

**SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD AGENDA ITEM**

**TO:** Members of the Governing Board

**SUBJECT:** RESOLUTION TO APPROVE CHANGE ORDER #2 TO TPA CONSTRUCTION FOR B100 ACADEMIC SUCCESS CENTER AND TUTORING EXPANSION PROJECT, RESOLUTION NO. 15/16 - 06

**REQUESTED ACTION:**

Information    OR     Approval  
 Consent        OR     Non-Consent

**SUMMARY:**

Board approval is requested for Change Order #2 to TPA Construction for the B100 Academic Success Center and Tutoring Expansion Project in the amount of \$2,640. Because this Change Order exceeds 10% of the value of the construction contract, it is required that the Board of Trustees pass a Resolution to approve the Change Order.

*CONTINUED ON THE NEXT PAGE*

**STUDENT SUCCESS IMPACT:**

- Help our students achieve their educational, professional and personal goals
- Basic skills education
- Workforce development and training
- Transfer-level education
- Other: Renovate instructional space and update equipment

<i>Ed. Code:</i>	<i>Board Policy:</i>	<i>Estimated Fiscal Impact: \$2,640 Measure Q Funds</i>
<b>SUPERINTENDENT'S RECOMMENDATION:</b>		<input checked="" type="checkbox"/> <b>APPROVAL</b> <input type="checkbox"/> <b>DISAPPROVAL</b> <input type="checkbox"/> <b>NOT REQUIRED</b> <input type="checkbox"/> <b>TABLE</b>
Lucky Lofton Executive Bonds Manager		
<b>PRESENTER'S NAME</b>		
4000 Suisun Valley Road Fairfield, CA 94534		
<b>ADDRESS</b>		Celia Esposito-Noy, Ed.D. Superintendent-President
(707) 863-7855		
<b>TELEPHONE NUMBER</b>		
Yulian Ligioso Vice President, Finance & Administration		September 9, 2016
<b>VICE PRESIDENT APPROVAL</b>		<b>DATE APPROVED BY</b> <b>SUPERINTENDENT-PRESIDENT</b>
September 9, 2016		
<b>DATE SUBMITTED TO</b> <b>SUPERINTENDENT-PRESIDENT</b>		

**SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD AGENDA ITEM**

**TO: Members of the Governing Board**

**SUBJECT: RESOLUTION TO APPROVE CHANGE ORDER #2 TO  
TPA CONSTRUCTION FOR B100 ACADEMIC SUCCESS  
CENTER AND TUTORING EXPANSION PROJECT,  
RESOLUTION NO. 15/16 - 06**

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**SUMMARY:**  
*CONTINUED FROM THE PREVIOUS PAGE*

During the course of construction unforeseen conditions were encountered requiring the following:

- Furnishing and installation of wiremold on modular furniture to house CAT6 data cables
- Furnishing and installation of one (1) duplex power receptacle for single workstation
- Furnishing of data outlet trim plates for modular furniture

This Resolution affirms that, based on project scope and schedule, it would be more costly and time-consuming to bid this additional work to other contractors and it would not produce any advantage to the District.

Revised contract figures are as follows:

Contract Award Amount	\$ 85,316.00
Prior Change Orders	\$ 10,488.00
Change Order No. 02	\$ 2,640.00
Total Change Orders	<u>\$ 13,128.00</u>
Revised Contract Amount	\$ 98,444.00

The Board is asked to approve Resolution No. 15/16 - 06 and Change Order #2 to TPA Construction in the amount of \$2,640.

The Change Order is available online at: <http://www.solano.edu/measureq/planning.php>.

EXHIBIT A



**Solano Community College District**

4000 Suisun Valley Road  
 Fairfield, CA 94534  
 Tel: 707-864-7189

Change Order # 2  
 Project No.: 16-012  
 Date: 9/21/2016

DSA File No. : N/A  
 DSA Number: N/A

Project: B100 Academic Success Center and Tutoring  
 Expansion Project  
 4000 Suisun Valley Road  
 Fairfield CA 94534

Architect: MADI Architecture + Planning  
 333 First Street, Suite C  
 San Francisco, CA 94105

To: TPA Construction  
 2406 Clubhouse Drive  
 Rocklin, CA 95765

The Contract is Changed as Follows:

PCO #	Description	Amount	Days Added
2	Furnishing and installation of wiremold, one (1) power duplex receptacle and data outlet trim plates for modular furniture.	\$ 2,640.00	0
<b>TOTAL COST OF CHANGE ORDER</b>		<b>\$ 2,640.00</b>	

Original Contract Sum:	\$ 85,316.00
Total change By Previous Change Orders:	\$ 10,488.00
Contract Sum Prior to This Change Order:	\$ 95,804.00
Original Contract Sum will be Increased by This Change Order:	\$ 2,640.00
The New Contract Sum Including This Change Order Will Be:	\$ 98,444.00

The Contract Completion Date is: 9/2/2016  
 Contract Time Will be Changed by This Change Order: 0  
 The date of substantial completion as of the of this change order is: 9/2/2016

ARCHITECT: \_\_\_\_\_  
 MADI Architecture + Planning  
 333 First Street, Suite C  
 San Francisco, CA 94105

Date: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_  
 Pavel Tyukayev  
 TPA Construction  
 2406 Clubhouse Drive  
 Rocklin, CA 95765

Date: \_\_\_\_\_

OWNER: \_\_\_\_\_  
 Lucky Lofton  
 Executive Bonds Manager  
 Solano Community College District

Date: \_\_\_\_\_

**SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD**

**RESOLUTION TO APPROVE CHANGE ORDER #2  
TO TPA CONSTRUCTION**

**RESOLUTION NO. 15/16 - 06**

**WHEREAS**, Solano Community College District (the "District") previously competitively bid and awarded contract for work for the B100 Academic Success Center and Tutoring Expansion (the "Project") to TPA Construction;

**WHEREAS**, subsequent to the award of the Project, it was determined that additional work was necessary as part of the Project (the "Change Order");

**WHEREAS**, the Change Order provides for the work set forth in Exhibit "A;"

**WHEREAS**, the total cost for the Change Order is \$2,640 and exceeds the limitations set forth in Public Contracts Code Section 20659;

**WHEREAS**, it will be more costly and time-consuming to bid this additional work since it is integral to the Project and the work being performed by the Contractor;

**WHEREAS**, competitive bidding the additional work covered by the Change Order would result in the delay of the completion of the Project and result in coordination issues if another contractor is performing similar work at the Project site at the same time as Contractor;

**WHEREAS**, it would work an incongruity and not produce any advantage to the District to competitively bid the Change Order since such competitive bid work could result in multiple contractors being required to performed work more efficiently and effectively performed by one contractor;

**WHEREAS**, a change in contractors in the middle of the Project may cause an inability to enforce the warranty provisions of the Contract; and

**WHEREAS**, Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding to not apply when competitive bidding would work an incongruity or not produce any advantage; and

**WHEREAS**, while pursuant to Public Contract Code section 20659, a community college district is required to competitively bid any change or alteration to a contract that has a value over 10% of the original contract price, California law provides that, "[w]here competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply." Hiller v. City of Los Angeles, (1961) 197 Cal.App.2d 685, 694; now therefore be it

**SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD**

**RESOLUTION TO APPROVE CHANGE ORDER #2  
TO TPA CONSTRUCTION**

**RESOLUTION NO. 15/16 - 06  
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**RESOLVED** that the Governing Board of the Solano Community College District makes the following findings:

1. That the above recitals are true and correct.
2. That it would work an incongruity and not produce any advantage to the District to bid the completion of the work set forth in the Change Order under the competitive process.
3. That the District approves the immediate completion of the work stated in the Change Order without competitively bidding such work and approves the District's payment in the amount set forth in the Recitals to the Contractor upon the terms and conditions set forth in the Change Order.

**PASSED AND ADOPTED** by the Governing Board of the Solano Community College District, on September 21, 2016.

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MICHAEL A. MARTIN

BOARD PRESIDENT

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CELIA ESPOSITO-NOY, Ed.D.

SECRETARY

AYES:

NOES:

ABSENT:

ABSTAIN: