

Additional Information
June 13, 2023 Board Meeting

The following additional information was provided regarding the June 13 Board meeting agenda:

Item 3.a, Purchase Order Listing:

1. P0157994 (AC): Please contextualize this purchase order. **Per California Public Contract Code §22037, this was the public notification/advertisement in the Orange County Register for Bid #2223-21 Cypress College Hotel, Restaurant, and Culinary Arts Relocatable Classroom, Restroom, and Mobile Kitchen.**
2. P0158190 (CC): Please contextualize this purchase order. **The process in place since 2020 is that a formal (non-District) hearing officer must be in place if a student wishes to pursue their right to a formal hearing. This consultant was retained as the formal hearing officer for a Title IX complaint.**
3. P0158258 and P0158259 (AC): Are the fees for last year's election? Why is this coming to us so late? **Yes, these fees are associated with the November 2022 election. A summary of activity related includes:**
 - Invoice Date: 2/28/2023
 - Invoice received by the Chancellor's Office: March 17, 2023
 - RQ entered by Finance and Facilities: March 28, 2023
 - First level RQ approved: April 20, 2023
 - RQ Denied: April 25, 2023
 - Resubmitted with updated budget: May 2, 2023
 - Approved: May 2, 2023
 - PO issued: May 3, 2023
 - Check Disbursement: May 10, 2023
4. Some of the listed purchase orders reference a student stipend for a focus group. Please contextualize what the research is on. **These stipends were paid from Cypress College Title V funding to conduct focus groups with students on how current Guided Pathways support meets their needs, and what can be improved. Results from the focus groups were incorporated into the Cypress College Guided Pathways Report to the State Chancellor's Office.**

Item 3.h, Institutional Memberships 2023-24:

1. Just to clarify, does President Olivo get paid for her affiliation with COLEGAS? I want to make sure it's not a conflict of interest. **President Olivo is not paid for her leadership with COLEGAS nor by Board service on NCCHC.**

Item 3.p, Fullerton College Sherbeck Field Change Orders: Attached is a revised page 3.p.2 which was updated to correct a calculation error. The posted agenda has been updated to reflect the corrected page.

NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

TO: BOARD OF TRUSTEES

DATE: June 13, 2023

SUBJECT: Change Orders #3 & #4 Bid #2122-21,
Fullerton College Sherbeck Field
Improvements Project

Action	X
Resolution	X
Information	
Enclosure(s)	

BACKGROUND: The Board is responsible for awarding contracts for various public works projects. According to Public Contract Code §20659, Board approval is required for any Change Order to a Public Works Bid. Generally, change orders must not exceed 10% of the original contract amount approved by the Board. However, in certain cases, it becomes necessary to proceed with changes to the construction scope of work even if the costs exceed the change order limitation.

On April 12, 2022, the Board awarded a contract to Woodcliff Corporation in the amount of \$3,570,000 including an allowance of \$20,000 for the Fullerton College Sherbeck Field Improvements project. September 13, 2022, the board approved change order 1 in the amount of \$38,516 for campus-requested upgrades for networking and accommodation of unknown existing condition. The total contract, after Change Order (CO) #1, came to \$3,608,516. February 14, 2023, the Board approved CO #2 in the amount of \$76,318 for the addition of a previously-omitted emergency power circuit for field lighting and adjustments to pole foundations as a result of existing conditions, which brought the total amount to \$3,673,423. At that time, the team predicted two remaining change orders to complete the project, not to exceed an additional \$506,411.

Sherbeck Field Improvements Project achieved substantial completion on, April 24, 2023. CO #3 in the amount of \$244,473 was a result of:

Description	Cost
Field engineer-required accessibility upgrades	\$ 64,172
Design clarification at the EIR-required bioswales	109,506
Grading and asphalt design corrections	38,146
Electrical detail coordination at the press box and switchgear enclosure	32,650
CO #3 TOTAL	\$ 244,474

CO #4 is for costs related to a 97-day schedule overage (January 18 to April 24). Per mutual agreement between FC management & contractor, it was agreed that out of the 97 calendar days of delay, the college is responsible for 69 days of compensable delays due to unforeseen conditions, required plan clarifications, and RFI responses for uncoordinated or missing information, while both Woodcliff and the college share responsibilities for 28 concurrent days of non-compensable delays due to delayed discovery and reporting of differing site condition,

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improper site supervision and coordination by the contractor and delayed response time by the design team.

Description	Cost
69 days delay as a result of site survey coordination	\$ 88,000
28 days concurrent delay due to site supervision and coordination (Woodcliff, non-compensable)	0
Asphalt cost escalation beyond 12/31/22	22,540
TOTAL	<u>\$ 110,540</u>

The total for these two Change Orders was \$355,013.59, which was below the estimate provided in February.

The original contract amount was \$3,570,000. The revised contract amount after the four change orders is \$4,039,848. This exceeds the change order limitation by \$~~101,437~~ **112,848**, as calculated below.

Change Orders No. 1-4	\$ 458,437 469,848
10% Change Order Limit	<u>(357,000)</u>
Amount Over Limit	<u>\$ 101,437 112,848</u>

District staff determined not to bid the additional work covered by this change order because it would be more costly and time-consuming.

Despite this increase, the total cost of the site contractor remains below the next lowest bid received by \$292,707.

This agenda item was submitted by Megan Moscol, Fullerton College Assistant Project Manager, Campus Capital Projects and Jenney Ho, District Director, Purchasing.

How does this relate to the five District Strategic Directions? This item responds to Strategic Direction 3) Stewardship of Resources – NOCCCD will promote a shared vision of responsible stewardship of District resources through transparent and inclusive decision-making and integrated planning.

How does this relate to Board Policy: This item is submitted in accordance with Board Policy 6600, Capital Construction.

FUNDING SOURCE AND FINANCIAL IMPACT: The cost of change orders #3 & 4 will be charged to Capital Outlay.

RECOMMENDATION: It is recommended that the Board adopt Resolution No. 22/23-26 to approval Change Order #3 and #4 to amend the existing contract with Woodcliff, Inc. for Bid #2122-21, Fullerton College Sherbeck Field Improvements project, and approve the award of additional work totaling \$355,014 increasing the contract from \$3,684,834 to \$4,039,848 and to extend the date of the original contractual substantial completion from January 18, 2023 to April 24, 2023. Authorization is further requested that the Vice Chancellor, Finance & Facilities, or the District Director, Purchasing, to execute all change orders on behalf of the District.

Fred Williams

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