

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 Officer
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 Initials _____

SUMMARY OF ADJUSTMENTS TO CONTRACT PRICE:

Original Contract Price (include all special and contingency allowances):	<u>\$462,000.00</u>
Prior Change Orders:	+ <u>\$27,513.00</u>
Total Contract Price Prior to this Change Order	= <u>\$489,513.00</u>
This Change Order's Adjustment:	+ <u>\$15,128.00</u>
Adjusted Contract Price (include all special and contingency allowances):	= <u>\$504,641.00</u>

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





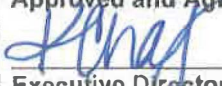
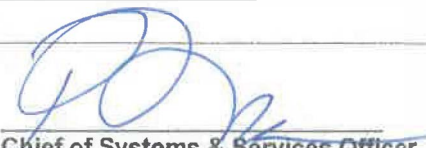
NOTE: Any unspent allowance amounts (including any contingency allowance) shall be retained by the Owner at the end of the Contract. To process an allowance expenditure, use the Allowance Expenditure Directive form, which requires signatures of Contractor and Owner, but does not require Board approval.

SUMMARY OF ADJUSTMENTS TO COMPLETION DEADLINE:

Original contract completion deadline:	<u>April 23, 2024</u>
Time extensions granted in prior change orders:	+ <u>0</u> Calendar Days
Time extension granted in this change order:	+ <u>0</u> Calendar Days
Adjusted contract completion deadline:	= <u>April 23, 2024</u>

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.

<p>Approved: Architect of Record</p> <p>N/A</p> <p>Print Name:</p> <p>Signature:</p> <p>Date:</p> <p>Approved as to Form:  JUSD Facilities Counsel</p> <p>Date: 2/24/25</p>	<p>Approved and Agreed: General Contractor</p> <p> Aaron P. Ramirez</p> <p>Print Name:</p> <p> C. Ramirez</p> <p>Signature:</p> <p> 01/28/2025</p> <p>Date:</p>	<p>Approved and Agreed:</p> <p> Executive Director, Facilities</p> <p>Date: 2.11.2025</p> <p> Chief of Systems & Services Officer</p> <p>Date: 2.11.2025</p>
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CHANGE ORDER REQUEST (Proposed Change Order)

No. 6

PROJECT: Site Improvement Project
Manzanita ES Site

DATE: JANUARY 24, 2025

OWNER: OAKLAND UNIFIED SCHOOL DISTRICT

DSA FILE NO.: N/A

CONTRACTOR: KM 106 CONSTRUCTION

DSA APP NO.: N/A

1400 EGBERT AVE

OUSD PROJECT #: 23136

SAN FRANCISCO, CA 94124

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
- ☒ 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 KM 106 Construction Inc. [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 January 27, 2025, at San Francisco, California.

 [signature]
Aaron Ramirez [name of declarant]

EXTRA WORK BILL JOB # 24101 ADDRESS: 2409 E 27th Ave, Oakland, CA				EW DATE: EW TAG No: OWNER:		11/15/2024 - 11/16/2024 24101-07 OUSD																																																																																																						
EXTRA WORK DESCRIPTION: CONCRETE CURB AND RAMP																																																																																																												
<table border="1"> <thead> <tr> <th colspan="2">LABOR</th> <th>RT HRS</th> <th>RT RATE \$</th> <th>= RT \$</th> <th>OT HRS</th> <th>OT RATE \$</th> <th>= OT \$</th> <th>RT + OT</th> </tr> </thead> <tbody> <tr><td>1</td><td>FOREMAN</td><td>8.00</td><td>\$ 124.94</td><td>\$ 999.52</td><td>4.00</td><td>\$ 164.48</td><td>\$ 657.92</td><td>\$ 1,657.44</td></tr> <tr><td>2</td><td>OPERATOR</td><td>0.00</td><td>\$ 109.61</td><td>\$ -</td><td>0.00</td><td>\$ 141.86</td><td>\$ -</td><td>\$ -</td></tr> <tr><td>3</td><td>OPERATOR</td><td>0.00</td><td>\$ 109.61</td><td>\$ -</td><td>0.00</td><td>\$ 105.43</td><td>\$ -</td><td>\$ -</td></tr> <tr><td>4</td><td>LABORER</td><td>8.00</td><td>\$ 83.21</td><td>\$ 665.68</td><td>12.00</td><td>\$108.43</td><td>\$ 1,301.16</td><td>\$ 1,966.84</td></tr> <tr><td>5</td><td>LABORER</td><td>8.00</td><td>\$ 83.21</td><td>\$ 665.68</td><td>4.00</td><td>\$108.43</td><td>\$ 433.72</td><td>\$ 1,099.40</td></tr> <tr><td>6</td><td>LABORER</td><td>8.00</td><td>\$ 83.21</td><td>\$ 665.68</td><td>4.00</td><td>\$ 105.43</td><td>\$ 421.72</td><td>\$ 1,087.40</td></tr> <tr><td>7</td><td>CEMENT MASON</td><td>8.00</td><td>\$ 83.21</td><td>\$ 665.68</td><td>4.00</td><td>\$ 105.43</td><td>\$ 421.72</td><td>\$ 1,087.40</td></tr> <tr><td>8</td><td>CEMENT MASON</td><td>8.00</td><td>\$ 83.21</td><td>\$ 665.68</td><td>4.00</td><td>\$ 105.43</td><td>\$ 421.72</td><td>\$ 1,087.40</td></tr> <tr><td colspan="2">LABOR HRS / SUBTOTAL</td><td></td><td></td><td>\$ 4,327.92</td><td></td><td></td><td>\$ 3,657.96</td><td>\$ 7,985.88</td></tr> <tr><td colspan="2">LABOR W/MARK-UP @ 15.00%</td><td></td><td></td><td>\$ 5,091.67</td><td></td><td></td><td>\$ 4,303.48</td><td>\$ 9,183.76</td></tr> </tbody> </table>										LABOR		RT HRS	RT RATE \$	= RT \$	OT HRS	OT RATE \$	= OT \$	RT + OT	1	FOREMAN	8.00	\$ 124.94	\$ 999.52	4.00	\$ 164.48	\$ 657.92	\$ 1,657.44	2	OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 141.86	\$ -	\$ -	3	OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 105.43	\$ -	\$ -	4	LABORER	8.00	\$ 83.21	\$ 665.68	12.00	\$108.43	\$ 1,301.16	\$ 1,966.84	5	LABORER	8.00	\$ 83.21	\$ 665.68	4.00	\$108.43	\$ 433.72	\$ 1,099.40	6	LABORER	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43	\$ 421.72	\$ 1,087.40	7	CEMENT MASON	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43	\$ 421.72	\$ 1,087.40	8	CEMENT MASON	8.00	\$ 83.21	\$ 665.68	4.00	\$ 105.43	\$ 421.72	\$ 1,087.40	LABOR HRS / SUBTOTAL				\$ 4,327.92			\$ 3,657.96	\$ 7,985.88	LABOR W/MARK-UP @ 15.00%				\$ 5,091.67			\$ 4,303.48	\$ 9,183.76
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3	VIBRATING PLATE				8.00	\$ 19.00	\$ 152.00																																																																																																					
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1	CONCRETE PUMP				LS	\$ 1,500.00	\$ 1,500.00																																																																																																					
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TRUCKING SUBTOTAL							\$ 2,580.00																																																																																																					
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1	CONCRETE	1.00	LS		\$1,675.00		\$ 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																																																																																																					
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EXTRA WORK BILL TOTAL						\$ 17,974.36																																																																																																						

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

DESIGN NOTES:

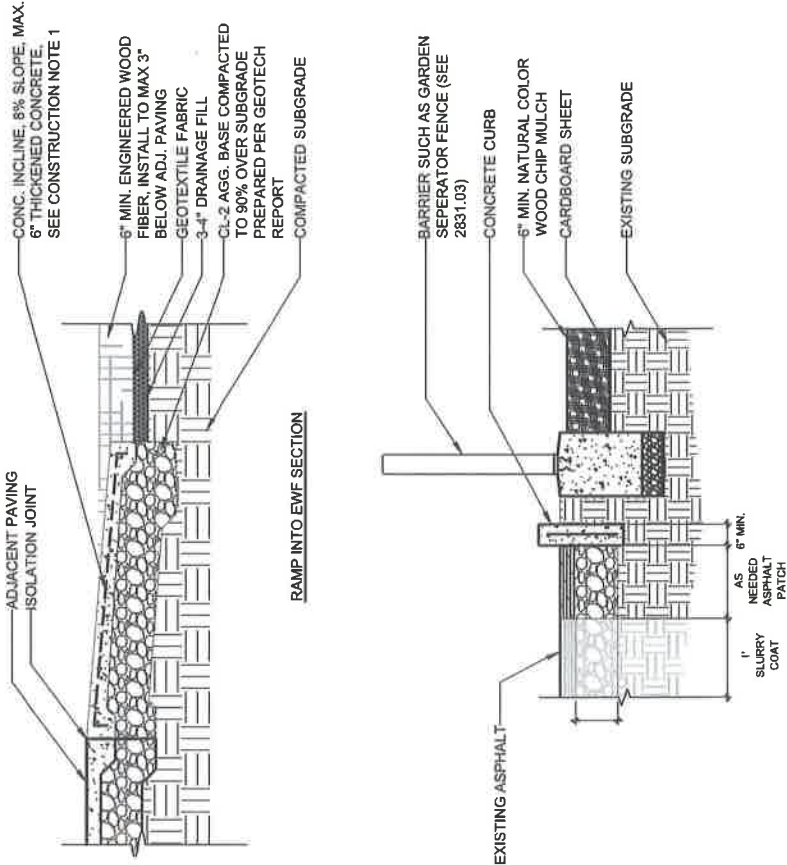
- 1. LOCATE LOOSE MATERIAL GROUND SURFACING AWAY FROM BUILDINGS, HIGH TRAFFIC AREAS, AND ACTIVE AREAS SUCH AS BALL PLAY.
- 2. PROVIDE DISTINCT AREAS FOR ENTRY AND EXIT TO THESE AREAS WITH A WIDE THRESHOLD MATERIAL THAT CAN BE EASILY MAINTAINED SUCH AS A CONCRETE PATH, SAND BOX EDGING WITH TRANSFER PLATFORM FOR THOSE USING A WHEELCHAIR, OR A WOODEN BRIDGE.
- 3. PROVIDE A DIVIDER TO KEEP PEDESTRIAN TRAFFIC FROM FLOWING OUT OF 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.
- 4. 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:



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

MAINTENANCE NOTES:

- 5. MATERIAL WILL NEED TO BE PERIODICALLY TOPPED OFF.



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

 OAKLAND UNIFIED SCHOOL DISTRICT <small>Oakland Unified School District is an Equal Opportunity Institution</small>	 BAY TREE DESIGN	OUSD LIVING SCHOOLYARD STANDARD DETAILS	DATE: OCTOBER 2022	NOT TO SCALE	DETAIL #
			ENGINEERED WOOD FIBER (EWF) & WOOD CHIP MULCH		

2730.06

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
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ESTIMATED CONSTRUCTION COST FOR CCR#07	\$ 12,281.54
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Detailed Estimate

MANZANITA SITE IMPROVEMENT											
										Date:	#REF!
No.	PCO#07				LABOR COST			MATERIAL COST			
		No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		CONCRETE CURB & RAMP									
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:										
11	Regular Time										
12	Mason/FM	1.00	EA	8.00	8.00	\$ 96.19	\$ 769.52				
13	Laborer/JM	3.00	EA	8.00	24.00	\$ 77.66	\$ 1,863.84				
14	Mason/JM	2.00	EA	8.00	16.00	\$ 90.31	\$ 1,444.96				
15	Overtime (x1.5)										
16	Mason/FM	1.00	EA	4.00	4.00	\$ 128.50	\$ 514.00				
17	Laborer/JM	3.00	EA	4.00	12.00	\$ 101.10	\$ 1,213.20				
18	Mason/JM	2.00	EA	4.00	8.00	\$ 119.69	\$ 957.52				
19											
20	EQUIPMENT:										
21	Tool Truck	1.00	EA	16.00	16.00					\$ 47.00	\$ 752.00
22	Vibrating plate	1.00	EA	8.00	8.00					\$ 19.00	\$ 152.00
23	Concrete Pump	1.00	EA	0.00	0.00					\$ 1,500.00	\$ 1,500.00
24	Super Dump	1.00	EA	8.00	8.00					\$ 135.00	????
25											
26											
27											
28											
29											
30											
31											
32	SHEET TOTALS				72.00	\$ 93.93	\$6,763.04		\$ 1,512.56		\$ 2,404.00



DIVISION OF FACILITIES PLANNING AND MANAGEMENT ROUTING FORM

Project Information

Project Name	Manzanita Elementary School Site Improvement Project	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 Checklist	<input checked="" type="checkbox"/> Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000. <input checked="" type="checkbox"/> Workers compensation insurance certification, unless vendor is a sole provider		

Contractor Information

Contractor Name	KM 106 Construction, Inc.	Agency's Contact	Aaron Ramirez				
OUSD Vendor ID #	008444	Title	Owner				
Street Address	1400 Egbert Avenue, 2 nd Floor	City	San Francisco	State	CA	Zip	94124
Telephone	510-512-6799	Policy Expires					
Contractor History	Previously been an OUSD contractor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Worked as an OUSD employee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
OUSD Project #	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	


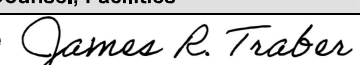

Budget Information

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		
2.	General Counsel, Facilities				
	Signature 	Date Approved	2/24/25		
	Chief Systems & Services Officer				
3.	Signature 	Date Approved	Feb 27, 2025		
	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 Officer
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

OAKLAND UNIFIED SCHOOL DISTRICT

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 #: 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'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

OAKLAND UNIFIED SCHOOL DISTRICT

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SUMMARY OF ADJUSTMENTS TO CONTRACT PRICE:

Original Contract Price (include all special and contingency allowances):	<u>\$462,000.00</u>
Prior Change Orders:	+ <u>\$0.00</u>
Total Contract Price Prior to this Change Order	= <u>\$462,000.00</u>
This Change Order's Adjustment:	+ <u>\$27,513.00</u>
Adjusted Contract Price (include all special and contingency allowances):	= <u>\$489,513.00</u>

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

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

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:	<u>April 23, 2024</u>
Time extensions granted in prior change orders:	+ <u>0</u> Calendar Days
Time extension granted in this change order:	+ <u>0</u> Calendar Days
Adjusted contract completion deadline:	= <u>April 23, 2024</u>

OAKLAND UNIFIED SCHOOL DISTRICT

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 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 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.

OAKLAND UNIFIED SCHOOL DISTRICT

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

Approved: Architect of Record N/A Print Name: Signature: Date: Approved as to Form: <i>Mark Williams</i> OUSD Facilities Counsel Date: 09/23/2024	Approved and Agreed: General Contractor <i>DARON RZAMIREZ</i> Print Name: <i>[Signature]</i> Signature: <i>08/15/2024</i> Date:	Approved and Agreed: <i>[Signature]</i> Executive Director, Facilities <i>9.3.2024</i> Date: <i>[Signature]</i> Chief Systems & Services Officer, Facilities <i>9.4.24</i> Date:
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[Signature]
10/24/2024
Benjamin Davis, President BOE

[Signature]
10/24/2024
Kyla Johnson-Trammell, Superintendent and Secretary, BOE

OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management • 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

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 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
- ☒ Owner Requested
- ☐ Design Omission
- ☐ Design Error
- ☐ Other: _____

OAKLAND UNIFIED SCHOOL DISTRICT

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

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") 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 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 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 KM 106 Construction Inc. [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.

A. Ramirez [signature]
Aaron Ramirez, [name of declarant]

Approved: Architect of Record N/A Date:	Approved and Agreed: General Contractor <u>A. Ramirez</u> Date: <u>08/15/2024</u>	Approved and Agreed: <u>H. Chaf</u> Executive Director of Facilities Date: <u>9/3/2024</u> <u>D. [Signature]</u> Chief Systems & Services Facilities Date: <u>9-4-24</u>
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EXTRA WORK BILL		JOB # 24101		ADDRESS: 2409 E 27th Ave, Oakland, CA		EW DATE: 03/22/2024 EW TAG No: 24101-01 OWNER: OUSD			
EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PLANT TREES IN O/T +DIFFERENTIAL FOR 2ND SHIFT									
LABOR		RT HRS	RT RATE \$	RT \$	OT HRS	OT RATE \$	OT \$	RT + OT	
1	SUPERINTENDENT	0.00	\$ 124.94	\$ -	5.00	\$ 164.48	\$ 822.40	\$ 822.40	
2	OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 141.86	\$ -	\$ -	
3	OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 105.43	\$ -	\$ -	
4	LABORER	0.00	\$ 83.21	\$ -	5.00	\$108.43	\$ 542.15	\$ 542.15	
5	LABORER	0.00	\$ 83.21	\$ -	5.00	\$108.43	\$ 542.15	\$ 542.15	
6	LABORER	0.00	\$ 83.21	\$ -	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				\$ -			\$ 1,906.70	\$ 1,906.70	
LABOR W/MARK-UP @ 15.00%				\$ -			\$ 2,243.18	\$ 2,243.18	
EQUIPMENT & TOOLS					HRS	RATE \$	TOTAL \$		
1	SUPERINTENDENT PICK-UP TRUCK				0.00	\$ 39.00	\$ -		
2	TOOL TRUCK				5.00	\$ 47.00	\$ 235.00		
3	CAT 305 EXCAVATOR				5.00	\$ 81.00	\$ 405.00		
4	CAT 279 SKID STEER				5.00	\$ 66.00	\$ 330.00		
5					0.00	\$ 66.00	\$ -		
6					0.00	\$ 37.00	\$ -		
7					0.00	\$ 27.00	\$ -		
8							\$ -		
9							\$ -		
10							\$ -		
EQUIPMENT HRS / SUBTOTAL							\$ 970.00		
EQUIPMENT W/MARK-UP @ 15%							\$ 1,141.18		
TRUCKING					HRS	RATE \$	TOTAL \$		
1									
2									
TRUCKING HRS /									
TRUCKING									
TRUCKING SUBTOTAL							0.00		
TRUCKING W/MARK-UP @15%							0.00		
MATERIAL					QTY	UNIT	UP \$	COST \$	TAX 10.25%
1					0.00	LD	0.00	0.00	\$ -
2					0.00	LD	0.00	0.00	\$ -
MATERIAL HRS / SUBTOTAL									
MATERIAL W/MARK-UP @ 15%									
SUBCONTRACTORS					HRS	RATE \$	TOTAL \$		
1									
2									
SUBS SUBTOTAL									
SUBS MARK-UP % 15.00%									
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
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COST ESTIMATE SUMMARY

Project Name: **OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT
Oakland, CA**

Project Number: 23136
Date: 8-May-24

Description : **PCO#1
PLANTING OF TREES IN OVERTIME**

Reference Drawing: Cost Proposal dated 09/27/2023
GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

Total Labor Costs		B) Total Material Costs	C) Total Rental Equipment Cost		TOTAL
1	SHEET 1 of 2 EWO/Date				
2	SHEET 2 of 2				
3	\$ 246.800 3/22/2024	\$ -	\$ 970.00	Friday	\$ 1,216.80
4					
5					
6	\$ 246.80	+ \$ -	+ \$ 970.00		= \$ 1,216.80
7					
8	Expenses:				
9	Material Sales Tax.....	10.25%	of Total Material:		Incl.
10	Rental Sales Tax.....	10.25%	of Total Rental:		Incl.
11					
12				Subtotal - Line 7 thru 12:	\$ 1,216.80
13					
14	General Contractor OH, B&IP, &P:	15.00% *	Total Cost	\$	182.52
15	*(Overhead, Bond & Insurance Premiums & Profit)				
16					
17				Subtotal - Line 13 thru 19:	\$ 1,399.32
18					
19				Subcontractor's Cost - None	\$ -
20				TOTAL - Subcontractor's Cost	\$ -
21					
22	General Contractor OH&P on Sub Cost:	5.00% *		\$	-
23				SUBTOTAL	\$ -
24	Misc Expenses: Travel, Lodging, Food, Rental, etc.....				
25	Subcontractor Bond & ins.:	0.00%		\$	-
26				SUBTOTAL	\$ -
27					
28	TOTAL PROBABLE CONSTRUCTION COST - KM 106 CONSTRUCTION #1				\$ 1,399.32

Detailed Estimate

MANZANITA SITE IMPROVEMENT											
				LABOR COST			MATERIAL COST				
No.	CCR#001	No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		PLANTING OF TREES IN OVERTIME									
1	SCOPE OF WORK:										
2	Premium cost due to planting of trees in OT/Weekends.						3/22/2024	Friday			
3											
4	MATERIALS:										
5	Not Used	0.00		0.00	0.00	\$ -	\$ -	\$ -	\$ -		
6											
7											
8	LABOR:										
9	Regular Time										
10	Superintendent	-1.00	EA	5.00	-5.00	\$ 164.48	\$ -	OH			
11	Laborer/JM	-2.00	EA	5.00	-10.00	\$ 74.69	\$ (746.90)				
12	Overtime (x1.5)										
13	Superintendent	1.00	EA	5.00	5.00	\$ 164.48	\$ -	OH			
14	Laborer/JM	2.00	EA	5.00	10.00	\$ 99.37	\$ 993.70				
15											
16	EQUIPMENT:										
17	Tool Truck	1.00	EA	5.00	5.00					\$ 47.00	\$ 235.00
18	Excavator, CAT 305	1.00	EA	5.00	5.00					\$ 81.00	\$ 405.00
19	Skid Steer CAT 279	1.00	EA	5.00	5.00					\$ 66.00	\$ 330.00
20											
21											
22											
23											
24											
25											
26											
27											
28	SHEET TOTALS				0.00	#DIV/0!	\$246.80		\$ -		\$ 970.00

OAKLAND UNIFIED SCHOOL DISTRICT

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
Marzanita 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 4.6.1, 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 CHANGES TO THE CONTRACT:
None.

PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$5,894.00

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):

- ☐ Unforeseen Conditions
- ☐ Direction by Government Agency
- ☒ Owner Requested
- ☐ Design Omission
- ☐ Design Error
- ☐ Other: _____

OAKLAND UNIFIED SCHOOL DISTRICT

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 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") 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 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 KM 106 Construction Inc. [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.

A. Ramirez Jr. [signature]
Aaron Ramirez Jr. [name of declarant]

Approved: Architect of Record N/A Date:	Approved and Agreed: General Contractor <u>A. Ramirez Jr.</u> Date: <u>08/15/2024</u>	Approved and Agreed: <u>[Signature]</u> Executive Director of Facilities Date: <u>8.3.2024</u> <u>[Signature]</u> Chief Systems & Services Facilities Date: <u>9-4-24</u>
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EXTRA WORK BILL				EW DATE: 03/23/2024			
JOB # 24101				EW TAG: 24101-02			
ADDRESS: 2409 E 27th Ave, Oakland, CA				OWNER: OUSD			
EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PLANT TREES OVER WEEKEND							
LABOR	RT HRS	RT RATE \$	RT \$	OT HRS	OT RATE \$	OT \$	RT+OT
1 SUPERINTENDENT	0.00	\$ 124.94	\$ -	9.00	\$ 164.48	\$ 1,480.32	\$ 1,480.32
2 OPERATOR	0.00	\$ 109.61	\$ -	9.00	\$ 141.86	\$ 1,276.74	\$ 1,276.74
3 OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 105.43	\$ -	\$ -
4 LABORER	0.00	\$ 83.21	\$ -	9.00	\$ 105.43	\$ 948.87	\$ 948.87
5 LABORER	0.00	\$ 83.21	\$ -	9.00	\$ 105.43	\$ 948.87	\$ 948.87
6 LABORER	0.00	\$ 83.21	\$ -	9.00	\$ 105.43	\$ 948.87	\$ 948.87
7 LABORER	0.00	\$ 83.21	\$ -	0.00	\$ 105.43	\$ -	\$ -
8 LABORER	0.00	\$ 83.21	\$ -	0.00	\$ 105.43	\$ -	\$ -
LABOR HRS / SUBTOTAL			\$ -			\$ 5,603.67	\$ 5,603.67
LABOR W/MARK-UP @ 15.00%			\$ -			\$ 6,592.55	\$ 6,592.55
EQUIPMENT & TOOLS				HRS	EQ RATE \$	EQ TOTAL \$	
1 SUPERINTENDENT PICK-UP TRUCK				0.00	\$47.00	\$ -	
2 TOOL TRUCK				9.00	\$ 47.00	\$ 423.00	
3 CAT 305 MINI EXCAVATOR				9.00	\$ 81.00	\$ 729.00	
4 CAT 279 SKID STEER				9.00	\$ 66.00	\$ 594.00	
5				0.00		\$ -	
6				0.00		\$ -	
7				0.00		\$ -	
8						\$ -	
9						\$ -	
10						\$ -	
EQUIPMENT HRS / SUBTOTAL						\$ 1,746.00	
EQUIPMENT W/MARK-UP @ 15%						\$ 2,054.12	
TRUCKING				HRS	RATE \$	TOTAL \$	
1							
2							
TRUCKING HRS /							
TRUCKING							
TRUCKING SUBTOTAL						0.00	
TRUCKING W/MARK-UP @15%						0.00	
MATERIAL				QTY	UNIT	UP \$	COST \$
1				0.00	LD	0.00	0.00
2				0.00	LD	0.00	0.00
MATERIAL HRS / SUBTOTAL							
MATERIAL W/MARK-UP @ 15%							
SUBCONTRACTORS				HRS	RATE \$	TOTAL \$	
1							
2							
SUBS SUBTOTAL							
SUBS MARK-UP % 15.00%							
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

COST ESTIMATE SUMMARY

Project Name: **OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT
Oakland, CA**

Project Number: 23136
Date: 8-May-24

Description : **PCO#2
PLANTING OF TREES IN DURING WEEKEND**

Reference Drawing: Cost Proposal dated 09/27/2023
GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

Total Labor Costs		B) Total Material Costs	C) Total Rental Equipment Cost		TOTAL
1	SHEET 1 of 2 EWO/Date				
2	SHEET 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					
8	Expenses:				
9	Material Sales Tax.....	10.25%	of Total Material:	Incl.	
10	Rental Sales Tax.....	10.25%	of Total Rental:	Incl.	
11					
12				Subtotal - Line 7 thru 12:	\$ 2,729.88
13					
14	General Contractor OH, B&IP, &P:	15.00% *	Total Cost	\$	409.48
15	*(Overhead, Bond & Insurance Premiums & Profit)				
16					
17				Subtotal - Line 13 thru 19:	\$ 3,139.36
18					
19				Subcontractor's Cost - None	\$ -
20				TOTAL - Subcontractor's Cost	\$ -
21					
22	General Contractor OH&P on Sub Cost:	5.00% *		\$	-
23				SUBTOTAL	\$ -
24	Misc Expenses: Travel, Lodging, Food, Rental, etc.....				
25	Subcontractor Bond & ins.:	0.00%		\$	-
26				SUBTOTAL	\$ -
27					
28	TOTAL PROBABLE CONSTRUCTION COST - KM 106 CONSTRUCTION #2				\$ 3,139.36

Detailed Estimate

ARIOUS ADDITIONAL WORKS

MANZANITA SITE IMPROVEMENT											
No. CCR#02		No. of Units	Per	M.H. Per Unit	LABOR COST			MATERIAL COST			
					M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		PLANTING OF TREES IN DURING WEEKEND									
1	SCOPE OF WORK:										
2	Premium cost due to planting of trees during weekends						3/23/2024	Saturday			
3											
4	MATERIALS:										
5	Not Used	0.00		0.00	0.00	\$ -	\$ -	\$ -	\$ -		
6											
7											
8	LABOR:										
9	Regular Time										
10	Superintendent	-1.00	EA	9.00	-9.00	\$ 164.48	\$ -	OH			
11	Operator/JM	-1.00	EA	9.00	-9.00	\$ 104.98	\$ (944.82)				
11	Laborer/JM	-3.00	EA	9.00	-27.00	\$ 74.69	\$ (2,016.63)				
12	Overtime (x1.5)										
13	Superintendent	1.00	EA	9.00	9.00	\$ 164.48	\$ -	OH			
14	Operator/JM	1.00	EA	9.00	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	EA	9.00	9.00					\$ 47.00	\$ 423.00
18	Excavator, CAT 305	1.00	EA	9.00	9.00					\$ 81.00	\$ 729.00
19	Skid Steer CAT 279	1.00	EA	9.00	9.00					\$ 66.00	\$ 594.00
20											
21											
22											
23											
24											
25											
26											
27											
28	SHEET TOTALS				0.00	#DIV/0!	\$983.88	\$ -			\$ 1,746.00

OAKLAND UNIFIED SCHOOL DISTRICT

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

DATE: AUGUST 7, 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 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: \$4,514.00

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):

- ☐ Unforeseen Conditions
- ☐ Direction by Government Agency
- ☒ Owner Requested
- ☐ Design Omission
- ☐ Design Error
- ☐ Other: _____

OAKLAND UNIFIED SCHOOL DISTRICT

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

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") 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 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 KM 106 Construction Inc. [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.

A. Ramirez [signature]
Aaron Ramirez, [name of declarant]

Approved: Architect of Record N/A Date:	Approved and Agreed: General Contractor <u>A. Ramirez</u> Date: <u>08/15/2024</u>	Approved and Agreed: <u>[Signature]</u> Executive Director of Facilities Date: <u>9-3-2024</u> <u>[Signature]</u> Chief Systems & Services Facilities Date: <u>9-4-24</u>
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EXTRA WORK BILL JOB # 24101 ADDRESS: 2409 E 27th Ave, Oakland, CA			EW DATE: EW TAG No: OWNER:		03/24/2024 24101-03 OUSD																																																																																											
EXTRA WORK DESCRIPTION: OUSD GAVE DIRECTIVE TO PAINT THROUGH THE WEEKEND																																																																																																
<table border="1"> <thead> <tr> <th>LABOR</th> <th>RT HRS</th> <th>RT RATE \$</th> <th>RT \$</th> <th>DT HRS</th> <th>DT RATE \$</th> <th>DT \$</th> <th>RT + DT</th> </tr> </thead> <tbody> <tr> <td>1 SUPERINTENDENT</td> <td>0.00</td> <td>\$ 124.94</td> <td>\$ -</td> <td>11.00</td> <td>249.88</td> <td>\$ 2,748.68</td> <td>\$ 2,748.68</td> </tr> <tr> <td>2 OPERATOR</td> <td>0.00</td> <td>\$ 109.61</td> <td>\$ -</td> <td>0.00</td> <td>\$ 141.86</td> <td>\$ -</td> <td>\$ -</td> </tr> <tr> <td>3 OPERATOR</td> <td>0.00</td> <td>\$ 109.61</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> </tr> <tr> <td>4 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>11.00</td> <td>129.13</td> <td>\$ 1,420.43</td> <td>\$ 1,420.43</td> </tr> <tr> <td>5 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>11.00</td> <td>129.13</td> <td>\$ 1,420.43</td> <td>\$ 1,420.43</td> </tr> <tr> <td>6 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> </tr> <tr> <td>7 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> </tr> <tr> <td>8 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> </tr> <tr> <td colspan="2">LABOR HRS / SUBTOTAL</td> <td></td> <td>\$ -</td> <td></td> <td></td> <td>\$ 5,589.54</td> <td>\$ 5,589.54</td> </tr> <tr> <td colspan="2">LABOR W/MARK-UP @ 15.00%</td> <td></td> <td>\$ -</td> <td></td> <td></td> <td>\$ 6,575.93</td> <td>\$ 6,575.93</td> </tr> </tbody> </table>									LABOR	RT HRS	RT RATE \$	RT \$	DT HRS	DT RATE \$	DT \$	RT + DT	1 SUPERINTENDENT	0.00	\$ 124.94	\$ -	11.00	249.88	\$ 2,748.68	\$ 2,748.68	2 OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 141.86	\$ -	\$ -	3 OPERATOR	0.00	\$ 109.61	\$ -	0.00	\$ 105.43	\$ -	\$ -	4 LABORER	0.00	\$ 83.21	\$ -	11.00	129.13	\$ 1,420.43	\$ 1,420.43	5 LABORER	0.00	\$ 83.21	\$ -	11.00	129.13	\$ 1,420.43	\$ 1,420.43	6 LABORER	0.00	\$ 83.21	\$ -	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			\$ -			\$ 5,589.54	\$ 5,589.54	LABOR W/MARK-UP @ 15.00%			\$ -			\$ 6,575.93	\$ 6,575.93
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EXTRA WORK BILL TOTAL							\$ 7,184.16																																																																																									

OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT

PROJ # 23136

CCR#03 PAINT THOUGH WEEKEND

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 \$ 7,184.16

ESTIMATED CONSTRUCTION COST FOR CCR#03 \$ 1,843.61

COST ESTIMATE SUMMARY

Project Name: **OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT
Oakland, CA**

Project Number: 23136
Date: 8-May-24

Description : **PCO#2
PLANTING OF TREES IN DURING WEEKEND**

Reference Drawing: Cost Proposal dated 09/27/2023
GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

Total Labor Costs		B) Total Material Costs	C) Total Rental Equipment Cost		TOTAL
1	SHEET 1 of 2 EWO/Date				
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	Material Sales Tax.....		10.25%	of Total Material:	Incl.
10	Rental Sales Tax.....		10.25%	of Total Rental:	Incl.
11					
12				Subtotal - Line 7 thru 12:	\$ 1,603.14
13					
14	General Contractor OH, B&IP, &P:	15.00% *	Total Cost	\$	240.47
15	*(Overhead, Bond & Insurance Premiums & Profit)				
16					
17				Subtotal - Line 13 thru 19:	\$ 1,843.61
18					
19				Subcontractor's Cost - None	\$ -
20				TOTAL - Subcontractor's Cost	\$ -
21					
22	General Contractor OH&P on Sub Cost:	5.00% *		\$	-
23				SUBTOTAL	\$ -
24	Misc Expenses: Travel, Lodging, Food, Rental, etc.....				
25	Subcontractor Bond & ins.:		0.00%	\$	-
26				SUBTOTAL	\$ -
27					
28	TOTAL PROBABLE CONSTRUCTION COST - KM 106 CONSTRUCTION #2				\$ 1,843.61

Detailed Estimate

VARIOUS ADDITIONAL WORKS

MANZANITA SITE IMPROVEMENT											
No. CCR#03		No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		PLANTING OF TREES IN DURING WEEKEND									
1	SCOPE OF WORK:										
2	Painting though weekends						3/24/2024	Sunday			
3											
4	MATERIALS:										
5	Not Used	0.00		0.00	0.00	\$ -	\$ -	\$ -	\$ -		
6											
7											
8	LABOR:										
9	Regular Time										
10	Superintendent	-1.00	EA	11.00	-11.00	\$ 164.48	\$ -	OH			
11	Operator/JM	0.00	EA	0.00	0.00	\$ 104.98	\$ -				
11	Laborer/JM	-2.00	EA	11.00	-22.00	\$ 74.69	\$ (1,643.18)				
12	Doubletime (x2.0)										
13	Superintendent	1.00	EA	11.00	11.00	\$ 164.48	\$ -	OH			
14	Operator/JM	0.00	EA	0.00	0.00	\$ 175.55	\$ -				
14	Laborer/JM	2.00	EA	11.00	22.00	\$ 124.06	\$ 2,729.32				
15											
16	EQUIPMENT:										
17	Tool Truck	1.00	EA	11.00	11.00					\$ 47.00	\$ 517.00
18	Excavator, CAT 305	0.00	EA	0.00	0.00					\$ 81.00	\$ -
19	Skid Steer CAT 279	0.00	EA	0.00	0.00					\$ 66.00	\$ -
20											
21											
22											
23											
24											
25											
26											
27											
28	SHEET TOTALS				0.00	#DIV/0!	\$1,086.14		\$ -		\$ 517.00

OAKLAND UNIFIED SCHOOL DISTRICT

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

DATE: AUGUST 7, 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 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:
None.

PROPOSED ADJUSTMENT TO CONTRACT PRICE: \$3,540.00

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):

- ☐ Unforeseen Conditions
- ☐ Direction by Government Agency
- ☒ Owner Requested
- ☐ Design Omission
- ☐ Design Error
- ☐ Other: _____

OAKLAND UNIFIED SCHOOL DISTRICT

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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") 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 COR 4, and requesting \$3,540.00 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 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 KM 106 Construction Inc. [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.

A. Ramirez [signature]
Aaron Ramirez [name of declarant]

Approved: Architect of Record N/A Date:	Approved and Agreed: General Contractor <u>A. Ramirez</u> Date: <u>08/15/2024</u>	Approved and Agreed: <u>[Signature]</u> Executive Director of Facilities Date: <u>9.3.2024</u> <u>[Signature]</u> Chief Systems & Services Facilities Date: <u>9.4.2024</u>
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EXTRA WORK BILL JOB # 24101 ADDRESS: 2409 E 27th Ave, Oakland, CA				EW DATE: 03/25/2024 No: 24101-04 OWNER: OUSD			
EXTRA WORK DESCRIPTION: REGRADE AREAS							
LABOR	RT HRS	RT RATE \$	= RT \$	DT HRS	DT RATE \$	= DT \$	RT-DT
1 SUPERINTENDENT	0.00	\$ 124.94	\$ -	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	\$ 141.86	\$ -	\$ -
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	\$ -	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%			\$ 1,814.78			\$ -	\$ 1,814.78
EQUIPMENT & TOOLS				HRS	RATE \$	TOTAL \$	
1 SUPERINTENDENT PICK-UP TRUCK				0.00		\$ -	
2 TOOL TRUCK				8.00	\$ 47.00	\$ 376.00	
3 CAT 305 MINI EXCAVATOR				8.00	\$ 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	
TRUCKING				HRS	RATE \$	TOTAL \$	
1							
2							
TRUCKING HRS /							
TRUCKING							
TRUCKING SUBTOTAL						0.00	
TRUCKING W/MARK-UP @15%						0.00	
MATERIAL	QTY	UNIT	UP \$	COST \$	TAX @0.25%	TOTAL \$	
1	0.00	LD	0.00	0.00	0.00	\$ -	
2	0.00	LD	0.00	0.00	0.00	\$ -	
MATERIAL HRS / SUBTOTAL							
MATERIAL W/MARK-UP @ 15%							
SUBCONTRACTORS				HRS	RATE \$	TOTAL \$	
1							
2							
SUBS SUBTOTAL							
SUBS MARK-UP % 15.00%							
EXTRA WORK BILL TOTAL						\$ 3,640.66	

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

COST ESTIMATE SUMMARY

Project Name: **OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT
Oakland, CA**

Project Number: 23136
Date: 8-May-24

Description: **PCO#2
PLANTING OF TREES IN DURING WEEKEND**

Reference Drawing: Cost Proposal dated 09/27/2023
GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

Total Labor Costs		B) Total Material Costs	C) Total Rental Equipment 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					
6	\$ 1,437.36	+ \$ -	+ \$ 1,552.00		= \$ 2,989.36
7					
8	Expenses:				
9	Material Sales Tax.....		10.25%	of Total Material:	Incl.
10	Rental Sales Tax.....		10.25%	of Total Rental:	Incl.
11					
12	Subtotal - Line 7 thru 12:				\$ 2,989.36
13					
14	General Contractor OH, B&IP, &P:		15.00% *	Total Cost	\$ 448.40
15	*(Overhead, Bond & Insurance Premiums & Profit)				
16					
17	Subtotal - Line 13 thru 19:				\$ 3,437.76
18					
19	Subcontractor's Cost - None				\$ -
20	TOTAL - Subcontractor's Cost				\$ -
21					
22	General Contractor OH&P on Sub Cost:		5.00% *		\$ -
23	SUBTOTAL				\$ -
24	Misc Expenses: Travel, Lodging, Food, Rental, etc.....				
25	Subcontractor Bond & ins.:		0.00%		\$ -
26	SUBTOTAL				\$ -
27					
28	TOTAL PROBABLE CONSTRUCTION COST - KM 106 CONSTRUCTION #2				\$ 3,437.76

Detailed Estimate

ARIOUS ADDITIONAL WORKS

MANZANITA SITE IMPROVEMENT											
				LABOR COST			MATERIAL COST				
No.	CCR#04	No. of Units	Per	M.H. Per Unit	M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		PLANTING OF TREES IN DURING WEEKEND									
1	SCOPE OF WORK:										
2	Painting though weekends						3/25/2024	Monday			
3											
4	MATERIALS:										
5	Not Used	0.00		0.00	0.00	\$ -	\$ -	\$ -	\$ -		
6											
7											
8	LABOR:										
9	Regular Time										
10	Superintendent	0.00	EA	0.00	0.00	\$ 164.48	\$ -	OH			
11	Operator/JM	1.00	EA	8.00	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	0.00	\$ 164.48	\$ -	OH			
14	Operator/JM	0.00	EA	0.00	0.00	\$ 175.55	\$ -				
14	Laborer/JM	0.00	EA	0.00	0.00	\$ 124.06	\$ -				
15											
16	EQUIPMENT:										
17	Tool Truck	1.00	EA	8.00	8.00					\$ 47.00	\$ 376.00
18	Excavator, CAT 305	1.00	EA	8.00	8.00					\$ 81.00	\$ 648.00
19	Skid Steer CAT 279	1.00	EA	8.00	8.00					\$ 66.00	\$ 528.00
20											
21											
22											
23											
24											
25											
26											
27											
28	SHEET TOTALS				16.00	\$ 89.84	\$1,437.36	\$ -		\$	1,552.00

OAKLAND UNIFIED SCHOOL DISTRICT

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Proposed Change Order No. 5

PROJECT: Site Improvement Project
Manzanita ES Site

DATE: AUGUST 7, 2024

OWNER: OAKLAND UNIFIED SCHOOL DISTRICT

DSA FILE NO: N/A

DSA APP NO.: N/A

CONTRACTOR: KM 106 CONSTRUCTION

OUSD PROJECT #: 23136

1400 EGBERT AVE

PROJECT MANAGER: Kyle Brower

SAN FRANCISCO, CA 94124

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: \$11,273.00

PROPOSED ADJUSTMENT TO CONTRACT TIME: 0 calendar days

REASON FOR REQUEST (check one or more):

- ☐ Unforeseen Conditions
- ☐ Direction by Government Agency
- ☒ Owner Requested
- ☐ Design Omission
- ☐ Design Error
- ☐ Other: _____

OAKLAND UNIFIED SCHOOL DISTRICT

Division of Facilities Planning and Management • 855 High Street Oakland, California 94601 • Phone 510/535-2728 • Fax 510/535-7040

CERTIFICATION

I, Aaron Ramirez Jr. [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") 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 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 KM 106 Construction Inc. [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.

C. R. [signature]
Aaron Ramirez Jr. [name of declarant]

Approved: Architect of Record N/A Date:	Approved and Agreed: General Contractor <u>A. R.</u> Date: <u>08/15/2024</u>	Approved and Agreed: <u>[Signature]</u> Executive Director of Facilities Date: <u>9.3.2024</u> <u>[Signature]</u> Chief Systems & Services Facilities Date: <u>9.4.24</u>
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EXTRA WORK BILL JOB # 24101 ADDRESS: 2409 E 27th Ave, Oakland, CA			EW DATE: EW TAG No: OWNER:		04/03/2024 24101-05 OUSD																																																																																																																		
EXTRA WORK DESCRIPTION: IMPORT+PLACE MIN 4" DRAIN ROCK, SOIL REMOVAL AND OFF HAUL/DISPOSAL																																																																																																																							
<table border="1"> <thead> <tr> <th>LABOR</th> <th>RT-HRS</th> <th>RT-RATE \$</th> <th>RT-\$</th> <th>OT-HRS</th> <th>OT-RATE \$</th> <th>OT-\$</th> <th>RT+OT</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>1 SUPERINTENDENT</td> <td></td> <td>\$ 124.94</td> <td>\$ -</td> <td></td> <td>\$ 164.48</td> <td>\$ -</td> <td>\$ -</td> <td></td> <td></td> </tr> <tr> <td>2 OPERATOR</td> <td>8.00</td> <td>\$ 109.61</td> <td>\$ 876.88</td> <td>2.00</td> <td>\$ 141.86</td> <td>\$ 283.72</td> <td>\$ 1,160.60</td> <td></td> <td></td> </tr> <tr> <td>3 OPERATOR</td> <td>0.00</td> <td>\$ 109.61</td> <td>\$ -</td> <td></td> <td>\$ 141.86</td> <td>\$ -</td> <td>\$ -</td> <td></td> <td></td> </tr> <tr> <td>4 LABORER</td> <td>8.00</td> <td>\$ 83.21</td> <td>\$ 665.68</td> <td>2.00</td> <td>\$ 108.43</td> <td>\$ 216.86</td> <td>\$ 882.54</td> <td></td> <td></td> </tr> <tr> <td>5 LABORER</td> <td>8.00</td> <td>\$ 83.21</td> <td>\$ 665.68</td> <td>2.00</td> <td>\$ 108.43</td> <td>\$ 216.86</td> <td>\$ 882.54</td> <td></td> <td></td> </tr> <tr> <td>6 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> <td></td> <td></td> </tr> <tr> <td>7 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> <td></td> <td></td> </tr> <tr> <td>8 LABORER</td> <td>0.00</td> <td>\$ 83.21</td> <td>\$ -</td> <td>0.00</td> <td>\$ 105.43</td> <td>\$ -</td> <td>\$ -</td> <td></td> <td></td> </tr> <tr> <td colspan="3">LABOR HRS / SUBTOTAL</td> <td>\$ 2,208.24</td> <td></td> <td></td> <td>\$ 717.44</td> <td>\$ 2,925.68</td> <td></td> <td></td> </tr> <tr> <td colspan="3">LABOR W/MARK-UP @ 15.00%</td> <td>\$ 2,597.93</td> <td></td> <td></td> <td>\$ 844.05</td> <td>\$ 3,441.98</td> <td></td> <td></td> </tr> </tbody> </table>										LABOR	RT-HRS	RT-RATE \$	RT-\$	OT-HRS	OT-RATE \$	OT-\$	RT+OT			1 SUPERINTENDENT		\$ 124.94	\$ -		\$ 164.48	\$ -	\$ -			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	8.00	\$ 83.21	\$ 665.68	2.00	\$ 108.43	\$ 216.86	\$ 882.54			5 LABORER	8.00	\$ 83.21	\$ 665.68	2.00	\$ 108.43	\$ 216.86	\$ 882.54			6 LABORER	0.00	\$ 83.21	\$ -	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			\$ 2,208.24			\$ 717.44	\$ 2,925.68			LABOR W/MARK-UP @ 15.00%			\$ 2,597.93			\$ 844.05	\$ 3,441.98		
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EQUIPMENT W/MARK-UP @ 15%			\$ 1,825.88																																																																																																																				
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EXTRA WORK BILL TOTAL							\$ 11,508.98																																																																																																																



ARGENT MATERIALS
8300 Baldwin Street
Oakland, CA 94621

Customer ID
1891

Payment Terms
NET 30

BILL TO:

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

INVOICE #	INVOICE DATE	PURCHASE LOCATION
A96383	3/22/2024	8300 Baldwin Street

Job #: 24101 Order PO #: JOB NAME/LOCATION
2409 E 27th Ave., Oakland, CA

ORDER DESCRIPTION:

11250 - Manzanita Elementary School

Date	Truck ID	Ticket #	PO#	Mat Rate	Frnt Rate	QTY	Mat Amt	Tax	*I.C.F.	*Frnt Amt	Total
Product: 203 Drain Rock 3/4" Recycle											
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

<u>TOTAL TICKETS</u>	<u>NET TONS</u>	<u>LOADS</u>	<u>MATERIAL AMOUNT</u>	<u>TAX AMOUNT</u>	<u>ICF AMOUNT</u>	<u>FREIGHT AMOUNT</u>
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.

SUBTOTAL	\$429.44
TAX	\$44.02
FREIGHT	\$0.00
ICF	\$12.50
TOTAL	\$485.96

*If you have any questions about this invoice
please contact us at 510-638-7188.
We appreciate your business!*



CUSTOMER STATEMENT

Customer No

Statement Date

Page

6020220-10310827

05/31/2024

1 of 1

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

CURRENT MONTH ACTIVITY

Beg Balance	978.99
Billings	0.00
Payments	0.00
Adjustments	0.00
Finance Charges	27.04
NEW BALANCE	1,006.03

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 Bitonio
bitonioa@vmcmail.com

Location :
WED_CAL_10

Delivery Location	INVOICES				Orig Inv No	Adjustment Reason	Balance
	Date	Due Date	Inv No	Class			
JOB24101 / 2409 EAST 27TH AVE	04/05/2024	05/15/2024	73960476	INV			978.99
FINANCE CHARGE	05/31/2024	06/15/2024	474931	DM			27.04

MAY-24	APR-24	MAR-24	FEB-24	> 4 Mos	Balance Due
27.04	978.99	0.00	0.00	0.00	\$1,006.03

TERMS / DISCOUNTS

Credit Terms of Sale: Credit Terms of Sale are NET15THPROX. Finance charges will be applied to all past due balances in accordance with Vulcan's Commercial Credit Application and Agreement

CLASS CODES

INV Invoices
CB Chargeback Invoices
DM Debit Memo
CM Credit Memo
PMT Payment

Email Statements

PLEASE RETURN REMITTANCE ADVICE WITH PAYMENT



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

SAN FRANCISCO CA 94124

Customer Job: 24101
Origin: OAKLAND
Destination: AS DIRECTED

Work Day: Thursday Friday Wednesday Tuesday

#	Date	D/N	Ft Bill	Driver	Eq Type	Truck	Type	Description	Qty	Rate	Amount
1	04/02/24	D	127049		ST	SG-1325	H	OAKLAND	6.00	128.00	768.00
2	04/03/24	D	72518		SD	A1	H	OAKLAND	6.00	128.00	768.00
3	04/04/24	D	40448		SG	SG-1308	H	OAKLAND	2.00	128.00	256.00
4	04/05/24	D	76123		SG	SG-1320	H	OAKLAND	16.00	128.00	2,048.00
Amount:											3,840.00

Item	Qty	Amount
HOURS	30.00	3,840.00

Please Pay This Amount: 3,840.00

Net 30 Days. Unpaid balance is subject to 2 1/2% service charge per month and any and all cost of collections. All bills are due and payable within 30 days from the date of the invoice. Any discrepancy reported after the 7 day period will not be accepted. A 2% interest rate will be charged to all past due accounts; annual



**GOT DIRT??
WE HAVE A PLACE**

TRUCK # 408

TRAILER # _____

A1 TRUCKING SVS, INC.

Mailing Address: P.O. Box 1123, Fremont, CA 94538
 Freight Tag: Send tag pic to 209-268-6723 and email to A1WORKTAGS@gmail.com
 Billing Statement email to accounting: a1trucking@gmail.com
 Dispatch Questions: 510-828-0270

Tel: 510-828-0270

Customer Satisfaction Always Guaranteed

SMTWTFS
☒ DAY ☐ NIGHT

JOB/PO # 2401

FREIGHT BILL # 72518

DATE 4-3-24

PRIME CARRIER	A1 TRUCKING SVS, INC.	SUBHAULER / DRIVER A1 TRUCKING ACCOUNT #
CONTRACTOR	<u>km106</u>	MIX DIRT <input type="checkbox"/> MUD <input type="checkbox"/> MATERIAL <u>3m³ Dump Reel</u> FUEL GALLONS: <u>1</u>
POINT OF ORIGIN	<u>vulcan materials</u>	DESTINATION <u>2409 E 27th</u>
CITY	<u>Pleasanton CA</u>	CITY <u>Oakland CA</u>

MATERIALS			LOADING			UNLOADING			TYPE OF EQUIPMENT		
NO.	SCALE TAG NO.	YARDS OR WEIGHT	TIME ARRIVE	TIME LEAVE	NET STAND BY	TIME ARRIVE	TIME LEAVE	NET STAND BY	<input type="checkbox"/> End Dump	<input type="checkbox"/> Super Dump	<input type="checkbox"/> Transfers
1.	<u>13664581</u>	<u>15.83</u>	<u>11:00</u>	<u>12:00</u>		<u>12:50</u>	<u>1:15</u>		<input type="checkbox"/> Flat Bed	<input type="checkbox"/> 10-Wheeler	<input type="checkbox"/> Water Truck
2.	<u>13664632</u>	<u>14.10</u>	<u>2:05</u>	<u>2:35</u>		<u>3:30</u>	<u>3:45</u>		<input type="checkbox"/> Semi Bottom	<input type="checkbox"/> High Side	<input type="checkbox"/> Low Boy
3.			<u>4:40</u>						<input type="checkbox"/> Double Bottom	<input type="checkbox"/> Sweeper Truck	<input type="checkbox"/> Bob Tail
4.									TIME STARTED LAST LOAD		
5.									TIME ARRIVED TO DUMP LAST LOAD		
6.									NET RUNNING TIME LAST LOAD		
7.									TIME FINISHED DUMP LAST LOAD		
8.									TIME ALLOWED TO RETURN SAME		
9.									GROSS RUNNING TIME LAST LOAD		
10.									OFFICE USE ONLY		
11.									BILL TO:		
12.									BILL	HOURS	TONS
13.									RATE	/HR	TON
14.									ENVIRONMENTAL FEE		
15.									SUBTOTAL \$		
16.									STAND BY TIME		
17.									SWEEPER/WATER TRUCK TRAVEL TIME		
18.									MATERIAL		
19.									DIRT DUMP FEE	MIX <input type="checkbox"/>	CLEAN <input type="checkbox"/>
20.									BOX/TRUCK WASH FEE		
21.									BRIDGE TOLL \$		
22.									TAX		
23.									REPAIR BILL		
START	<u>11:06 am</u>	STOP TIME	<u>4:40 pm</u>	DEDUCT TIME	<u>0</u>	NET TIME	<u>6</u> Hrs. <u>00</u> Min.	TOTAL CHARGES	\$		

DRIVER'S SIGNATURE	RECEIVED BY	EARLY START TIME	PRINT NAME OF AUTHORIZED CONTRACTOR EMPLOYEE
<u>[Signature]</u>	<u>[Signature]</u>		
DRIVER LOG FOR CHP USE ONLY		START TIME FROM YARD	FINISH TIME
		TOTAL TIME	ANY DAMAGE TO TRUCK BY LOADER: BOX <input type="checkbox"/> TIRES <input type="checkbox"/> TARP <input type="checkbox"/>

TERMS & CONDITIONS: ALL BILLS DUE AND PAYABLE THE 10TH OF THE MONTH, A 2% PER MONTH CHARGED ON PAST DUE ACCOUNTS. THIS IS AN ANNUAL PERCENTAGE RATE OF 24% CUSTOMER WILL BE RESPONSIBLE FOR ALL COURT AND ATTORNEY COST FOR COLLECTION.

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

NOTICE: OUR DRIVERS WILL MAKE EVERY EFFORT TO PLACE MATERIAL WHERE CUSTOMER DESIGNATES, BUT THE COMPANY ASSUMES NO RESPONSIBILITY FOR DAMAGES INSIDE CURB OR PROPERTY LINE. NO CLAIMS ALLOWED UNLESS MADE WHEN MATERIAL IS DELIVERED AND RECEIVED FOR AT TRUCKING SVS, INC. IS NOT RESPONSIBLE FOR OVERWEIGHT LOADS OR TICKETS AND FINE WILL BE BILLED TO THE CUSTOMER. CUSTOMER AGREES TO ACCEPT RESPONSIBILITY FOR ANY OVERWEIGHT VIOLATIONS THAT OCCUR FROM MIXING OF MATERIAL OFF JOB SITE WHERE NO SCALES ARE PROVIDED. THIS TAG, WHEN SIGNED, BECOMES A LEGAL BINDING CONTRACT WHEN SIGNED BY THE OWNER OR THEIR EMPLOYEE.

IF THERE ARE ANY KIND OF ISSUES ON THE JOB SITE DUE TO THE TRUCK DRIVER, INCIDENT, WORK HOURS, ACCIDENTS, TRUCK BREAK TIME, ETC. PLEASE MENTION ON THE TAG BEFORE SIGNATURE BY FOREMAN/LOADER OR ANY CONSTRUCTION COMPANY EMPLOYEE. A1 TRUCKING SVS, INC. WILL NOT BE RESPONSIBLE FOR ANY KIND OF CLAIMS/DAMAGES IF NOT MENTIONED ON THE TAG BY THE CONSTRUCTION COMPANY.

DRIVER/SUB-HAULERS NOTE: DRIVERS/SUB-HAULERS MUST TURN IN THE COMPLETED TAGS (DATE, JOB NUMBER, TYPE OF MATERIAL, LOADS, TONS, HOURS AND SCALE TAG NUMBERS), AFTER THE COMPLETION OF THE WORK (SHIFT) ON THE SAME DAY TO THE COMPANY. OTHERWISE \$100 DAY FINE WILL BE APPLIED AND NO WORK WILL BE GIVEN BY THE COMPANY NEXT DAY. FREIGHT TAGS MUST BE SIGNED BY THE CONSTRUCTION COMPANY FOREMAN OR THEIR EMPLOYEE. IF NOT SIGNED ON COMPLETED TAGS WILL NOT BE PAID BY COMPANY.

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

WHITE - OFFICE

GREEN - OFFICE

YELLOW - OFFICE

PINK - DRIVER

GOLD - CUSTOMER



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 a1truckingsvsinc@gmail.com

Billing Statement email to accounting: a1trucking@gmail.com

Dispatch Questions: 510-828-0270

Tel: 510-828-0270

Customer Satisfaction Always Guaranteed

SMTWTFSS

DAY NIGHT

JOB/PO # 24101

FREIGHT BILL # 40448

GOT DIRT??
WE HAVE A PLACE

TRUCK # SGR315

TRAILER #

DATE 4-4-24

PRIME CARRIER A1 TRUCKING SVS, INC.

SUBHAULER / DRIVER A1 TRUCKING ACCOUNT #

CONTRACTOR KM106 CONST

MIX DIRT ☐ MUD ☐ MATERIAL BASED ☒ FUEL GALLONS:

POINT OF ORIGIN ARGENT MATERIALS

DESTINATION E 26th ST

CITY OAKLAND

CITY OAKLAND

MATERIALS			LOADING			UNLOADING			NO. AXLES	TYPE OF EQUIPMENT			
NO.	SCALE TAG NO.	YARDS OR WEIGHT	TIME ARRIVE	TIME LEAVE	NET STAND BY	TIME ARRIVE	TIME LEAVE	NET STAND BY	4	<input type="checkbox"/> End Dump	<input type="checkbox"/> Super Dump	<input type="checkbox"/> Transfers	
1.	7225171	18.95	7:00	7:30		7:30	9:00			<input type="checkbox"/> Flat Bed	<input type="checkbox"/> 10-Wheeler	<input type="checkbox"/> Water Truck	
2.			9:20							<input type="checkbox"/> Semi Bottom	<input type="checkbox"/> High Side	<input type="checkbox"/> Low Boy	
3.										<input type="checkbox"/> Double Bottom	<input type="checkbox"/> Sweeper Truck	<input type="checkbox"/> Bob Tail	
4.													
5.													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
START 7:00			STOP TIME			DEDUCT TIME			NET TIME		TOTAL CHARGES \$		
									Hrs. Min.				

DRIVER'S SIGNATURE PRATEEK	RECEIVED BY [Signature]	EARLY START TIME	PRINT NAME OF AUTHORIZED CONTRACTOR EMPLOYEE
		FOREMAN INITIALS	
DRIVER LOG FOR CHP USE ONLY		START TIME FROM YARD 6:00	FINISH TIME
		TOTAL TIME	ANY DAMAGE TO TRUCK BY LOADER: BOX <input type="checkbox"/> TIRES <input type="checkbox"/> TARP <input type="checkbox"/>

TERMS & CONDITIONS: ALL BILLS DUE AND PAYABLE THE 10TH OF THE MONTH. A 2% PER MONTH CHARGED ON PAST DUE ACCOUNTS. THIS IS AN ANNUAL PERCENTAGE RATE OF 24%. CUSTOMER WILL BE RESPONSIBLE FOR ALL COURT AND ATTORNEY COSTS FOR COLLECTION.

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WHITE - OFFICE

GREEN - OFFICE

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GOLD - CUSTOMER



Mailing Address: P.O. Box 1125, Fremont, CA 94538
 Freight Tag: Send tag pic to 209-268-6723 and email to A1WORKTAG@gmail.com
 Billing Statement email to accounting: a1trucking@gmail.com
 Dispatch Questions: 510-828-0270

DAY ☒ NIGHT ☐

GOT DIRT??
WE HAVE A PLACE

Tel: 510-828-0270
Customer Satisfaction Always Guaranteed

JOB/PO # 24101

FREIGHT BILL # 76123

TRUCK # SG 1320 TRAILER # Super Tag

DATE 4/5/24

PRIME CARRIER A1 TRUCKING SVS, INC.

SUBHAULER / DRIVER A1 TRUCKING ACCOUNT #

CONTRACTOR KM 106 Const

MIX DIRT ☐ MUD ☐

MATERIAL

FUEL GALLONS:

POINT OF ORIGIN Argent Materials

DESTINATION

CITY Oakland

CITY Oakland

MATERIALS			LOADING			UNLOADING			TYPE OF EQUIPMENT		
NO	SCALE TAG NO.	YARDS OR WEIGHT	TIME ARRIVE	TIME LEAVE	NET STAND BY	TIME ARRIVE	TIME LEAVE	NET STAND BY	<input type="checkbox"/> End Dump	<input type="checkbox"/> Super Dump	<input type="checkbox"/> Transfers
1	225364	18.67	6:30	6:50		7:20	7:50		<input type="checkbox"/> Flat Bed	<input type="checkbox"/> 10-Wheeler	<input type="checkbox"/> Water Truck
2	225407	15.02	8:10	8:30		9:00	9:15		<input type="checkbox"/> Semi Bottom	<input type="checkbox"/> High Side	<input type="checkbox"/> Low Boy
3	225462	14.43	9:45	10:00		10:25	10:40		<input type="checkbox"/> Double Bottom	<input type="checkbox"/> Sweeper Truck	<input type="checkbox"/> Bob Tail
4	225521	15.47	11:11	11:26		11:29	11:50		TIME STARTED LAST LOAD		
5			12:30						TIME ARRIVED TO DUMP LAST LOAD		
6									NET RUNNING TIME LAST LOAD		
7									TIME FINISHED DUMP LAST LOAD		
8									TIME ALLOWED TO RETURN SAME GROSS RUNNING TIME LAST LOAD		
OFFICE USE ONLY											
9									BILL To:		
10									BILL	HOURS	TONS
11									RATE	/HR	/TON
12									ENVIRONMENTAL FEE		
13									SUBTOTAL \$		
14									STAND BY TIME		
15									SWEEPER/WATER TRUCK TRAVEL TIME		
16									MATERIAL		
17									DIRT DUMP FEE MIX <input type="checkbox"/> CLEAN <input type="checkbox"/>		
18									BOX/TRUCK WASH FEE		
19									BRIDGE TOLL \$		
									TAX		
									REPAIR BILL		
START	STOP TIME	DEDUCT TIME		NET TIME		Hrs.		Mn.		TOTAL CHARGES \$	

DRIVER'S SIGNATURE

G. S.

RECEIVED BY

AARON UK

EARLY START TIME

FOREMAN INITIALS

PRINT NAME OF AUTHORIZED

CONTRACTOR EMPLOYEE

DRIVER LOG FOR CHP USE ONLY

START TIME FROM YARD

FINISH TIME

TOTAL TIME

ANY DAMAGE TO TRUCK BY LOADER:

BOX ☐ TIRES ☐ TARP ☐

TERMS & CONDITIONS: ALL BILLS DUE AND PAYABLE THE 10TH OF THE MONTH, 1.2% PER MONTH CHARGED ON PAST DUE ACCOUNTS. THIS IS AN ANNUAL PERCENTAGE RATE OF 24%. CUSTOMER WILL BE RESPONSIBLE FOR ALL COURT AND ATTORNEY COST FOR COLLECTION.

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WHITE - OFFICE

GREEN - OFFICE

YELLOW - OFFICE

PINK - DRIVER

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/Chief 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

COST ESTIMATE SUMMARY

Project Name: **OAKLAND UNIFIED SCHOOL DISTRICT
MANZANITA SITE IMPROVEMENT
Oakland, CA**

Project Number: 23136
Date: 2-Jul-24

Description: **PCO#2
IMPORT + PLACE DRAIN ROCK; SOIL REMOVAL AND OFF/HAUL**

Reference Drawing: Cost Proposal dated 09/27/2023
GEN. CONTRACTOR: KM 106 CONSTRUCTION INC.

Total Labor Costs			B) Total Material Costs	C) Total Rental Equipment Cost		TOTAL
1	SHEET 1 of 2	EWO/Date				
2	SHEET 2 of 2					
3	\$ 2,712.880	4/3/2024	\$ 5,331.99	\$ 1,552.00	Wednesday	\$ 9,596.87
4						
5						
6	\$ 2,712.88		+ \$ 5,331.99	+ \$ 1,552.00		= \$ 9,596.87
7						
8	Expenses:					
9	Material Sales Tax.....					Incl.
10	Rental Sales Tax.....					Incl.
11						
12	Subtotal - Line 7 thru 12: \$					9,596.87
13						
14	General Contractor OH, B&IP, &P: 15.00% * Total Cost \$					1,439.53
15	*(Overhead, Bond & Insurance Premiums & Profit)					
16						
17	Subtotal - Line 13 thru 19: \$					11,036.40
18						
19	Subcontractor's Cost - None					\$ -
20	TOTAL - Subcontractor's Cost					\$ -
21						
22	General Contractor OH&P on Sub Cost: 5.00% *					\$ -
23	SUBTOTAL					\$ -
24	Misc Expenses: Travel, Lodging, Food, Rental, etc.....					
25	Subcontractor Bond & ins.: 0.00%					\$ -
26	SUBTOTAL					\$ -
27						
28	TOTAL PROBABLE CONSTRUCTION COST - KM 106 CONSTRUCTION #5					\$ 11,036.40

Detailed Estimate

ARIOUS ADDITIONAL WORKS

MANZANITA SITE IMPROVEMENT											
		Date: _____									
No.	CCR#05	No. of Units	Per	M.H. Per Unit	LABOR COST			MATERIAL COST			
					M. H. Total	Cost Per M. H.	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
GEN. CONTRACTOR		KM 106 CONSTRUCTION INC.									
Project Description:		IMPORT + PLACE DRAIN ROCK; SOIL REMOVAL AND OFF-HAUL									
1	SCOPE OF WORK:										
2	Drain Rock, Soil Removal & Disposal						4/3/2024	Wednesday			
3											
4	MATERIALS:										
5	Drain Rock + Vulcan Drain Rock	1.00	LS	0.00	0.00			\$ 1,006.03	\$ 1,006.03		
6	Argent Materials	19.22	Tons	0.00	0.00			\$ 25.28	\$ 485.96		
7	Trucking A-1	1.00	LS	30.00	30.00			\$ 128.00	\$ 3,840.00		
8											
9											
10	LABOR:										
11	Regular Time										
12	Operator/JM	1.00	EA	8.00	8.00	\$ 104.98	\$ 839.84				
13	Laborer/JM	2.00	EA	8.00	16.00	\$ 74.69	\$ 1,195.04				
14	Overtime (x1.5)										
15	Operator/JM	1.00	EA	2.00	2.00	\$ 140.26	\$ 280.52				
16	Laborer/JM	2.00	EA	2.00	4.00	\$ 99.37	\$ 397.48				
17											
18	EQUIPMENT:										
19	Tool Truck	1.00	EA	8.00	8.00					\$ 47.00	\$ 376.00
20	Excavator, CAT 305	1.00	EA	8.00	8.00					\$ 81.00	\$ 648.00
21	Skid Steer CAT 279	1.00	EA	8.00	8.00					\$ 66.00	\$ 528.00
22											
23											
24											
25											
26											
27											
28											
29											
30	SHEET TOTALS				30.00	\$ 90.43	\$2,712.88		\$ 5,331.99		\$ 1,552.00



DIVISION OF FACILITIES PLANNING AND MANAGEMENT ROUTING FORM

Project Information

Project Name	Manzanita Elementary School Site Improvement Project	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 Checklist	<input checked="" type="checkbox"/> Proof of general liability insurance, including certificates and endorsements, if contract is over \$15,000. <input checked="" type="checkbox"/> Workers compensation insurance certification, unless vendor is a sole provider		

Contractor Information

Contractor Name	KM 106 Construction Inc.	Agency's Contact	Aaron Ramirez				
OUSD Vendor ID #	008444	Title	Owner				
Street Address	1400 Egbert Avenue, 2 nd Floor	City	San Francisco	State	CA	Zip	94124
Telephone	510-512-6799	Policy Expires					
Contractor History	Previously been an OUSD contractor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Worked as an OUSD employee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
OUSD Project #	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	


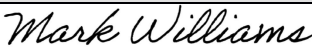
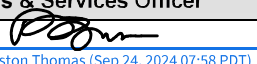
Budget Information

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.	Executive Director, Facilities				
	Signature 	Date Approved	Sep 24, 2024		
	Preston Thomas (Sep 24, 2024 07:58 PDT)				
2.	General Counsel, Facilities				
	Signature 	Date Approved	09/23/2024		
	Chief Systems & Services Officer				
3.	Signature 	Date Approved	Sep 24, 2024		
	Preston Thomas (Sep 24, 2024 07:58 PDT)				
	Chief Financial Officer				
4.	Signature	Date Approved			
	President, Board of Education				
5.	Signature	Date Approved			