



## Board of Education Report

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File #: Rep-114-18/19, Version: 1

### Approval of Facilities Contract Actions

November 13, 2018

### Procurement Services Division - Facilities Contracts

**ADOPTED BY BOARD  
NOVEMBER 13, 2018**

#### Action Proposed:

Staff proposes that the Board of Education (Board) ratify the Procurement Services Division (PSD) contract actions taken by Facilities Contracts under delegated authority as listed in Attachment "A" including: award of advertised construction contracts, including Best Value solicitations; award of job order contract amendments; approval of change orders; completion of contracts; award of informal contracts; rejection of bids; award of architectural and engineering contracts; and extra services / amendments for architectural and engineering contracts.

#### Background:

Facilities Contracts staff prepares monthly reports for contract actions necessary for the execution of projects approved by the Board and contained in the FSD Strategic Execution Plan (SEP), and for the maintenance and operation of District facilities in accordance with District policies and Board-delegated authority. As described in the November 12, 2013 Board Report #048-13/14 Informative, detailed information is provided on the Facilities Services website.

#### Expected Outcomes:

Approval of these items will allow services provided by these contracts to proceed in support of FSD projects, District policies and goals, and the Board-approved FSD-SEP.

#### Board Options and Consequences:

The Board can approve all actions presented or postpone selected actions pending receipt of additional information. Non-ratification of actions awarded under delegated authority in Attachment "A" will result in the immediate discontinuance of services. While non-ratification may be legally defensible, it will likely result in costly litigation over discontinued payments or if the District attempts to reclaim payments made to a vendor. District costs will likely increase as fewer contractors compete for future procurements.

#### Policy Implications:

This action does not change District policy and conforms to *California Education Code section 17604* that permits the Board of Education to delegate authority for Facilities Contracts (Board Report #444-17/18), which the Board exercised on May 08, 2018.

#### Budget Impact:

The contract actions presented are within the budget authority previously approved by the Board. Unless indicated otherwise, all contract actions are Bond funded.

**Student Impact:**

The contract actions will help ensure that the students are provided with safe and healthy environments, and up-to-date facilities that promote learning.

**Issues and Analysis:**

There are no policy implications on these agreements.

**Attachments:**

Attachment "A" - Ratification of Facilities Contract Actions Awarded Under Delegated Authority.

**Informatives:**

None

**Submitted:**

10/26/18

<p><b>ADOPTED BY BOARD</b> <b>NOVEMBER 13, 2018</b></p>
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RESPECTFULLY SUBMITTED,



AUSTIN BEUTNER  
Superintendent

APPROVED & PRESENTED BY:



SCOTT S. PRICE, Ph.D.  
Chief Financial Officer  
Office of the Chief Financial Officer

REVIEWED BY:



DAVID HOLMQUIST  
General Counsel

APPROVED & PRESENTED BY:



Chief Procurement Officer  
Procurement Services Division

☒ Approved as to form.

REVIEWED BY:



CHERYL SIMPSON  
Director, Budget Services and Financial Planning

**ADOPTED BY BOARD  
NOVEMBER 13, 2018**

☒ Approved as to budget impact statement.

REVIEWED BY:



MARK HOVATTER  
Chief Facilities Executive  
☒ Approved as to facilities impact.

**ATTACHMENT A**  
**RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY**

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<b>A. AWARD OF ADVERTISED CONSTRUCTION CONTRACTS</b>			<b>\$64,625,696</b>
<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>SCHOOL / PROJECT</u>	<u>AMOUNT</u>
H A Lewis, Inc. (SBE)	1810063 / 4400006819 (Best Value) <b>Item A</b>	<u>Marshall HS</u> Repair and Seismic Strengthening of the Historic Tower and ADA Upgrades Board Member: <u>District 5</u>  <b>Contract Term:</b> 09/17/18 through Division of State Architecture (DSA) certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$3,454,000
Kemp Bros Construction, Inc.	1810151 / 4400006822 (Best Value) <b>Item B</b>	<u>Berendo MS</u> New Gymnasium, Health Clinic Relocation, Upgrade Electrical Services and ADA Upgrades Board Member: <u>Mónica García</u>  <b>Contract Term:</b> 10/02/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$21,867,700
Pinner Construction Co., Inc.	1810157 / 4400006840 (Best Value) <b>Item C</b>	<u>Eagle Rock HS</u> Auditorium – Upgrade HVAC System & Seismic Retrofit Board Member: <u>District 5</u>  <b>Contract Term:</b> 09/25/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$6,594,510
Pinner Construction Co., Inc.	1810158 / 4400006841 (Best Value) <b>Item D</b>	<u>Eagle Rock HS</u> Gymnasium – Upgrade HVAC System & Seismic Retrofit Board Member: <u>District 5</u>  <b>Contract Term:</b> 09/25/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$10,314,490

<b>ADOPTED BY BOARD</b> <b>NOVEMBER 13, 2018</b>
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# ATTACHMENT A RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY

## AWARD OF ADVERTISED CONSTRUCTION CONTRACTS (CONT'D)

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>SCHOOL / PROJECT</u>	<u>AMOUNT</u>
Bitech Construction Company, Inc.	1810175 / 4400006834 <b>Item E</b>	<u>Normandie ES</u> Paving & Low Impact Development & Drought Response Outreach Program for Schools (DROPS) Project. Board Member: <u>Dr. George J. McKenna III</u>  <b>Contract Term:</b> 08/28/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$3,612,996
W N G Construction J V, Inc.	1810176 / 4400006827 <b>Item F</b>	<u>28<sup>th</sup> Street ES</u> HVAC Replacement Project Board Member: <u>Mónica García</u>  <b>Contract Term:</b> 10/01/18 through DSA Certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$9,983,000
Masters Contracting Corp. (SBE)	1810177 / 4400006842 <b>Item G</b>	<u>Santee HS</u> Wellness Clinic Renovation Board Member: <u>Mónica García</u>  <b>Contract Term:</b> 09/24/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$2,074,000
Ian Thomas Group, Inc.	1910000 / 4400006941 <b>Item H</b>	<u>Bancroft MS</u> HVAC Replacement Project Board Member: <u>Nick Melvoin</u>  <b>Contract Term:</b> 10/05/18 through DSA certification and close-out  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$6,725,000

## JOB ORDER CONTRACT AWARDS

**\$0**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>SCHOOL / PROJECT</u>	<u>AMOUNT</u>
None			

<b>ADOPTED BY BOARD NOVEMBER 13, 2018</b>
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**ATTACHMENT A**  
**RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY**

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**JOB ORDER CONTRACT AMENDMENTS** **\$8,500,000**

<u>CONTRACTOR</u>	<u>IDENTIFICATION</u> <u>NO.</u>	<u>SCHOOL / PROJECT</u>	<u>AMOUNT</u>
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Fredrick Towers, Inc. (SBE)	1730010 / 4400005795 (1730010.03)	Amendment to increase contract capacity of a formally competed contract to provide general contracting services District-wide.	\$4,500,000*
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**Item I**

**Contract term including this amendment:**  
06/07/17 through 06/06/19  
One (1) Option Year (OY) remaining

Initial Contract Value:	\$500,000
Amendment No. 1	\$3,000,000
Amendment No. 2	\$2,000,000
	Terms Revised
	OY1
*Amendment No. 3	\$4,500,000

(Executed Date: 09/14/18)

**Aggregate Contract Value:** **\$10,000,000**

Requester: *Greg Garcia, Director*  
*Project Execution*  
*Facilities Services Division*

Exbon Development, Inc. (SBE)	1830010 / 4400006251 (1830010.01)	Amendment to increase contract capacity of a formally competed contract to provide general contracting services District-wide.	\$1,000,000*
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**Item J**

**Contract term including this amendment:**  
01/09/18 through 01/08/19  
Two (2) one-year options remaining

Initial Contract Value:	\$500,000
*Amendment No. 1	\$1,000,000

(Executed Date: 08/28/18)

**Aggregate Contract Value:** **\$1,500,000**

Requester: *Greg Garcia, Director*  
*Project Execution*  
*Facilities Services Division*

World Wide Construction (SBE)	1830011 / 4400006252 (1830011.01)	Amendment to increase contract capacity of a formally competed contract to provide general contracting services District-wide.	\$2,000,000*
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**Item K**

**Contract term including this amendment:**  
01/10/18 through 01/09/19  
Two (2) one-year options remaining

Initial Contract Value:	\$500,000
*Amendment No. 1	\$2,000,000

(Executed Date: 09/20/18)

**Aggregate Contract Value:** **\$2,500,000**

Requester: *Greg Garcia, Director*  
*Project Execution*  
*Facilities Services Division*

**ADOPTED BY BOARD**  
**NOVEMBER 13, 2018**

\* Current Ratification

**ATTACHMENT A**  
**RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY**

**JOB ORDER CONTRACT AMENDMENTS (CONT'D)**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>SCHOOL / PROJECT</u>	<u>AMOUNT</u>
Telenet VOIP, Inc. (SBE)	1830016 / 4400006259 (1830016.01) <b>Item L</b>	Amendment to increase contract capacity of a formally competed contract to provide electrical services District-wide.  <b>Contract term including this amendment:</b> 01/09/18 through 01/08/19 Two (2) one-year options remaining  Initial Contract Value: \$350,000 *Amendment No. 1 \$1,000,000 (Executed Date: 09/21/18)  <b>Aggregate Contract Value: \$1,350,000</b>  Requester: <i>Greg Garcia, Director</i> <i>Project Execution</i> <i>Facilities Services Division</i>	\$1,000,000*

**ADOPTED BY BOARD  
NOVEMBER 13, 2018**

<b>B. APPROVAL OF CHANGE ORDERS</b>		<b>\$2,710,245</b>
	<u>QUANTITY</u>	<u>AMOUNT</u>
i. Construction contract change orders that do not individually exceed 10 percent for August 15, 2018 to September 30, 2018 (Average Transaction: \$12,430):	14	\$174,019
ii. Construction contract credit change orders for August 15, 2018 to September 30, 2018:	0	<\$0>
iii. Repair and modernization contract change orders that do not individually exceed 15 percent for August 15, 2018 to September 30, 2018 (Average Transaction: \$12,175):	227	\$2,763,780
iv. Repair and modernization contract credit change orders for August 15, 2018 to September 30, 2018:	13	<\$227,554>
v. Repair and modernization contract change orders that individually exceed 15 percent (but do not exceed 25 percent) for August 15, 2018 to September 30, 2018, requiring 75 percent approval by the Board:	0	\$0
<b>C. COMPLETION OF CONTRACTS – August 2018</b>	21	<b>\$20,293,879</b>
<b>D. AWARD OF INFORMAL CONTRACTS (Not Exceeding \$90,200)</b>		<b>\$1,948,897</b>
	<u>QUANTITY</u>	<u>AMOUNT</u>
A & B Letters for August 15, 2018 to September 30, 2018 (Average Transaction: \$28,660)	68	\$1,948,897

**E. REJECTION OF BIDS**

<u>BID NO.</u>	<u>SCHOOL/PROJECT</u>	<u>REASON</u>
1810009 (Best Value) <b>Item M</b>	Berendo MS New Gymnasium, Health Clinic Relocation, Upgrade Electrical Services and ADA Upgrades Board Member: <u>Mónica García</u>	All bids were rejected due to excessive cost. The school administration has been notified. The project was re-advertised and awarded to Kemp Bros Construction, Inc. See Section A, page 1 of this report.

\* Current Ratification

**ATTACHMENT A**  
**RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY**

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**REJECTION OF BIDS (CONT'D)**

<u>BID NO.</u>	<u>SCHOOL/PROJECT</u>	<u>REASON</u>
1810159 <b>Item N</b>	<u>28<sup>th</sup> Street ES</u> HVAC Replacement Project Board Member: <u>Mónica García</u>	All bids were rejected due to excessive cost. The school administration has been notified. The project was re-advertised and awarded to W N G Construction J V, Inc. See Section A, page 2 of this report.

**F. TERMINATION OF CONTRACTS FOR CONVENIENCE**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>SCHOOL / PROJECT</u>
None		

**G. ASSIGNMENT AND ASSUMPTION OF RIGHTS AND DELEGATION OF DUTIES – ARCHITECTURAL AND ENGINEERING AGREEMENT**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
None			

**H. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS**

**\$136,801**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
gkkworks, Inc.	1920001 / 4400006830 <b>Item O</b>	<u>7<sup>th</sup> Street ES</u> Architectural and engineering services for site investigation, utility analysis and creation of Design-Build performance criteria (BOE #488-17/18). Board Member: <u>Dr. Richard A. Vladovic</u>	\$136,801

**ADOPTED BY BOARD  
NOVEMBER 13, 2018**

**Contract Term:** 09/12/18 through DSA approval

Requester: *Aaron Bridgewater, Director  
Asset Management  
Facilities Services Division*

**I. AWARD OF ARCHITECTURAL AND ENGINEERING AMENDMENTS**

**\$0**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
None			

**J. MEMORANDUM OF UNDERSTANDING**

**\$0**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
None			

**K. AWARD OF PROFESSIONAL/TECHNICAL SERVICES CONTRACTS**

**\$0**

<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
None			



**ATTACHMENT A**  
**RATIFICATION OF CONTRACTS AWARDED UNDER DELEGATED AUTHORITY**

<b>L. AWARD OF PROFESSIONAL/TECHNICAL SERVICES AMENDMENTS</b>			<b>\$0</b>
<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>	<u>DESCRIPTION</u>	<u>NOT-TO-EXCEED AMOUNT</u>
None			
<b>M. AWARD OF GOODS AND SERVICES CONTRACTS</b>			<b>\$0</b>
<u>CONTRACTOR</u>	<u>IDENTIFICATION NO.</u>		<u>NOT-TO-EXCEED AMOUNT</u>
None			
<b>N. * EXTRA SERVICES /AMENDMENTS FOR ARCHITECTURAL AND ENGINEERING CONTRACTS</b>			<b>\$1,880,684</b>
CONTRACT NOS.	1320009/4400000614, 1420026/4400002565, 1520001/4400003042, 1520008/4400003180, 1520053/4400003913, 1620147/4400004891, 1720015/4400005061, 1720057/4400005995, 1820010/4400006102, 1820033/4400006474, 1820035/4400006554		
<b>Item P</b>			
<b>O. NO COST EXTRA SERVICES/AMENDMENTS FOR ARCHITECTURAL AND ENGINEERING CONTRACTS</b>			<b>\$0</b>
None			

**ADOPTED BY BOARD  
NOVEMBER 13, 2018**

\* Detailed information is available at <http://www.laschools.org/new-site/contracts/boe-contract-actions/>.