

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

TO: **Members of the Governing Board**

SUBJECT: **RESOLUTION TO APPROVE CHANGE ORDER #3 TO
SIERRA NATIONAL CONSTRUCTION, INC. FOR SUB-
STATION #1 & #2 REPLACEMENT PROJECT,
RESOLUTION NO. 17/18 - 15**

REQUESTED ACTION:

Information **OR** **Approval**
 Consent **OR** **Non-Consent**

SUMMARY:

On February 1, 2017 the Board approved a contract to Sierra National Construction, Inc. for the Sub-Station #1 & #2 Replacement Project for removal and replacement of aged sub-stations on the Fairfield Campus. On August 2, 2017, the Board approved Change Order #1 for PGE required battery back-up equipment and expediting sub-station equipment fabrication. On October 4, 2017, the Board approved Change Order #2 for extension of the concrete pad and fencing at Substation #1 to accommodate additional battery back-up new equipment required by PGE.

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: Update infrastructure that supports classrooms or related College facilities.

<i>Ed. Code:</i>	<i>Board Policy:</i>	<i>Estimated Fiscal Impact: \$354,981 Measure Q Funds</i>
------------------	----------------------	---

SUPERINTENDENT'S RECOMMENDATION: **APPROVAL** **DISAPPROVAL**
 NOT REQUIRED **TABLE**

Lucky Lofton
Executive Bonds Manager

PRESENTER'S NAME

4000 Suisun Valley Road
Fairfield, CA 94534

ADDRESS

(707) 863-7855

TELEPHONE NUMBER

Vice President, Finance and Administration

VICE PRESIDENT APPROVAL

December 8, 2017

**DATE SUBMITTED TO
SUPERINTENDENT-PRESIDENT**

Celia Esposito-Noy, Ed.D.
Superintendent-President

December 8, 2017

**DATE APPROVED BY
SUPERINTENDENT-PRESIDENT**

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

TO: Members of the Governing Board

**SUBJECT: RESOLUTION TO APPROVE CONTRACT CHANGE
ORDER #3 TO SIERRA NATIONAL CONSTRUCTION,
INC. FOR SUB-STATION #1 & #2 REPLACEMENT
PROJECT, RESOLUTION NO. 17/18 - 15**

SUMMARY:

CONTINUED FROM THE PREVIOUS PAGE

Several complications have arisen during construction which will require work not part of the original contract with Sierra National Construction, Inc., necessitating a change order for the following items:

- Modify new substation #1 switchgear to receive existing PGE feed
- Remove existing sidewalk and extend concrete pad 2' to accommodate conduit skirt
- Abatement work due to existing asbestos-containing conduits
- Re-route existing solar conduit feed to the switchgear at substation #1
- Separate PGE and SCCD high voltage lines currently in the same vault at substation #1 (not compliant with current PGE regulations), including installation of new conduit and feeds between substation #1 and substation #2 (related to vault work and remediation of current asbestos-containing conduit)
- Modify new substation #2 switchgear to receive existing PGE feed

Board approval is requested for Change Order #3 to Sierra National Construction, Inc. in the amount of \$354,981. 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.

Following is a summary of the Contract amount:

\$1,079,000.00	Original Contract Sum
\$ 231,872.96	Previous Approved Change Orders (1-2)
<u>\$ 354,981.00</u>	This Proposed Change Order #3
\$1,665,853.96	New Contract Sum Including This Change Order

The Board is asked to approve Resolution No. 17/18 - 15 to Sierra National Construction, Inc. in the amount of \$354,981.

The Change Order may be viewed online at: <http://www.solano.edu/measureq/planning.php>.

**RESOLUTION NO. 17/18 - 15
OF THE SOLANO COMMUNITY COLLEGE DISTRICT
DECLARING FUTILITY OF PUBLIC BIDDING FOR MULTIPLE ITEMS OF ADDITIONAL
WORK FOR FAIRFIELD SUBSTATION #1 & #2 REPLACEMENT PROJECT**

WHEREAS, on or about January 11, 2017, the Solano Community College District ("District") formally and publicly opened a bid for a contract to perform work, including, but not limited to, removal and replacement of aged substations #1 and #2 with high voltage switches, transformers, and switchboards, at the District's Fairfield Campus, located at 4000 Suisun Valley Road, Fairfield, California ("Project");

WHEREAS, Sierra National Construction, Inc. ("Contractor") was the lowest responsive, responsible bidder for the Project, and, in response to the bid, on February 1, 2017, the District's Governing Board awarded a contract for the Project to Contractor for One Million, Seventy-Nine Thousand Dollars (\$1,079,000) ("Contract Price");

WHEREAS, at both substations, during the course of the Project, it was discovered that existing conduits and stub-ups contain asbestos, requiring unanticipated abatement work for the removal of existing Pacific Gas and Electric Company (PG&E) and District cables ("Abatement Work");

WHEREAS, at substation #1, during the course of the Project, the following unanticipated items have arisen ("Additional Work at Substation #1"):

- a) Modifying New Switchgear – additional work to lift the gear with a crane, cut out a new window, and reinforce the new opening was necessary to line up the existing stub-up location with the "window" in the bottom of the gear section in the new switchgear;
- b) Extending Concrete Pad – additional work to extend the concrete pad to provide the required clearance to service the gear was necessary when the "skirt" section was fabricated longer than the length indicated in the design documents;
- c) Re-Routing Existing Solar Conduit – additional work to modify the gear and drop the existing solar conduit feed to the code-required depth was necessary to receive the feed at the stub-up location on the new gear;
- d) Separating PG&E and District High Voltage Lines – additional work to provide new conduit and pull all new cabling at both runs, including trenching the roadway down to the new vault, was necessary because current PG&E regulations do not permit PG&E and District main feeds to share the same vault;

WHEREAS, at substation #2, during the course of the Project, it was discovered that the existing conduit and feed do not line up with the proper window on the new switchgear, requiring additional work to modify the new switchgear ("Additional Work at Substation #2");

WHEREAS, Contractor has proposed performing the Work on a time and materials basis not to exceed Three Hundred Fifty Four Thousand Nine Hundred Eighty One Dollars (\$354,981);

WHEREAS, Contractor has submitted documentation to the District supporting its costs for performing the Abatement Work, the Additional Work at Substation #1, and the Additional Work at Substation #2;

WHEREAS, Contractor's costs to perform the Abatement Work, the Additional Work at Substation #1, and the Additional Work at Substation #2 are reasonable;

WHEREAS, if the District were to bid the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2, other resulting bids would likely be higher than cost of Contractor's not-to-exceed proposals, because Contractor is already mobilized on the Project;

WHEREAS, having a new contractor perform the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 would result in waste and significant delay, which would be at the expense of the District, while the new contractor mobilizes on the Project;

WHEREAS, having a new contractor perform the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 could create coordination and interference problems with Contractor, which could negatively impact the Project;

WHEREAS, having a new contractor perform the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 could create a potential dispute over the warranty for the surrounding work being performed by Contractor;

WHEREAS, Public Contract Code section 20651, subdivision (b), states that a community college district is required to competitively bid a public works project with a contract value of \$15,000 or more;

WHEREAS, Public Contract Code section 20659, states that the governing board of a community college district "may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of: (a) The amount specified in Section 20651 . . . ; or (b) Ten percent of the original contract price";

WHEREAS, notwithstanding Public Contract Code sections 20651 and 20659, California law provides a narrow exception to competitive bidding law where such bidding would be futile, undesirable, or impractical and would cause additional delay and cost (*Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Los Angeles Dredging Company v. City of Long Beach* (1930) 2 Cal. 348), so that "[w]here competitive proposals work an incongruity and are unavailing as affecting the final result, or where they do not produce any advantage . . . a statute requiring competitive bidding does not apply" (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694);

WHEREAS, bidding the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 will not affect the final result of the Project, except to delay completion and increase the cost of the Project;

WHEREAS, bidding the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 will not produce an advantage to the District;

WHEREAS, based on the foregoing, it would be incongruous, futile, and unavailing to solicit bids for the Abatement Work, the Additional Work at Substation #1, and/or the Additional Work at Substation #2; and

WHEREAS, the District therefore desires to execute change orders with Contractor to perform the Abatement Work, the Additional Work at Substation #1, and the Additional Work at Substation #2, each on a time and materials basis subject to the not-to-exceed amounts stated above.

NOW, THEREFORE, the Governing Board of the Solano Community College District hereby resolves, determines, and finds the following:

Section 1. The foregoing recitals are true.

Section 2. For the reasons stated above, public bidding of the Abatement Work at Both Substations, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 would not produce an advantage to the District, and would produce a net burden and distinct disadvantages to the District.

Section 3. Based on the foregoing, it would be incongruous, undesirable, impractical, futile, and unavailing to publicly bid the Abatement Work at Both Substations, the Additional Work at Substation #1, and/or the Additional Work at Substation #2.

Section 4. The Governing Board hereby approves the change order for Contractor to perform the Abatement Work at Both Substations, the Additional Work at Substation #1, and/or the Additional Work at Substation #2 at the Project, without further advertising for or inviting of bids.

Section 5. The District's Superintendent/President, or designee, is authorized to take all steps and perform all actions necessary to execute and implement the change orders and to carry out, give effect to, and comply with the terms and intent of this Resolution.

APPROVED, PASSED, AND ADOPTED by the Governing Board, at a regular meeting held on the 20th day of December, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President of the Governing Board
Solano Community College District

Attested to:

Board Secretary
Solano Community College District



Change Order

Solano Community College District
 4000 Suisun Valley Road
 Fairfield, CA 94534
 Tel: 707-864-7189 Fax: 707-207-0423

Swinerton Management & Consulting

Change Order # 3
 Project No.: 17-002
 Date: 20-Dec-17

Project: Sub-station #1 & #2 Replacement Project
 Fairfield

To: Sierra National Construction, Inc
 5433 El Camino Ave. #1
 Carmichael, California 95608

The Contract is Changed as Follows:

1.0	Modifications required to new switchgear at Substation #1 in order to receive existing PGE main service. New switchgear, as fabricated by Eaton, did not properly account for this stub-up location.	\$30,454.00
2.0	Extension of existing concrete pad and chain link fencing at Substation #1 to accommodate a larger switchgear skirt section, as fabricated by Eaton, than that shown on the design documents.	\$12,000.00
3.0	Re-routing of existing solar conduit from solar gear to new switchgear at Substation #1. Solar conduit was not properly accounted for on design documents. Additionally, the underground portion of the conduit needs to be lowered by approximately 2'0" to meet current code requirements	\$69,636.00
4.0	Abatement costs due to existing conduits discovered to be asbestos-containing. Costs to include training and safety measures by electrical contractor and their abatement contractor during the removal and replacement of cabling in existing conduits.	\$61,336.00
5.0	Separation of existing PG&E and SCCD main conduit feeds from shared vault at Substation #1, which does not meet current code. SCCD feed to be removed from existing vault and re-routed through a new vault and new conduit to the new switchgear. Also included are costs to replace the existing cabling which is expected to be damaged during removal, and new trenching, conduit and paving between the new vault and Substation #2 so as not to extend the campus-wide shutdown schedule any further.	\$119,685.00
6.0	Modifications required to new switchgear at Substation #2 in order to receive existing SCCD service. New switchgear, as fabricated by Eaton, did not properly account for this stub-up location. Eaton to provide separation panels, cable chases, etc. to re-route cabling after entering the switchgear to its proper termination points.	\$14,489.00
7.0	Modifications and additions to the existing grounding system due to the expansion of the existing concrete pad in three directions in order to meet code required clearances.	\$47,381.00

7.1 The values for items 1.0 thru 7.0 of this Change Order represent estimates of the final costs for this work. The Contractor is directed to proceed on a Time & Materials basis for these scopes of work with the Construction Manager verifying and signing daily time tickets. The final costs for each of these items will be adjusted accordingly, via either additive or deductive change order, on the final Change Order for the project.

7.2 Additionally, adjustments may be made to the final costs for Items 1.0, 2.0, 6.0 and 7.0 due to the fabrication of the new switchgear as supplied by Eaton, which in some cases is not consistent with the original design documents and appears to be the cause for additional costs relative to these items.

TOTAL COST OF CHANGE ORDER	ADD	\$354,981.00
	Deduct	\$0
FINAL CHANGE ORDER AMOUNT		\$354,981.00

Original Contract Sum:	\$ 1,079,000.00
Total change By Previous Change Orders:	\$ 231,872.96
Contract Sum Prior to This Change Order:	\$ 1,310,872.96
Original Contract Sum will be Increased by This Change Order:	\$354,981.00
The New Contract Sum Including This Change Order Will Be:	\$ 1,665,853.96
The New Contract Completion Date Will Be:	30-Mar-18
Contract Time Will be Unchanged by This Change Order:	0 Days
The date of substantial completion as of the of this change order is	30-Mar-18

CONTRACTOR: _____ Date: _____
 Sierra National Construction, Inc
 5433 El Camino Ave. #1
 Carmichael, CA 95068

OWNER: _____ Date: _____
 Lucky Lofton
 Executive Bonds Manager
 Solano Community College District