

<b>Board Office Use: Legislative File Info.</b>	
File ID Number	10-0945
Committee	Facilities
Introduction Date	5/18/10
Enactment Number	10-0744
Enactment Date	5/26/10



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

## Memo

**To** Board of Education

**From** Tony Smith, Ed.D., Superintendent  
Timothy White, Assistant Superintendent, Facilities Planning and Management

**Board Meeting Date** November 17, 2010

**Subject** Amendment No. 1-Professional Services Agreement - GKK/McCarthy - Division of Facilities Planning and Management Project

**Action Requested** Approval by the Board of Education of Amendment No. 1 - Professional Services Agreement with GKK/McCarthy for Construction Management Services on behalf of the District at Division of Facilities Planning and Management Project, in an amount not-to exceed \$281,095.00, increasing the previous contract amount from \$3,551,140.00 to a not to exceed amount of \$3,832,235.00, and revising the end date from May 31, 2010 to June 30, 2010. All remaining portions of this agreement shall remain in full force and effect as originally stated.

**Background** The District is in the middle of a five-year, minimum \$500 million capital building program with an annual construction budget in excess of \$75 million. In an effort to assure cost effectiveness and optimal project delivery, the District has chosen to renew its contract with GKK. The established qualifications are that the construction management firm has main offices in Northern California, an outstanding reputation, and has or is in the process of successfully managing building programs in excess of \$100 million in the State of California.

**Local Business Participation Percentage** 100.00%

**Strategic Alignment** Among the key purposes of the District's Facilities Master Plan is to provide an academic environment for the Oakland community that will give every student, educator, and community member using our facilities the best possible opportunity for Learning.



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Through implementation of the Facilities Master Plan, the District intends to improve the District's facilities in terms of structural integrity, safety, reliability of operating (mechanical) systems, access to modern resources, number and type of appropriate laboratories and specialized instruction rooms, opportunities for physical education, and attractiveness, such that the Oakland Public Schools are second to none. Operation of the District schools under the planned approach is intended to ensure safety, cleanliness, and orderliness for all individuals participating in the learning process.

The basic facility needs of students such as proper lighting, functional roofs, noise control and well maintained buildings, not only convey the message that

we value our students and teachers but may foster a sense of school pride and community ownership which may improve attitudes towards learning. The implementation of the Facilities Master Plan is our first step in that direction.

Recommendation

Approval by the Board of Education of Amendment No. 1 - Professional Services Agreement with GKK/McCarthy for Construction Management Services on behalf of the District at Division of Facilities Planning and Management Project, in an amount not-to exceed \$281,095.00, increasing the previous contract amount from \$3,551,140.00 to a not to exceed amount of \$3,832,235.00, and revising the end date from May 31, 2010 to June 30, 2010. All remaining portions of this agreement shall remain in full force and effect as originally stated.

Fiscal Impact

The funding source for this project is General Obligation Bond-Measure B.

Attachments

- Professional Services Contract including scope of work

Key Code:

**9189901806-5825**

**AMENDMENT NO: 1. TO AGREEMENT FOR PROFESSIONAL SERVICES**

**WITH**

**GKK• McCarthy**

**FOR**

**Construction Management Services for the  
Program Management / Construction Management  
Measure B Bond Projects**

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**OAKLAND UNIFIED SCHOOL DISTRICT**

**May 26, 2010**

File ID Number: 10-0945  
Introduction Date: 5/18/10  
Enactment Number: 10-0744  
Enactment Date: 5/26/10  
By: ew

AMENDMENT NO. 1 TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE  
OAKLAND UNIFIED SCHOOL DISTRICT AND TEAM GKK •McCARTHY  
DATED JUNE 1, 2009

This Amendment No.: 1 shall become effective as of June 1, 2010 between the OAKLAND UNIFIED SCHOOL DISTRICT (“DISTRICT”) AND GKK•McCARTHY (“CONSTRUCTION MANAGER”) for the continuation of the CONSTRUCTION and Construction Management Services provided by the CONSTRUCTION MANAGER to the District’s Measure B Bond Program (“Program”).

WHEREAS, CONSTRUCTION MANAGER has commenced the professional services under the original contract and additional budget is warranted to compensate for additional program management and construction management services provided by CONSTRUCTION MANAGER under the Program, and in order to continue the services provided to the Program in the most cost effective manner and without unnecessary and costly Program Service disruption, in accordance and compliance with Education Code Section 17596 and Government Code Section 4529.12.

NOW THEREFORE, the DISTRICT and CONSTRUCTION MANAGER amend this contract as follows;

2. Term of the Agreement

*2.1 The term of this Agreement shall commence on June 1, 2010 and continue on a month-to month- basis thereafter until completion of the consulting services described herein. DISTRICT may terminate the Agreement or modify the terms of this Agreement by giving CONSTRUCTION MANAGER 30 days written notice. CONSTRUCTION MANAGER may terminate this Agreement by giving DISTRICT 30 days written notice.*

4. Compensation

*4.1 Appendix B, Compensation and Payment, is hereby modified to compensate CONSTRUCTION MANAGER for the services it will provide per month under the month-to-month term. The Total, Not to Exceed price for each month of service shall be \$281,095.00 (TWO HUNDRED EIGHTY ONE THOUSAND NINETY FIVE DOLLARS).*

Attached to this Amendment No.: 1. and incorporated by reference into the June 1, 2009 Agreement for Professional Services and this Amendment No.:1 is the revised Appendix D., which summarizes the staffing provided by CONSTRUCTION MANAGER, billing rates and the Local Business Participation achieved by CONSTRUCTION MANAGER during this contract extension period: LBE:=28 % SLRBE:= 13% - Total = 41.0.

16. Notices to the Parties

*To Construction Manager*

*Charlie Merrick  
1629 Telegraph Ave. Suite 400  
Oakland, CA 94612*

20. a. Anti-Discrimination.

It is the policy of the District that in connection with all Services performed under Contracts there be no discrimination against any employee engaged in the Services because of race, color, ancestry,

national origin, religious creed, physical disability, medical condition, marital status, sexual orientation, gender, or age and therefore the Contractor agrees to comply with applicable Federal and California laws including, but not limited to the California Fair Employment and Housing Act beginning with Government Code Section 12900 and Labor Code Section 1735. In addition, the Contractor agrees to require like compliance by all its subcontractor(s).

All remaining portions of the agreement shall remain in full force and effect as originally stated.

IN WITNESS WHEREOF, Consultant has executed this Agreement, and the District, by its Board of Education, who is authorized to do so, has executed this Agreement.

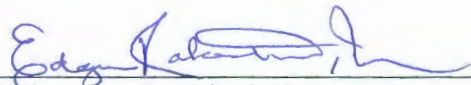
CONSTRUCTION MANAGER: GKK McCARTHY

By:  Dated: May 20, 2010

Title: Charlie Merrick, LEED AP – Vice President of Construction Services

OAKLAND UNIFIED SCHOOL DISTRICT

By:  Dated: 5/27/10  
Gary Yee, President of the Board of Education

By:  Dated: 5/27/10  
Edgar Rakestraw, Jr., District Secretary

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Timothy E. White, Assistant Superintendent,  
Division of Facilities, Planning & Management

Approved as to form:

\_\_\_\_\_ Dated: \_\_\_\_\_  
Cate Boskoff, Facilities Counsel

Attachments: Agreement for Professional Services with GKK• McCARTHY dated May 5, 2009

Consultant: GKK•McCarthy  
School: Measure B Bond CONSTRUCTION  
Funding: Measure B