIC FROM FLOWING OUT OF
- ADA ACCESSIBILITY CAN BE ACHIEVED THROUGH A FLARED RAMP INTO EWF OR AN ALTERNATIVE SURFACE PATHWAY (I.E. PARKTREAD OR DG) THROUGH EITHER EWF OR WOOD CHIP MULCH.

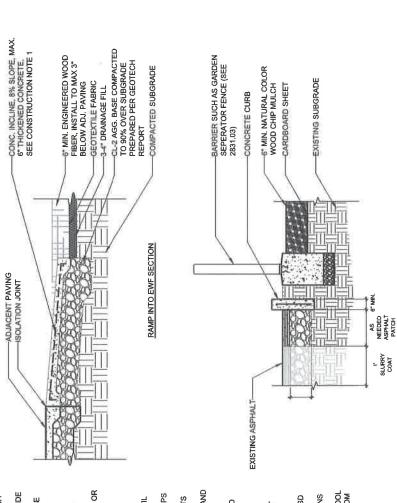
CONSTRUCTION NOTES:

- CERTAIN DIMENSIONS AND SPECIFICATIONS RELIANT UPON INPUT FROM CIVIL ENGINEER AND GEOTECH REPORT ON EXISTING SOIL CONDITIONS.
 - USE NATURAL COLOR EWF AND WOOD CHIPS. USING HARDWOOD WOOD CHIPS AND LARGER SIZES REDUCES RATE OF LOSS OF MATERIAL.
 - VERIFY LOCATION OF UNDERGROUND UTILITIES, FACILITIES AND TREE ROOTS
- VERIFY THAT SUBGRADE DRAINAGE IS INSTALLED AT PROPER ELEVATIONS AND
 - CORRECT SUBGRADE IRREGULARITIES TO ENSURE THAT SUBGRADE ELEVATION IS IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS AND TO ENSURE POSITIVE DRAINAGE. THAT SMOOTH GRADING IS COMPLETE.
 - REMOVE ROCKS, DEBRIS, AND OTHER SIMILAR ITEMS.
- CONDITION, CONRETE CURB MAY BE FORMED DIRECTLY AGAINST ADJACENT ASPHALT. WHERE CRUMBLING OCCURS, ASPHALT IS TO BE OVERCUT TO ALLOW FOR FORMWORK AND PATCHED. WHERE ASPHALT IS CUT CLEANLY WITHOUT CRUMBLING OF ADJACENT
- INSTALL TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT AND/OR OUSD FACILITIES.
- OF LOCALLY CHIPPED TREE PRUNINGS OR WOOD CHIPS FROM TREE TRIMINGS OR OTHER APPROVED VENDORS INDICATED ON THE OLUSD SCHOOL TRIMINGS OR OTHER APPROVED VENDORS INDICATED ON THE OLUSD SCHOOL GRANGEN COUNCIL'S VENDOR LIST. WOOD CHIPS MAY NOT BE ACCEPTED FROM UNAPPROVED SOURCES AS THE MATERIAL MAY CONTAIN INVASIVE PLANTS. PER OUSD VEGETATION POLICY (P.5), SCHOOL SITES MAY ACCEPT DONATIONS DISEASE OR PESTS

MAINTENANCE NOTES:

(()

MATERIAL WILL NEED TO BE PERIODICALLY TOPPED OFF.



NOT TO SCALE ENGINEERED WOOD FIBER (EWF) DATE: OCTOBER 2022

DETAIL #

& WOOD CHIP MULCH

STANDARD **DETAILS**

TRUST FOR PUBLIC LAND Φ,

BAY TREE DESIGN SCHOOL DISTRICT

SCHOOLYARD OUSD LIVING

CONDITIONS AND SCHOOL/COMMUNITY REQUIREMENTS MUST BE TAKEN INTO CONSIDERATION. COPYRIGHT RETAINED JOINTLY BY THE OAKLAND

UNIFIED SCHOOL DISTRICT AND TRUST FOR PUBLIC LAND, THIS DETAIL IS NOT TO BE REPRODUCED WITHOUT PERMISSION.

THIS DETAIL MAY NOT BE APPLICABLE IN ALL CIRCUMSTANCES AND IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. SPECIFIC SITE

OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

PCO#07

CONCRETE CURB & RAMP

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chief Cost Estimator

Date:

30-Dec-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Labor hourly rates used by GC appear high compared to District's approved rates.

OT manhours for one of the Laborers (12 manhours) appear excessive. It should be similar to the rest of the crew (4 manhours)

Cost of materials appear high for both concrete and formworks. Please provide basis to validate.

What are the use of Utility Box/Lid & Super Dump? Please provide basis to validate.

2 GENERAL CONTRACTOR'S COST PROPOSALS

\$ 17,974.36

ESTIMATED CONSTRUCTION COST FOR CCR#07

12,281.54

Manzanita Site CCR#07.xls Date Printed: 1/3/2025

COST ESTIMATE SUMMARY

Project Name:

OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Date:

30-Dec-24

Oakland, CA

Decription:

PCO#07

CONCRETE CURB & RAMP

Reference Drawing:

Cost Proposal dreceived on 12/16/2024

GEN. CONTRACTOR:

KM 106 CONSTRUCTION INC.

	Total Labor Costs		B) Total Cost		terial	C) Tota Equi		ntal ent Cost				TOTAL
1	SHEET 1 of 2	EWO/Date										
2	SHEET 2 of 2											
3	\$ 6,763.040			\$	1,512.56		\$	2,404.00			\$	10,679.60
4												
5	¢ 6.762.04			\$	1 510 56	+	\$	2,404.00		-	\$	10.670.60
6 7	\$ 6,763.04		+	Ф	1,512.56		Ф	2,404.00		Ξ	Φ	10,679.60
8		Expenses:										
9		Material Sales	Гах					10.25%	of Total Mate	rial·		Incl.
10		Rental Sales Ta							of Total Rer			Incl.
11												
12								Su	ıbtotal - Line 7 thru	12:	\$	10,679.60
13												
14		1	General (Cont	ractor OH, E			15.00%			\$	1,601.94
15					*(Overhea	d, Bond 8	& Ins	urance Pren	niums & Profit)			
16								01	4.4.1.1	40-	•	40 004 54
17 18								Sur	ototal - Line 13 thru	19:	\$	12,281.54
19								Subcontra	ctor's Cost - None		\$	
20							т		contractor's Cost	9	\$	
21								01712 041			3.	
22		Gene	ral Contra	actor	OH&P on S	Sub Cost:		5.00%	*		\$	2
23									SUBTOTAL		\$	
24			Misc	Ехр	enses: Trav	el, Lodgir	ıg, F	ood, Rental,	etc			************
25			S	ubcc	ontractor Bor	nd & ins.:			0.00%		\$	*
26									SUBTOTAL		\$	#:
27												
_28		TOTAL	PROBA	BLE	CONSTRUC	CTION C	OST	- KM 106 C	ONSTRUCTION #7		\$	12,281.54

Detailed Estimate

		T				LABOR (າດເ	т	MATER	IAI	COST		250000		ACT I
		No of		M.H. Per	М. Н.			1	MATE	I	0001				
No.	PCO#07	No. of Units	Per	Unit	Total	Cost Per M. H.	T	otal Cost	Unit Cost	To	otal Cost	U	Init Cost	Т	otal Cost
GE	N. CONTRACTOR	KM 106	CON	STRUCTIO	ON INC	5.									
Pro	ject Description:	CONCRE	TE CU	RB & RAMP		,	i		' i						
1	SCOPE OF WORK:														
2	Additional concrete ramp & curb														
3															
4	MATERIALS:														
5	Concrete	3.00	CY	0.00	0.00				\$ 300.00	\$	900.00				
6	Formwork, Ramp	40.00	SF	0.00	0.00				\$ 8.45	\$	338.00				
7	Formwork, Curb	60.00	LF	0.00	0.00				\$ 4.58	\$	274.56				
8	Utility Box & lid	1.00	LS	0.00	0.00				\$ 595.00		???				
9															
10	LABOR:														
	Regular Time														
12	Mason/FM	1.00	EA	8,00			\$	769.52							
13	Laborer/JM	3.00	EA	8.00			\$	1,863.84							
14	Mason/JM Overtime (x1.5)	2,00	EA	8.00	16.00	\$ 90.31	\$	1,444.96							
15 16	Mason/FM	1.00	EA	4.00	4.00	\$ 128.50	\$	514.00							
17	Laborer/JM	3.00	EA	4.00		\$ 101.10	\$	1,213.20							
18	Mason/JM	2.00	EA	4.00	151	\$ 119.69	\$	957.52							
19					0.00	¥ 110100	ľ	001,02							
20	EQUIPMENT:														
21	Tool Truck	1.00	EA	16.00	16.00							\$	47.00	\$	752.0
22	Vibrating plate	1.00	EA	8.00	8.00							\$	19.00		152.0
23	Concrete Pump	1.00	EA	0.00	0.00							\$	1,500.00	\$	1,500.0
24	Super Dump	1.00	EA	8.00	8.00							\$	135.00		????
25															
26															
27															
28										ľ					
29															
30															
31	SHEET TOTALS				72.00	\$ 93.93		\$6,763.04		4	1,512.56			\$	2,404.0



DIVISION OF FACILITIES PLANNING AND MANAGEMENT ROUTING FORM

	Project Information		
Project Name N	Manzanita Elementary School Site Improvement Project	Site	175
	Basic Directions		
Services cannot I	be provided until the contract is awarded by the Board <u>or</u> is entered by the Superinten authority delegated by the Board.	dent pursu	ant to
Basic Directions Services cannot be provided until the contract is awarded by the Board or is entered by the Superinten		15,000.	
·			

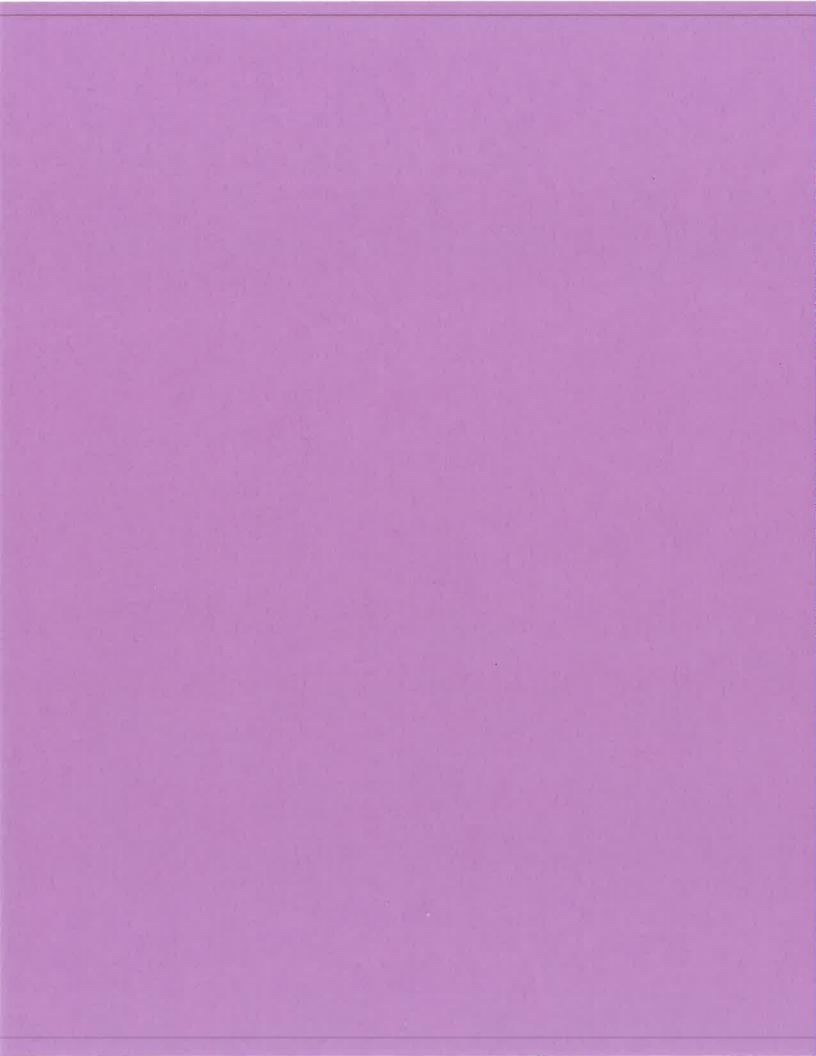
Contractor Information												
Contractor Name	Contractor Name KM 106 Construction, Inc. Agency's Contact Aaron Ramirez											
OUSD Vendor ID#	008444	008444 Title Owner										
Street Address	1400 Egbert Avenue, 2 nd Floor	1400 Egbert Avenue, 2 nd Floor City San Francisco State CA Zip 94124						94124				
Telephone	510-512-6799	Policy Exp	ires									
Contractor History Previously been an OUSD contractor? ⊠ Yes □ No Worked as an OUSD employee? □ ⊠ No							☑ No					
OUSD Project # 23136												

	Term of Original/Amended Contract							
Date Work Will Begin (i.e., effective date of contract)	01-25-2024	Date Work Will End By (not more than 5 years from start date; for construction contracts, enter planned completion date)	04-23-2024					
		New Date of Contract End (If Any)						

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	\$ 15,128.00						
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 0007/9957 Fund 1/ESSER III 010-0007-0-9957-8500-6274-175-9130-0092-9999-23136 6274 \$15,128.00

	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	Phone	510-535-7038	Fax	510-535-7082					
1.	Executive Director, Facilities			•						
	Signature		Date Approved	Feb 27, 2025						
	General Counsel, Facilities									
2.	Signature James R. Traber		Date Approved	2/24/2	25					
	Chief Systems & Services Officer									
3.	Signature Preston Thomas (Feb 28, 2025 10:30 PST)		Date Approved	Feb 27, 20	25					
	Chief Financial Officer									
4.	Signature		Date Approved							
	President, Board of Education									
5 .	Signature		Date Approved							



Board Office Use: Legislative File Info.										
File ID Number	24-2376									
Introduction Date	10-23-2024									
Enactment Number	24-1898									
Enactment Date	10/23/2024 os									





Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent

Preston Thomas, Chief Systems & Services Offricer Kenya Chatman, Executive Director, Facilities

Board Meeting Date October 23, 2024

Subject Change Order No. 1 Agreement Between Owner and Contractor – KM 106 Construction,

Inc. – Manzanita Elementary School Site Improvement Project – Division of Facilities

Planning and Management

Action Requested Approval by the Board of Education of Agreement Between Owner and Contractor and

Change Order No. 1 by and between the **District** and **KM 106 Construction Inc.**, San Francisco, CA, for labor and equipment required to plant trees on overtime and on a second shift per owner's direction, which includes PCO's 1 through 5, attached to this change order for the **Manzanita Elementary School Site Improvement Project**, in the amount of \$27,513.00, increasing the contract price from \$462,000.00 to \$489,513.00,

pursuant to the change order.

Discussion This Change Order is for Manzanita Elementary School Site Improvement Project for tree

planting on overtime shifts, which includes PCO's 1 through 5 to be approved for various

contract changes.

LBP (Local Business Participation Percentage)

Exempt

Recommendation Approval by the Board of Education of Futility of Bidding Resolution No. 2324-0168 and

Change Order No. 1 by and between the District and KM 106 Construction Inc., San Francisco, CA, for labor and equipment required to plant trees on overtime and on a second shift per owner's direction, which includes PCO's 1 through 5, attached to this change order for the Manzanita Elementary School Site Improvement Project, in the amount of \$27,513.00, increasing the contract price from \$462,000.00 to \$489,513.00,

pursuant to the change order.

Fiscal Impact Fund 01 General Fund

Attachments • Change Order No. 1 and Other Documents

• File ID 23-2854

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728

CHANGE ORDER

For Design-Bid-Build Contract

Owner:

Oakland Unified School District

Project:

Manzanita Site Improvement

School:

Manzanita ES Site

Contractor:

KM 106 Construction Inc.

Change Order No::

1

Date:

August 7, 2024

DSA File No.:

N/A

DSA Application No.:

N/A

OUSD Project #:

<u>23136</u>

Project Manager:

Kyle Brower

IF NOT PREVIOUSLY DIRECTED, THE CONTRACTOR IS HEREBY DIRECTED TO PERFORM THE WORK REQUIRED BY 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 AND PCOS.

DESCRIPTION OF AGREED CHANGES IN WORK OR CONTRACT (refer to attached pages or incorporated documents, if necessary): The agreed changes in work are comprised of the attached PCO No's 1, 2, 3, 4 and 5. They include various owner directed changes during the course of construction. For each PCO, owner and contractor have agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount. Further details are provided in the attached PCO's.

TOTAL ADJUSTMENT TO CONTRACT PRICE BY THIS CHANGE ORDER: \$27,513.00

TOTAL ADJUSTMENT TO CONTRACT TIME BY THIS CHANGE ORDER: 0 calendar days

(SR840743) Revised 8/13/23 Manzanita Site Improvement Project Change Order No. 1 Page 1 of 4

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94301 ● Phone 510/535-2728

SUMMARY OF ADJUSTMENTS TO CONTRACT PRICE:

Original Contract Price (include all special and

contingency allowances): \$\frac{462,000.00}{200.00}\$

Prior Change Orders: + \$\frac{50.00}{200.00}\$

Total Contract Price Prior to this Change Order = \$\frac{462,000.00}{452,000.00}\$

This Change Order's Adjustment: + \$27,513.00

Adjusted Contract Price (include all special and

contingency allowances): = \$489,513.00

Current Change Order's Percentage of Original Contract Price: 5.9%
Total Change Orders' Percentage of Original Contract Price: 5.9%

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NOTE: Any unspent allowance amounts (including any contingency allowance) 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:

April 23, 2024
Time extensions granted in prior change orders:

Time extension granted in this change order:

+ 0 Calendar Days
- 0 Calendar Days

Adjusted contract completion deadline: + <u>0</u> Calendar Days
Adjusted contract completion deadline: + <u>April 23, 2024</u>

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728

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 by Confractor 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 the following: Costs to perform the work; contract balance; contract retention; time; extended field, home office, and other overhead; acceleration, impact, disruption, and delay damages; any and all direct and indirect costs; claims by subcontractors and suppliers; and any and all other requests to 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 the approval of Owner's governing body. No language contained in backup material to any change order shall constitute a waiver of anything in this paragraph or the next paragraph. and such backup material shall be interpreted as though such language does not exist.

AS TO THE SCOPE OF THIS CHANGE ORDER, CONTRACTOR EXPRESSLY UNDERSTANDS AND AGREES TO WAIVE THE PROVISIONS OF, AND ALL RIGHTS AND BENEFITS AFFORDED BY, CALIFORNIA CIVIL CODE SECTION 1542, WHICH PROVIDES IN FULL AS FOLLOWS:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

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

(SR840743) Revised 8/13/23

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94801● Phone 510/535-2728

Approved: Architect of Record	Approved and Agreed: General Contractor	Approved and Agreed:
N/A	DARAP REPARE	Executive Director, Facilities
Print Name:	Print Name:	Date:
Signature:	Signature:	
	08 LS\2\2\2	12
Date:		Chief Systems & Services Officer,
Approved as to Form: Mark Williams		Facilities
OUSD Facilities Counsel		9.4.29 Date:
Date: 09/23/2024		

MgD.

10/24/2024

Benjamin Davis, President BOE

St. Photone

10/24/2024

Kyla Johnson-Trammell, Superintendent and Secretary, BOE

Division of Facilities Planning and Management 9 955 High Street Oakland, California 94601 Phone 510/535-2728 Fax 510/535-7040

Proposed Change Order No. 1

PROJECT:

Site Improvement Project

Manzanita ES Site

OWNER: OAKLAND UNIFJED SCHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DATE: AUGUST 6, 2024

DSA FILE NO.:

N/A

DSA APP NO.:

N/A

OUSD PROJECT #: 23136

PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents, including but not limited to General Conditions sections 4.5.1, 4.5.2, 7.6, 7.7, 8.4.1, and 8.4.2.

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents): Scope covered within this proposed change order includes labor and equipment required to plant trees on overtime and on a second shift per owner direction. A portion of this COR is being paid for from the contingency balance and will exhaust it. The remaining portion of these costs will be part of a change order. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED CHANGES TO THE CONTRACT:
None.

PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$2:292:00

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):

Unforeseen Conditions
Direction by Government Agency
X Owner Requested
Design Omission
Design Error
Other:

Division of Facilities Plaining and Management ● 955 High Street Oakland, California 94601● Phone 510/535-2728 ● Fax 510/535-7040

CERTIFICATION

I, Aaron Ramirez A hame of declarantl, declare the following:

KM 106 Construction Inc. [Contractor company name] has contracted with Oakland Unified School District [public entity name] for the Manzanita Site Improvement Contract ("Contract"). KM 106 Construction Inc. [Contractor company name] authorized me to prepare the attached Change Order Request ("COR") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR being dated March 22: 2024, and entitled COR 1, and requesting \$2.292.00 and/or 0 additional days); and I prepared the attached COR. I am the most knowledgeable person at KM 106 Construction Inc. [Contractor company name] regarding this COR.

The attached COR compiles with all laws applicable to submission of a COR, including but not limited to California Penal Code section 72, Government Code sections 12850 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction Inc., (Contractor company name).

The attached COR does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that <u>Oakland Unified School District [public entity name]</u> is responsible under its Contract with <u>KM 106 Construction Inc.</u> [Contractor company name].

While preparing this declaration and COR I consulted with others (including attorneys, consultants, or others who work for <u>KM 106 Construction Inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct!

Contractor understands and agrees that any COR submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR on that basis; and that unless Contractor properly and timely files the COR with the certification, Contractor cannot further pursue the COR in any forum and all rights to additional money or time for the issues covered by the COR are walved due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed <u>August 7, 2024</u>, at <u>San Francisco</u>, California.

Aaron Ramirez J. Iname of declaranti

Approved: Architect of Recor	Approved and Agreed: d General Contractor	Approved and Agreed:
N/A		Date: 9/3/2024
	C.P.	Chief Systems & Services Facilities
Date:	Date: OBLSW24	Date: 9-4-24

EXTRA WORK BILL

JOB # 24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

EW DATE: EW TAG No: OWNER: 03/22/2024 24101-01 OUSD



EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PLANT TREES IN O/T +DIFFERENTIAL FOR 2ND SHIFT

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EXTRA WORK BILL TOTAL

\$ 3,384.35

OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

CCR#001

PLANTING TREES IN OVERTIME

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chief Cost Estimator

Date:

8-May-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Cost of Superintendent is not accepted. This is included in the OH&P.

This Scope of Work is a Contract Work. The only additional cost is the additional premium cost due to OT work.

2 GENERAL CONTRACTOR'S COST PROPOSALS

3,384.85

ESTIMATED CONSTRUCTION COST FOR CCR#01

1,399.32

Manzanita Site CCR#01.xls Date Printed: 5/21/2024

COST ESTIMATE SUMMARY

Project Name:

OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Oakland, CA

Date:

8-May-24

Decription :

PCO#1

PLANTING OF TREES IN OVERTIME

Reference Drawing:

Cost Proposal dated 09/27/2023

GEN. CONTRACTOR:

KM 106 CONSTRUCTION INC.

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Detailed Estimate

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Division of Facilities Planning and Management • 955 High Street Oakland, California 94601 Phone 510/535-2728 Fax 510/535-7040

Proposed Change Order No. 2

PROJECT:

Site Improvement Project

Manzanita ES Site

DATE: AUGUST 6, 2024

OWNER: OAKLAND UNIFIED SCHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DSA FILE NO.: N/A

DSA APP NO.: N/A

OUSD PROJECT #: 23136

PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents, including but not limited to General Conditions sections 4.5.1, 4.5.2, 7.6, 7.7, 8.4.1, and 8.4.2,

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents): Scope covered within this proposed change order includes labor and equipment required to plant trees on overtime and on a weekend per owner direction. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED (None.	CHANGES TO THE CONTRACT:
PROPOSED ADJUST	MENT TO CONTRACT PRICE: \$5,894.00
PROPOSED ADJUST	MENT TO CONTRACT TIME: 0 calendar da
Unforeseen	Government Agency ested ssion

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728 ● Fax 510/535-7040

CERTIFICATION

I, Aaron Ramirez Jr [name of declarent], declare the following:

KM 108 Construction Inc. [Contractor company name] has contracted with Oakland Unified School District [public entity name] for the Manzanita Site Improvement Contract ("Contract"). KM 106 Construction Inc. [Contractor company name] authorized me to prepare the attached Change Order Request ("COR") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR being dated March 23, 2024, and entitled COR 2, and requesting \$5,894.00 and/or 0 additional days), and I prepared the attached COR. I am the most knowledgeable person at KM 106 Construction Inc. [Contractor company name] regarding this COR.

The attached COR complies with all laws applicable to submission of a COR, including but not limited to California Penal Code section 72, Government Code sections 12650 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction Inc. (Contractor company name).

The attached COR does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that <u>Oakland Unified School District</u> [public entity name] is responsible under its Contract with KM 106 Construction Inc. [Contractor company name].

While preparing this declaration and COR I consulted with others (including attorneys, consultants, or others who work for <u>KM 108 Construction Inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct.

Contractor understands and agrees that any COR submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR on that basis; and that unless Contractor properly and timely files the COR with the certification, Contractor cannot further pursue the COR in any forum and all rights to additional money or time for the Issues covered by the COR are waived due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed <u>August 7, 2024</u>, at <u>San Francisco</u>, California.

Aaron Ramirez Jr. [name of declarant]

Approved: Architect of Record	Approved and Agreed: General Contractor	Approved and Agreed:
N/A		Executive Director of Facilities
	a. Di	Date: 40001
Date:	Date: 08/15/2024	Chief Systems & Services Facilities Date: 9-4-24

EXTRA WORK BILL JOB # 24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

EW DATE: No: OWNER: EW TAG 03/23/2024 24101-02 OUSD



EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PLANT TREES OVER WEEKEND

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3	CAT 305 MINI EXCAVATOR								9.00	\$	81.00	\$	729.00
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/ 27/13 17/13	icatain (Praeconno Como s	UBCONT	RAC	TORS 💥 🔭		SEF-INCLUSIV		(Sa H	R5	R	ATÉ S.	ξέΤ ι	TAL 5
1	to 14 Amyra, and at 1 and 1 an	4	15,5%	. 18.5 - 79 (20.000)		COMMENCE ASSESSMENT NA	where very very and greek and	stance (LEDWI CAN	3 73	x	-085/10	ere (T. J.)
2							··						
\exists	SUBS SUBTOTAL		_										
								1					

EXTRA WORK BILL TOTAL

\$ 8,646.67

OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

CCR#02

PLANTING TREES DURING WEEKEND (SATURDAY)

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chief Cost Estimator

Date:

8-May-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Cost of Superintendent is not accepted. This is included in the OH&P.

This Scope of Work is a Contract Work. The only additional cost is the additional premium cost due to OT work.

2 GENERAL CONTRACTOR'S COST PROPOSALS

8,646.67

ESTIMATED CONSTRUCTION COST FOR CCR#02

3,139.36

Manzanita Site CCR#02.xls Date Printed: 5/21/2024

COST ESTIMATE SUMMARY

Project Name: OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Date:

8-May-24

Oakland, CA

Decription:

PCO#2

PLANTING OF TREES IN DURING WEEKEND

Reference Drawing:

Cost Proposal dated 09/27/2023

GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

GEN	, CUN	IKACIU	X.	NW TUD	CONS	IRUCII	JN INC.				77 C PH 0337	
	Total Labor Costs				B) Total Material (Costs				ntal ent Cost			TOTAL
1	SHE	ET 1 of 2	EWO/Date				+					
2		ET 2 of 2										
3	\$	983.880	3/23/2024		\$	-		\$	1,746.00	Saturday	\$	2,729.88
4												
5									}			
6	\$	983.88		+	\$	-	+	\$	1,746.00	:	= \$	2,729.88
7			F									
8 9			Expenses:	Tau					40.069/	of Total Matori		lm al
10			Material Sales T Rental Sales Ta							of Total Materia of Total Rent		Incl. Incl.
11			Itema oalea 16	IA			**********		10.2370	or rotal item	ai.	11101.
12									Subt	otal - Line 7 thru 1	2: \$	2,729.88
13											•	-1,
14			t e	General (Contrac	tor OH, E	3&IP, &P:		15.00% *	Total Cost	\$	409.48
15									urance Premiu	ms & Profit)		
16												
17									Subto	tal - Line 13 thru 1	9: \$	3,139.36
18									•			
19								_		or's Cost - None	\$	-
20								T	OTAL - Subco	ntractor's Cost	\$	-
21			•						r agn +		•	
22 23			Genei	rai Contri	actor O	H&P on S	Sub Cost:		5.00% *	CHDTOTAL	\$ \$	-
				Mino	Euron	og, Trou	اما المطعنة	=	and Doutel at	SUBTOTAL	•	-
24 25		Misc Expenses: Travel, Lodging, Food, Rental, etc									\$	
26				Subcontractor Bond & Ilis., 0.00% SUBTOTAL								-
27										500101110	\$	
28			TOTAL	PROBA	BLE CO	ONSTRU	CTION C	OST	- KM 106 CON	ISTRUCTION #2	\$	3,139.36

Detailed Estimate

ARIOUS ADDITIONAL WORKS

	OUS ADDITIONAL WORKS												
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No.	CCR#02	No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	То	tal Cost	Unit Cost	Total Cost	Unit Cost	Tot	tal Cost
GE	N. CONTRACTOR	KM 106	CON	STRUCTION	ON INC.							· · ·	
Pro	ject Description:	PLANTIN	IG OF 1	TREES IN D	URING	WEEKEN	j D !		1				
1	SCOPE OF WORK:										• •		
2	Premium cost due to planting of tre	ees durina	weeke	nds			3,	123/2024	Saturday				
3							"	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	- Guiarday				
4	MATERIALS:												
5	Nat Used	0.00		0.00	0.00	\$ -	\$	-	\$ -	\$ -			
6													
7	LABOR:						-						
9	Regular Time												
10	SuperIntendent	-1.00	EΑ	9.00	-9 00	\$ 164.48	\$	·	ОН				
11	Operator/JM	-1.00		9.00		\$ 104.98		(944.82)					
	Laboter/JM	-3.00		9.00		\$ 74.69		(2,016,63)					
	Overtime (x1.5)	ŀ					`	,, ,					
	Superintendent	1.00	EA	9.00	9.00	\$ 164.48	\$	_	ОН				
14	Operator/JM	1.00	ËΑ	9.00		\$ 140.26	\$	1,262.34					
14	Laborer/JM	3.00	EA	9.00	27.00	\$ 99,37	\$	2,682.99					
15													
16	EQUIPMENT:												
17	Tool Truck	1.00	ΕA	9.00	9.00						\$ 47.00		423.00
18	Excavator, CAT 305	1.00	EΑ	9.00	9.00						\$ 81.00	\$	729.00
19	Skid Steer CAT 279	1.00	EΑ	9.00	9.00						\$ 66.00	\$	594.00
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		l		<u> </u>	3.20		1	,		T	<u> </u>	.L	.,

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728 ● Fax 510/535-7040

Proposed Change Order No. 3

PROJECT:

Site Improvement Project

Manzanita ES Site

OWNER: OAKLAND UNIFIED SCHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DATE: AUGUST 7, 2024

DSA FILE NO. N/A

DSA APP NO.: N/A

OUSD PROJECT #: 23136 PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents, including but not limited to General Conditions sections 4.5.1, 4.5.2, 7.6, 7.7, 8.4.1, and 8.4.2.

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents); Scope covered within this proposed change order includes labor and equipment required to paint exterior walls of multiple buildings on overtime and on a weekend per owner direction. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED CHANGES TO THE CONTRACT: None.	
PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$4.614.00	
PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar da	y
REASON FOR REQUEST (check one or more): Unforeseen Conditions Direction by Government Agency X Owner Requested Design Omission Design Error Other:	

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601● Phone 510/535-2728 ● Fax 510/535-7040

CERTIFICATION

Aaron Ramirez . Iname of declaranti, declare the following:

KM 106 Construction Inc. [Contractor company name] has contracted with Oakland Unified School District [public entity name] for the Manzanita Site Improvement Contract ("Contract"). KM 106 Construction Inc. [Contractor company name] authorized me to prepare the attached Change Order Request ("COR") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR being dated March 24, 2024, and entitled COR 3, and requesting \$4,514,00 and/or 0 additional days), and I prepared the attached COR. I am the most knowledgeable person at KM 106 Construction Inc. [Contractor company name] regarding this COR.

The attached COR compiles with all laws applicable to submission of a COR, including but not limited to California Penal Code section 72, Government Code sections 12650 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction Inc. [Contractor company name].

The attached COR does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that <u>Oakland Unified School District [public entity name]</u> is responsible under its Contract with <u>KM 106 Construction Inc.</u> [Contractor company name].

While preparing this declaration and COR I consulted with others (including attorneys, consultants, or others who work for <u>KM 106 Construction inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct.

Contractor understands and agrees that any COR submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR on that basis; and that unless Contractor properly and timely files the COR with the certification, Contractor cannot further pursue the COR in any forum and all rights to additional money or time for the issues covered by the COR are waived due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed August 7, 2024, at San Francisco, California.

Aaron Ramirez F Ineme of declarant

Approved: Architect of Record	Approved and Agreed: General Contractor	Approved and Agreed:
N/A	-	Executive Director of Facilities Date: 4.3.2021
- Marie Mari	<u>C. D.</u>	Chief Systems & Services Facilities
Date:	Date: OBLSIZP24	

EXTRA WORK BILL JOB # 24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

EW DATE: EW TAG No: OWNER: 03/24/2024 24101-03 OUSD



\$ 7,184.16

EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PAINT THROUGH THE WEEKEND

2,748.61 1,420.4 1,420.4 5,589.54 6,575.93 1,10(04)
1,420.4: 1,420.4: 5,589.54 6,575.93
1,420.4 5,589.54 6,575.93
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EXTRA WORK BILL TOTAL

OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

CCR#03

PAINT THOUGH WEEKEND

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chlef Cost Estimator

Date:

8-May-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Cost of Superintendent is not accepted. This is included in the OH&P.

This Scope of Work is a Contract Work. The only additional cost is the additional premium cost due to OT work.

2 GENERAL CONTRACTOR'S COST PROPOSALS

7,184.16

ESTIMATED CONSTRUCTION COST FOR CCR#03

1,843.61

Manzanita Site CCR#03.xls Date Printed: 5/21/2024

COST ESTIMATE SUMMARY

Project Name:

OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Date:

8-May-24

Oakland, CA

Decription:

PCO#2

PLANTING OF TREES IN DURING WEEKEND

Reference Drawing:

Cost Proposal dated 09/27/2023 KM 106 CONSTRUCTION INC.

GEN. CONTRACTOR:

		X	数 装 卷	144	4 %			
	Total		B) Total Material	C) Total				TOTAL
	Labor Costs		Costs	Equip	ment Cost	•		
1	SHEET 1 of 2	EWO/Date		<u></u>				
2	SHEET 2 of 2							
3	\$ 1,086.140	3/24/2024	\$ -		\$ 517.00	Sunday	\$	1,603.14
4			•					
5								
6	\$ 1,086.14		* * * * * * * * * * * * * * * * * * *	: · · · · +	\$ 517.00			1,603.14
7					• •			
8		Expenses:						
9			ax			6 of Total Mate		ln cl .
10		Rental Sales Ta	X		10.25%	6 of Total Rer	ntal:	in cl .
11					_			4 000 44
12	•				ð	ubtotal - Line 7 thru	12: \$	1,603.14
13 14		,	Cameral Contractor Old E	00ID 0D:	15.00%	6 * Total Cost	\$	240.47
15		,	General Contractor OH, E			miums & Profit)	Φ	240.41
16			(Overnea	iu, bullu a	msurançe i re	aniums ar rolly		
17					St	ıbtotal - Line 13 thru	19: \$	1,843.61
18							+	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
19					Subcontr	actor's Cost - None	\$	
20					TOTAL - Su	bcontractor's Cost	\$	•
21							•	
22		Gener	al Contractor OH&P on S	Sub Cost:	5.00%	, *	\$	-
23						SUBTOTAL	\$	•
24			Misc Expenses: Trav	el, Lodging	, Food, Renta	I, etc		
25			Subcontractor Bo	nd & ins.:		0.00%	\$	_
26						SUBTOTAL	\$	-
27								
28		TOTAL	PROBABLE CONSTRU	CTION CO	ST - KM 106	CONSTRUCTION #2	\$	1,843.61

Detailed Estimate

ARIOUS ADDITIONAL WORKS

	MANZANITA SITE IMPR	OVEMEN								1	Ø Date:	
					ĺ	LABOR (COST		MATER	IAL COST	· ·	200
No.	CCR#03	No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	Total Co	st	Unit Cost	Total Cost	Unit Cost	Total Cost
GE	N. CONTRACTOR	KM 106	CON	STRUCTI	ON IN	C.		Ì				
Pro	ject Description:	PLANTIN	IG OF 1	REES IN D	URING	WEEKENI	; ;	'				
1	SCOPE OF WORK:											
2	Painting though weekends	ŕ					3/24/202/	4	Sunday			
3		1					5.2.2.2	. !	Caribby			
4	MATERIALS:							ŀ				
5	Not Used	0.00		0.00	0.00	\$ -	\$ -		\$ -	\$ -		
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7							ĺ	-				
8	LABOR:	-					[İ	i			ŀ
9	Regular Time	ĺ						.	i			
10	Superintendent	-1.00	EA	11.00		\$ 164.48	\$ -		OH			
11	Operator/JM	0.00	EA	0.00		\$ 104.98	s -					
	Laborer/JM	-2,00	EA	11.00	-22.00	\$ 74.69	\$ (1,643.1	18)				
	Doubletime (x2.0)											
13	Superintendent	1.00	EA	11.00:	11.00	\$ 164.48	\$ -		ЮH			
14	Operator/JM	0.00	EA	0.00		\$ 175.55	\$ -	Į		!		
	Laborer/JM	2.00	EΑ	11.00	22.00	\$ 124.06	\$ 2,729.3	32				
15												
16	EQUIPMENT:	j l										
17	Tool Truck	1.00	EΑ	11.00							\$ 47.00	\$ 517.
18	Excavator, CAT 305	0.00	€A	0.00	0.00			j			\$ B1.00	\$ ~
19	Skid Steer CAT 279	0.00	EA	0.00	0.00]			\$ 66.00	\$ -
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Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728 ● Fax 510/535-7040

Proposed Change Order No. 4

PROJECT:

Site Improvement Project

Manzanita ES Site

OWNER: OAKLAND UNIFIED SOHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DATE: AUGUST 7, 2024

DSA FILE NO.: N/A

DSA APP NO.:

OUSD PROJECT #: 23136
PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents, including but not limited to General Conditions sections 4,5.1, 4,5,2, 7.6, 7.7, 8,4.1, and 8.4.2.

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents); Scope covered within this proposed change order includes labor and equipment required to regrade multiple areas of the project due to changes in the work, including working during heavy rain per owner direction. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED CHANGES TO THE CONTRACT: Notice.	
PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$3.540.00	
PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days	à.
REASON FOR REQUEST (check one or more): Unforeseen ConditionsDirection by Government AgencyX Owner RequestedDesign OmissionDesign Error	

Division of Facilities Planning and Management ● 955 High Street Oakland, California 94601 ● Phone 510/535-2728 ● Fax 510/535-7040

CERTIFICATION

I. Aaron Remirez Iname of declarantl, declare the following:

KM-106 Construction Inc. [Contractor company name] has contracted with <u>Oakland Unified School District</u> [public entity name] for the <u>Manzanita Site Improvement Contract</u> ("Contract"). KM 106 Construction Inc. [Contractor company name] authorized me to prepare the attached Change Order Request ("COR") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR being dated March 25, 2024, and entitled <u>COR 4</u>, and requesting \$3.540.00 and/or <u>0</u> additional days), and I prepared the attached COR. I am the most knowledgeable person at <u>KM 106 Construction Inc.</u> [Contractor company name] regarding this COR.

The attached COR complies with all laws applicable to submission of a COR, including but not limited to California Penal Code section 72, Government Code sections 12650 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction inc. (Contractor company name).

The attached COR does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that Oakland Unified School District [public entity name] is responsible under its Contract with KM 106 Construction inc. [Contractor company name].

While preparing this declaration and COR I consulted with others (including attorneys, consultants, or others who work for <u>KM 106 Construction Inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct.

Contractor understands and agrees that any COR submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR on that basis; and that unless Contractor properly and timely files the COR with the certification, Contractor cannot further pursue the COR in any forum and all rights to additional money or time for the issues covered by the COR are waived due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed <u>August 7, 2024, at San Francisco</u>, California.

Aaron Ramirez Iname of declarant]

Approved: Architect of Record	Approved and Agreed: General Contractor	HUM Approved and Agreed:
N/A		Date: Director of Facilities
	Q. P.	Chief Systems & Services Facilities
Date:	Date: 08/15/2024	Date: 9.4-2025

EXTRA	WORK	Błłl

JOB # 24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

OWNER:

EW DATE: EW TAG 03/25/2024 24101-04

ousd



\$ 3,640.66

EXTRA WORK DESCRIPTION: REGRADE AREAS

	ATTAKA (LABOR) SILAKA (LA	RT HRS	RT, RATE \$	RT\$	E DT HRS	DTRATES	r = OT S har	Δ.H	+01
	SUPERINTENDENT	0.00		\$ -	0.00	249,88		\$	-
2	OPERATOR	8.00	\$ 109.61	\$ 876.88	0.00	\$ 141.86	\$ -	\$	876.88
3	OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 141.85	\$ -	\$	-
4	LABORER	8.00	\$ 83.21	\$ 665.68	0.00	\$ 105.43	\$ -	\$	665.68
5	LABORER	0.00	\$ 83.21	\$ -	0.00	\$ 105,43	\$ -	\$	-
6	LABORER	0.00	\$ 83.21	5 -	0.00	\$ 105.43	\$ -	\$	
7	LABORER	0.00	\$ 83.21	\$ -	0.00	\$ 105.43	\$ -	\$	
8	LABORER	0.00	\$ 83.21	\$ -	0.00	\$ 105.43	\$ -	\$	_
				····					
	LABOR HRS / SUBTOTAL			\$ 1,542.56			\$	\$	1,542.56
	LABOR W/MARK-UP @ 15.00%		<u>"</u>	\$ 1,814.78			\$ -	\$	1,814.78
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	· 英語語演奏 - 5 - 10	MANALIN	T&TQQL\$%;			HRS!	EQ RATE 5	BE I	O TOTAL S
1	SUPERINTENDENT PICK-UP TRUCK					0,00		\$	
2	TOOL TRUCK			···		8.00	\$ 47.00	\$	376,00
3	CAT 305 MINI EXCAVATOR	·				.00	\$ 81.00	\$	648.00
4	CAT 279 SKID STEER				••	8.00	\$ 66.00	\$	528:00
5						0.00		\$	
6						0.00	··· ··· ··· ··· ···	\$	-
7						0.00		\$	-
8								\$	-
9								\$	-
10								\$	-
	EQUIPMENT HRS / SUBTOTAL							\$	1,552.00
	EQUIPMENT W/MARK-UP @ 15%							\$	1,825.88
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EXTRA WORK BILL TOTAL

OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

CCR#04

REGRADE AREAS

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chief Cost Estimator

Date:

8-May-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Cost of Superintendent is not accepted. This is included in the OH&P.

2 GENERAL CONTRACTOR'S COST PROPOSALS

3,640.66

ESTIMATED CONSTRUCTION COST FOR CCR#04

\$ 3,437.76

Manzanita Site CCR#04.xls Date Printed; 5/21/2024

COST ESTIMATE SUMMARY

Project Name:

OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Date:

8-May-24

Oakland, CA

Decription:

PCO#2

PLANTING OF TREES IN DURING WEEKEND

Reference Drawing:

Cost Proposal dated 09/27/2023

GEN. CONTRACTOR:

KM 106 CONSTRUCTION INC.

GEN	CONTRACTO	in. Maria	AWI TUG CONSTRUCTIO	M ING.			E Sur	8374 C	29 - 29
	Total Labor Costs		B) Total Material Costs	C) Total Equip		ntal nt Cost			TOTAL
1	SHEET 1 of 2	EWO/Date							* · · · · · · · · · · · · · · · · · · ·
2	SHEET 2 of 2								
3	\$ 1,437.360	3/25/2024	\$ -		\$	1,552.00	Monday	\$	2,989.36
4									
5				ļ					
6	\$ 1,437.36		· · · · + · · ·\$·· · · · · · · · · · · ·	+	\$	1,552.00		= \$	2,989.36
7									
8		Expenses:							
9			ax				of Total Mater		Incl.
10	Rental Sales Tax 10.25% of Total Rental								Incl.
11						_			
12						Sı	ıbtotal - Line 7 thru	12: \$	2,989.36
13			D	alo no		45.000/		*	
14 15		•	General Contractor OH, E		اسما	15.00%		\$	448.40
16			"(Overnea	ю, воли о	rinsi	urance Pren	niums & Profit)		
17						Sul	ototal - Line 13 thru	10· \$	3,437.76
18						Oux	Motal - Line 15 that	13, ψ	5,407.10
19						Subcontra	ctor's Cost - None	\$	_
20					T		contractor's Cost	\$	
21						OTAL OUR	ooning on a cost	٧	
22		Gener	al Contractor OH&P on S	Rub Cost		5.00%	* .	\$	_
23				, ab 0 00.		0,00,70	SUBTOTAL	\$	-
24			Misc Expenses: Trave	el. Lodgin	a. Fr	od, Rental.			
25			Subcontractor Bor		٠, ٠, ٠	,,	0.00%	\$	
26							SUBTOTAL	\$	_
27								,	
28		TOTAL	PROBABLE CONSTRUC	CTION CO	DST	- KM 106 C	ONSTRUCTION #2	\$	3,437.76

Detailed Estimate

ARIOUS ADDITIONAL WORKS

4111	OUS ADDITIONAL WORKS											<u>.</u>			
	MANZANITA SIŢE IMPROV	EMENT									8 3	\$		#	
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No.	CCR#04	No. of Units	Per	M.H. Per Unit	M. H. Total		st Per M. H,	Te	otal Cost	Unit Cost	Total Cost	Unit	t Cost	Tot	al Cost
GE	N. CONTRACTOR	KM 106	CON	STRUCTION	NI NC	C.									
Proj	ect Description:	PLANTIN	IG OF 1	REES IN D	URING	WE	EKENI)							
1	SCOPE OF WORK:														
2	Painting though weekends				:			3	3/25/2024	Monday					
3															
4.	MATERIALS:					١.									
5	Not Used	0.00		0.00	0.00	\$	-	\$	-	\$ -	\$ -				
6 7															!
8	LABOR:														
. 9	Regular Time											İ			
10	Superintendent	0.00	EA	0.00	0.00	\$	164.48	s		OH					
11	Operator/JM	1.00	EΑ	8.00			104.98	\$	839.84						
11	Laborer/JM	1.00	EA	8.00	8.00		74.69	\$	597.52						
12	Doubletime (x2.0)														
13	Superintendent	0.00	EA	0.00		•	164.48	\$	-	OH					
	Operator/JM	0.00	EΑ	0.00			175.55	\$	-						
	Laborer/JM	0.00	EA	0.00	0.00	\$.	124.06	\$	-						
15	EQUIPMENT:														
16	Tool Truck	4.00	Ε.λ	0.00	0.00							, ا	47.00		
- 17 18	Excavator, CAT 305	1.00 1.00	EA EA	8.00 8.00	8.00 8.00	1						\$	47.00		376.00
19	Skid Steer CAT 279	1.00	EA :	8.00	8.00	•						\$ \$	81.00 66.00	\$ \$	648.00 528.00
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27	ALIEN TOTAL O					١.									
28	SHEET TOTALS				16.00	\$	89.84		\$1,437.36		\$ -	l		\$	1,552.00

Division of Facilities Planning and Management @ 955 High Street Oakland, California 94601 Phone 510/535-2728 Fax 510/535-7040

Proposed Change Order No. 5

PROJECT:

Site Improvement Project

Manzanita ES Site

OWNER: OAKLAND UNIFIED SCHOOL DISTRICT

CONTRACTOR: KM 106 CONSTRUCTION

1400 EGBERT AVE

SAN FRANCISCO, CA 94124

DATE: AUGUST 7, 2024

DSA FILE NO

N/A

DSA APP NO.:

N/A

OUSD PROJECT#: 23136

PROJECT MANAGER: Kyle Brower

Contractor hereby submits this Change Order Request ("COR") pursuant to the contract documents, including but not limited to General Conditions sections 4,5.1,4,5.2, 7.6, 7.7, 8.4.1, and 8.4.2.

DESCRIPTION OF PROPOSED CHANGES IN WORK (specifically refer to attached pages or incorporated documents): Scope covered within this proposed change order includes labor, equipment and materials required to import and place a minimum 4 inches of drain rock at the new play structure location including soil removal, off haul and disposal per owner direction. Owner and contractor agreed to settle the cost halfway between the submitted amount and the OUSD cost estimator's reviewed amount.

OTHER PROPOSED CHANGES TO THE CONTRACT: None.	
PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$11,275.00	
PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days	•
REASON FOR REQUEST (check one or more): Unforeseen Conditions Direction by Government Agency X Owner Requested Design Omission Design Error Other	

Division of Facilities Planning and Management 955 High Street Oakland, California 94601 ● Phone 510/535-2728 ● Fax 510/535-7040

CERTIFICATION

I. Aaron Ramirez J. Iname of declaranti, declare the following:

KM 106 Construction Inc. (Contractor company name) has contracted with Oakland Unified School District [public entity name] for the Manzanita Site Improvement Contract ("Contract"). KM 106 Construction Inc. (Contractor company name) authorized me to prepare the attached Change Order Request ("COR") for money and/or time extension for Oakland Unified School District [public entity name] regarding this Contract (such COR being dated April 3, 2024, and entitled COR 5, and requesting \$11,273.00 and/or 0 additional days), and I prepared the attached COR. I am the most knowledgeable person at KM 106 Construction Inc. [Contractor company name] regarding this COR.

The attached COR complies with all laws applicable to submission of a COR, including but not limited to California Penal Code section 72. Government Code sections 12850 et seq. (False Claims Act), and Business and Professions Code sections 17200 et seq. (Unfair Business Practices Act). I am aware that submission or certification of false claims, or other claims that violate law or the Contract, may lead to fines, imprisonment, and/or other serious legal consequences for myself or KM 106 Construction Inc. (Contractor company name).

The attached COR does not breach the Contract, is not a false claim, does not violate any applicable law, satisfies all provisions of the Contract applicable to submission of the COR, only contains truthful and accurate supporting data, and only requests money and/or time extensions that accurately reflect the adjustments to money and time for which I believe that <u>Oakland Unified School District [public entity name]</u> is responsible under its Contract with <u>KM 106 Construction line</u>. [Contractor company name].

While preparing this declaration and COR I consulted with others (including attorneys, consultants, or others who work for <u>KM 106 Construction Inc.</u> [Contractor company name]) when necessary to ensure that the statements were true and correct.

Contractor understands and agrees that any COR submitted without this certification does not meet the terms of the Contract Documents; that Owner, or Owner's representatives, may reject the COR on that basis; and that unless Contractor properly and timely files the COR with the certification, Contractor cannot further pursue the COR in any forum and all rights to additional money or time for the issues covered by the COR are waived due to a condition precedent not having been satisfied.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed <u>August 7, 2024</u>, at <u>San Francisco</u>, California.

Aaron Ramirez (Iname of declarant)

Approved: Architect of Record	Approved and Agreed: General Contractor	Approved and Agreed:
N/A		Executive Director of Facilities Date: 9.8.2024,
	Q. P.	Chief Systems & Services Facilities
Date:	Date: 8/25/2024	

EXTRA WORK BILL

JOB#24101

ADDRESS: 2409 E 27th Ave, Oakland, CA

EW DATE: TAG No: OWNER: 04/03/2024 24101-05 OUSD

ΕW



\$ 11,508.98

EXTRA WORK DESCRIPTION: IMPORT+PLACE MIN 4" DRAIN ROCK, SOIL REMOVAL AND OFF HAUL/DISPOSAL

	LABOR PROPERTY	RTHRS	RT:RATE\$	į	. FRT 5	OT HRS	OT RATE \$,na.o⊤!\$	`'R∏	rot::
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2	OPERATOR	8.00	\$ 109.61	\$	876.88	2.00	\$ 141.86	\$ 283,72	\$	1,160.60
3	OPERATOR	0.00	\$ 109.61	\$			141.86	\$ -	\$	-
4	LABORER	00.8	\$ 83.21	\$-	665.68	2.00	\$108.43	\$ 216.86	\$	882.54
-	LABORER	8.00		\$	665.68	2.00			\$	882.54
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2	TOOL TRUCK						8.00	\$ 47,00	\$	376.00
3	CAT 305 EXCAVATOR						8.00	 	\$	648.00
4	CAT 279 SKID STEER						8.00	\$ 66.00	\$	528.00
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EXTRA WORK BILL TOTAL



Customer ID

Payment Terms NET 30

1891

BILL TO:

KM 106 Construction Inc Email Inv 1400 Egbert Ave San Francisco, CA 94124

<u>INVOICE#</u>	INVOICE DA	<u>TE</u>	PURCHASE	LOCATION
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Job #:

Order PO #:

JOB NAME/LOCATION

24101

2409 E 27th Ave., Oakland, CA

ORDER DESCRIPTION:

11250 - Manzanita Elementary School

Date Truck ID	Ticket# PO#	Mat Ra	te Frt Rate	ίατγ	Mat Amt	Тах	fl.C.F.	*Frt Amt	Total
Product: 2009 Digit Roc	200200000000000000000000000000000000000			46					
3/22/2024 JOSAN01	7222039	\$22.00	\$0.00	19.52	\$429.44	\$44.02	\$12.50	\$0.00	\$485.96
203 - Drain Rock 3/4" -	Recycle - Tickets: 1			19.52	\$429.44	\$44.02	\$12.50	\$0.00	\$485.96

TOTAL TICKETS	NET TONS	<u>LOADS</u>	MATERIAL AMOUNT	TAX AMOUNT	ICF AMOUNT	FREIGHT AMOUNT
1	19.52	0.00	\$429.44	\$44.02	\$12.50	\$0.00

*Integrated Compliance Fee and Freight are exempt from Tax

A finance charge may be applied to all unpaid balances. Reprinted Ticket Fee: \$2.00 per ticket for any reprinted ticket copies(mailed or emailed). Drivers are responsible for tickets.

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If you have any questions about this invoice please contact us at 510-638-7188.

We appreciate your business!



CALMAT CO.

Customer No	Statement Date	Page
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05/31/2024

6020220-10310827

1 of 1

CURRENT MONTH ACTIVITY | 2 Beg Balance 978.99 Billings 0.00 Payments 0.00 Adjustments 0.00 Finance Charges 27.04 NEW BALANCE 1,006.03

KM 106 CONSTRUCTION INC. 1400 EGBERT AVE SAN FRANCISCO, CA 94124

REMIT PAYMENT TO

Calmat Co dba Vulcan Materials Co Lockbox 55572

Los Angeles, CA 90074-5572, US Phone: 1-800-777-8752 or help@vmcmail.com

Acct Rep: Manuel Quinn quinnm@vmcmail.com			Credit Rep.	Ashlyn Bi bitonioa@	tonio ()vmcmall	.com	· ·		Location : WED_CAL_10
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A1 TRUCKING SVS INC P O BOX 1125 FREMONT CA 94538 (510) 828-0270 INFO@A1TruckingSvs.com INVOICE: 202404-151 Date: 04/12/2024

KM106 CONST 1400 EGBERT AVE Gustomer Job: 24101
Origin: OAKLAND
Destination: AS DIRECTED

SAN FRANCISCO CA 94124

Work Day: Thursday Friday Wednesday Tuesday

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GOT DIRT?? WE HAVE A PLACE

AI TRUCKING SVS, INC.
Analling Address P.O. linx 1125, Premont, CA 94538

Prelight Ting: Send tag pic to 209-268-6723 and email to AIWORKCTAG@gmail.com
Billing Statement small to accounting; papt strucking@gmail.com
Dispatch Questions; \$10-828-0270

JOB/P

SMTWTFS BOAY I NIGHT

Tel: 510-828-0270

Customer Satisfaction Always Guaranteed

JOB/PO# Z5/10/

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A1 TRUCKING SVS, INC. IS NOT RESPONSIBLE FOR ANY CONTAMINATED OR HAZARDOUS WASTE.

GOLD - CUSTOMER GREEN - OFFICE WHITE - OFFICE

A1 TRUCKING SVS, INC.

Mailing Address: P.O. Box 1125, Fremont, CA 94538

Freight Tag: Send tag pic to 209-268-6723 and email to altruckingavsine@gmail.com Billing Statement email to accounting: apaltrucking@gmail.com

Dispatch Questions: 510-828-0270

JOB/PO#24101

GOT DIRT?? WE HAVE APLACE

Tel: 510-828-0270 **Customer Satisfaction Always Guaranteed**

FREIGHT BILL# 40448

11-11-211

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TERMS & CONDITIONS: ALL BILLS DUE AND PAYABLE THE 10TH OF THE MONTH, A 2% PEN MONTH CHARGED ON PAST DUE ACCOUNTS. (THIS IS AN ANNUAL PERCENTAGE RATE OF 21% CUSTOMER WILL BE RESPONSIBLE FOR ALL COURT AND ATTORNEY COST FOR COLLECTION.

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CUSTOMER AGREES TO PAY TRUCK TIME STARTS AT TIME TRUCK WAS DISPATCHED & ENDS AT THE ORIGINAL STARTING POINT ON HOURLY PROJECTS.

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WHEN SIGNED, BECOMES A LEGAL BURDONS CONTRACT WHETHER SIGNED BY THE OWNER OR THEIR EMPLOYEE.

IF THERE ARE ANY KIND OF ISSUES ON THE JOB STIE OWNER OR THE THICK MINE ACCIDENTS TRUCK BREAK THAN E. E.C., PLEASE MENTION ON THE TAG BY THE CONSTRUCTION FOR THE THE OWNER AND SCALE TARDONING BY AND, WILL NOT BE DESPONSIBLE FOR ANY KIND OF CLAIMS DAMAGE IF NOT MENTIONED ON THE TAG BY THE CONSTRUCTION OWNERS, PUBLIC PROVIDED ON THE THE OWNER AND SCALE TARDONING BY AND, WILL NOT BE DESPONSIBLE FOR ANY KIND OF CLAIMS DAMAGE IF NOT MENTIONED ON THE TAG BY THE CONSTRUCTION OWNERS, PUBLIC PROVIDED ON THE THE OWNER AND SCALE TARDONING BY AND WILL NOT BE DESPONSIBLE FOR ANY KIND OF CLAIMS DAMAGE IF NOT MENTIONED ON THE TAG BY THE CONSTRUCTION OWNERS, PUBLIC PROVIDED ON THE TARDONING BY AND WI

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AT TRUCKING SVS, INC. IS NOT RESPONSIBLE FOR ANY CONTAMINATED OR HAZARDOUS WASTE, GOLD - CUSTOMER PINK - DRIVER WHITE . OFFICE GREEN - OFFICE YELLOW - OFFICE

























Mailing Address: P.O. Box 1125, Fremont, CA 94538

Freight Tag: Send tog pic to 209-268-6723 and email to AIWORKTAG@gmail.com Billing Statement email to accounting; opultrucking@gmail.com

Dispatch Questions: 510-828-0270

24/01 JOB/PO#_

GOT DIRT?? WE HAVE A PLACE

Tel: 510-828-0270 **Customer Satisfaction Always Guaranteed**

FREIGHT BILL# 76123

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A1 TRUCKING SVS, INC. IS NOT RESPONSIBLE FOR ANY CONTAMINATED OR HAZARDOUS WASTE. WHITE - OFFICE **GREEN - OFFICE** YELLOW - OFFICE GOLD - CUSTOMER

























OAKLAND UNIFIED SCHOOL DISTRICT MANZANITA SITE IMPROVEMENT

PROJ#

23136

CCR#05

IMPORT + PLACE DRAIN ROCK; SOIL REMOVAL AND OFF/HAUL.

To:

K. BROWER/PM

From:

Emil Vinuya, PE/Chlef Cost Estimator

Date:

2-Jul-24

General Comments:

1 GENERAL CONTRACTOR: KM 106 CONSTRUCTION INC.

Labor hourly rates used by GC appear high compared to District's approved rates.

Materials cost based on Invoices provided.

2 GENERAL CONTRACTOR'S COST PROPOSALS \$ 11,508.98

ESTIMATED CONSTRUCTION COST FOR CCR#05 \$ 11,036.40

Manzanita Site CCR#05.xls Date Printed: 7/2/2024

COST ESTIMATE SUMMARY

Project Name:

Decription:

OAKLAND UNIFIED SCHOOL DISTRICT

Project Number:

23136

MANZANITA SITE IMPROVEMENT

Date:

2-Jul-24

PCO#2

IMPORT + PLACE DRAIN ROCK; SOIL REMOVAL AND OFF/HAUL

Reference Drawing:

Cost Proposal dated 09/27/2023 KM 106 CONSTRUCTION INC.

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GEN, CONTRACTOR:	KM 106 CONSTRU

Oakland, CA

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	Total		B) Total Mar	teriai	C) Tota]		TOTAL
	Labor Costs		Costs		_ =qui	pine	ent Cost			
1	SHEET 1 of 2	EWO/Date					· · · · · · ·			
2	SHEET 2 of 2									
3	\$ 2,712.880	4/3/2024	\$	5,331.99	ĺ	\$	1,552.00	Wednesday	\$	9,596.87
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6	\$ 2,712.88		·····+··· ·\$·	5,331.99	- 4	\$	1,552.00		··· \$· ··	9;596.87
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18			•				Out	ototai - Enic 10 tiliu 15	. ψ	11,000,570
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25				ontractor Boi	_	-		0.00%	\$	-
26								SUBTOTAL	\$	-
27										
28		TOTAL	PROBABLE	CONSTRU	CTION C	ost	- KM 106 C	ONSTRUCTION #5	\$	11,036.40

Detailed Estimate

ARIOUS ADDITIONAL WORKS

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						LA	BOR	cos	Т	MATER	RIAL	COST				
No.	CCR#05	No. of Units	Per	M.H. Per Unit	M. H. Total		t Per . H.	To	otal Cost	Unit Cost	7	otal Cost	Unit	t Cost	To	otal Cost
GEI	N. CONTRACTOR	KM 106	CON	STRUCTI	חו אכ	C.		<u> </u>			T					
Proj	ect Description:	IMPORT	+ PLA	CE DRAIN F	оск;	SOIL	REMO	I DVA	L AND OF	F/HAUL						
1	SCOPE OF WORK:															
2	Drain Rock, Soil Removal & Disp	anal .														
3 -	Diam Mock, Soil Memoral & Dish	ло з ан 1		ı				4	1/3/2024	Wednesday						
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11	Regular Time															
12	Operator/JM	1.00	EA.	8.00	8.00	\$ 10	04.98	\$	839.84							
13	Laboret/JM	2.00	EΑ	8.00	16.00		74.69	\$	1,195,04							
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18	EQUIPMENT:	1 1								i						
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DIVISION OF FACILITIES PLANNING AND MANAGEMENT ROUTING FORM

DIVISION OF FACILITIES FEATURING AND PLANAGEMENT ROOTING FORM							
	Project Information						
Project Name Manzanita Elementary School Site Improvement Project Basic Directions Services cannot be provided until the contract is awarded by the Board or is entered by the Superint authority delegated by the Board.		Site	175				
	Basic Directions						
Services cannot be provided until the contract is awarded by the Board <u>or</u> is entered by the Superintendent pursuant to authority delegated by the Board.							
Attachment x Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000.							
Checklist x Workers compensation insurance certification, unless vendor is a sole provider							

Contractor Information								
Contractor Name	KM 106 Construction Inc.	Agency's Contact		Aaron Rai	on Ramirez			
OUSD Vendor ID#	dor ID # 008444 Title		Owner	Owner				
Street Address	1400 Egbert Avenue, 2 nd Floor	City San Franc		ancisco	State	CA	Zip	94124
Telephone	510-512-6799	Policy Expires						
Contractor History	Previously been an OUSD contractor? ☑ Yes ☐ No ☐ Worked as an OUSD employee? ☐ ☑ No							
OUSD Project #	23136		•	•				

Term of Original/Amended Contract					
Date Work Will Begin (i.e., effective date of contract)	01-25-2024	Date Work Will End By (not more than 5 years from start date; for construction contracts, enter planned completion date)	04-24-2024		
		New Date of Contract End (If Any)			

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	\$ 27,513.00		
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 0007/9957 Fund 1/ESSER III 010-0007-0-9957-8500-6274-175-9130-0092-9999-23136 6274 \$27,513.00

	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	Phone	510-535-7038	Fax	510-535-7082				
1.	1. Executive Director, Excilities								
	Signature Preston Thomas (Sep 24, 2024 07:58 PDT)		Date Approved	Sep 24, 2024					
2.	General Counsel, Facilities								
2.	Signature Mark Williams		Date Approved	09/23/2024					
	Chief Systems & Services Officer								
3.	Signature Preston Thomas (Sep 24, 2024 07:58 PDT)		Date Approved	Sep 24, 2024					
	Chief Financial Officer								
4.	Signature		Date Approved						
	President, Board of Education								
5 .	Signature		Date Approved						