

**SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**Board of Education  
Special Meeting**

**OCTOBER 4, 2016  
District Office  
113 W. Felspar Ave.  
*www.ssusd.org***

*We, the members of the Board of Education of the Sierra Sands Unified School District, are committed to providing the highest quality education in a safe environment to all K-12 students. We believe the school shares with the family, church, and community the responsibility for developing life-long learners who are responsible, productive citizens.*

**A G E N D A - REVISED**

CALL TO ORDER AND PLEDGE TO THE FLAG

12:30 P.M.

Amy Castillo-Covert  
Bill Farris  
Tim Johnson, Vice President/Clerk  
Michael Scott, President  
Kurt Rockwell

Ernest M. Bell, Jr., Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA
2. CONSTRUCTION ADMINISTRATION
  - 2.1 Approval to Enter into Change Order #2 to the Agreement with JDS Plumbing & Mechanical to Increase Scope to Include Installation of the Second Increment of the Underground Site Drainage System
3. CLOSED SESSION
  - 3.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION regarding two potential cases pursuant to Government Code section 54954.5 (c)
4. ADJOURNMENT

2. CONSTRUCTION ADMINISTRATION

2.1 Approval to Enter into Change Order #2 to the Agreement with JDS Plumbing & Mechanical to Increase Scope to Include Installation of the Second Increment of the Underground Site Drainage System

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BACKGROUND INFORMATION: In December of 2012, the district received a grant from the Department of Defense (DoD) - Office of Economic Adjustment (OEA) for approximately thirty-one million dollars for the modernization of Burroughs High School (BHS). In response to that grant, the district initiated design and construction phase services to complete execution of the project. At the time of the original design, it was unforeseen that significant realignment and augmentation of the existing site storm drainage lines would be required in order to accommodate adequate site drainage of the property during severe rain events such as the 100-Year Flood, which is required by California code. This work was not included in any of the prime trade contracts as bid and awarded. In addition, during the course of construction, multiple conflicts between new underground utilities and existing utilities were encountered and required resolution.

CURRENT CONSIDERATIONS: The first increment of work was approved at the August 16, 2016 regular meeting of the Board of Trustees; this is a request to approve the Second Increment of work. In order to provide complete and appropriate replacement of old, inadequate site utilities, the following work is required:

- (1) Existing site storm drainage lines must be replaced with new, viable site storm drainage lines to accommodate the 100-year flood; the work requires that various areas of the project must undergo significant demolition, replacement and put-back.
- (2) Multiple conflicts of new utility lines were encountered with existing underground utility lines, requiring resolution.

The design consultants have provided appropriate specifications and drawings for such work accordingly. Because JDS Plumbing & Mechanical is familiar with the project and is ready, willing, and able to perform the change order work, it is in the district's best interest to authorize JDS Plumbing & Mechanical to complete the change order work. The change order and draft resolution will address the impact on the project's budget.

FINANCIAL IMPLICATIONS: Authorization is requested to amend the contract to incorporate the additional work in the change order as follows:

|  |              |
|--|--------------|
| JDS Plumbing & Mechanical – Plumbing - Base Contract | \$184,998.00 |
| Change Order #1 approved 8-18-16                     | \$227,061.29 |
| Proposed Change Order #2                             | \$114,028.07 |
| <u>Contingency</u>                                   | <u>\$ 00</u> |
| Subtotal Change Order #2                             | \$114,028.07 |
| Total New Contract Amount                            | \$526,087.36 |

The amount of the change order exceeds 10% of the original contract amount. A draft resolution in support of the change order is included in the board packet and will be presented for adoption at the October 20, 2016 regular board meeting. Funding for this expense shall be 80% from the Burroughs High School DoD grant funds and 20% from district matching funds including Fund 40.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board approve the proposed Change Order #2 for additional work described therein to the agreement with JDS Plumbing & Mechanical for the Burroughs High School Modernization Project.

**D R A F T**  
**RESOLUTION OF THE GOVERNING BOARD OF THE**  
**SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**RESOLUTION FOR APPROVAL OF AWARD OF CONTRACT TO FOR CERTAIN**  
**ADDITIONAL WORK AT**  
**BURROUGHS HIGH SCHOOL**

**RESOLUTION NO.**

**WHEREAS**, the Governing Board of the Sierra Sands Unified School District (“District”) previously awarded a contract for construction work at the Burroughs High School Project, (“Project”) to JDS Plumbing & Mechanical;. (“Contractor”);

**WHEREAS**, subsequent to the award of the contract for the Project, it was determined that additional work was necessary on the Project (“Change Order”) including providing and installing underground Site Utilities to affect Site Drainage to accommodate the second increment the 100 year flood drainage system, as well as to accommodate various unforeseen underground utility conflicts as more fully set forth in the board header and attachments;

**WHEREAS**, the Contractor is intimately familiar with the Project and is ready, willing and able to perform the additional work set forth in the Change Order;

**WHEREAS**, the total cost for the Change Order is \$114,028.07 and exceeds the limitations set forth in Public Contract Code section 20118.4;

**WHEREAS**, it would 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;

**WHEREAS**, the additional work must be performed before the Project can be completed and failure to complete the Project will disrupt the education of students;

**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 perform work more efficiently and effectively performed by one contractor; and

**WHEREAS**, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage.

**NOW, THEREFORE**, the Governing Board of the District hereby finds, determines, and resolves as follows.

**Section 1.** The above recitals are all true and correct.

**Section 2.** That it would work an incongruity and not produce any advantage to the District to competitively bid the completion of the additional work set forth in the Change Order.

**Section 3.** That the District approves the immediate completion of the additional work stated in the Change Order without competitively bidding such work and approves the District's payment to the Contractor in accordance with the terms and conditions set forth in the Change Order.

**Section 4.** That the completion and approval of the additional work stated in Change Order is necessary to ensure completion of the Project and use of the facilities by students and staff.

**Section 5.** That the Governing Board delegates to its Superintendent, or a designee, authority to execute all agreements and complete all necessary documents for the additional work and to otherwise fulfill the intent of this Resolution.

**Section 6.** That this Resolution shall be effective as of the date of its adoption.

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Sierra Sands Unified School District this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

I, \_\_\_\_\_, President of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

\_\_\_\_\_  
President of the Board of Education  
Sierra Sands Unified School District

I, \_\_\_\_\_, Clerk of the Board of Education of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Sierra Sands Unified School District Governing Board at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the above described vote of the Governing Board;

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the Sierra Sands Unified School District Governing Board this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Clerk of the Board of Education  
Sierra Sands Unified School District

# CHANGE ORDER

Distribution to:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> OWNER      | <input checked="" type="checkbox"/> INSPECTOR |
| <input checked="" type="checkbox"/> ARCHITECT  | <input checked="" type="checkbox"/> DSA       |
| <input checked="" type="checkbox"/> CONTRACTOR | <input type="checkbox"/> CITY AGENCY          |
| <input checked="" type="checkbox"/> FIELD      | <input checked="" type="checkbox"/> OTHER     |

**PROJECT:** Sierra Sands Unified School District **CHANGE ORDER NO.:** 2

**Project Name:** BURROUGHS HIGH SCHOOL MODERNIZATION  
 200 E. Drummond Avenue  
 Ridgecrest, CA 93555 **DATE OF ISSUANCE:** October 4, 2016

**TO:** **JDS PLUMBING & MECHANICAL**  
 2824 Felicia Way  
 Vista, CA 92084  
**Bid Category: SITE UTILITIES**

**PROJECT NO.:** 210001  
**DSA APPL. #** A-03-116198  
**CONTRACT FOR:** Delete Site Lighting  
**CONTRACT DATE:** April 4, 2016  
**C-CONTRACT NO.:** 167441

**Action:** Request the Board of Trustees approve the contract changes contained in the below referenced Exhibits.

**You are directed to make the following changes in this Contract:**  
 Reference attached Change Order Item.

| EXHIBIT          | CONTRACTOR PCO | #  |            | COST                |
|------------------|----------------|----|------------|---------------------|
| EXHIBIT A        | SOV            | 1  | Proposal = | \$114,028.07        |
| EXHIBIT B        | Proposal #     | 0  | Proposal = | \$0.00              |
| EXHIBIT C        | Allowance #    | NA | Proposal = | \$0.00              |
| Total CO Amount: |                |    |            | <b>\$114,028.07</b> |

Not valid until signed by the Owner, Architect and Contractor.  
 Signature of Contractor indicates his agreement herewith, including any adjustment in Contract Sum or Contract Time.

|  |    |               |
|--|----|---------------|
| The original Contract Sum was  | \$ | 184,998.00    |
| Net change by previously authorized Change Orders                        | \$ | 227,061.29    |
| The Contract Sum prior to this Change Order was                          | \$ | 412,059.29    |
| The Contract Sum will be increased (decreased) by this Change Order      | \$ | 114,028.07    |
| The new Contract Sum including this Change Order will be                 | \$ | 526,087.36    |
| The Contract Time will be changed by [0] Days.                           |    | 0             |
| The Date of Completion as of the date of this Change Order therefore is: |    | June 30, 2017 |

**Contractor:**

|                       |                  |             |
|-----------------------|------------------|-------------|
| _____                 | _____            | _____       |
| <b>Name (Printed)</b> | <b>Signature</b> | <b>Date</b> |

I have reviewed the figures submitted by the Contractor and they have been reviewed by the District. I believe this request is valid and recommend for your acceptance.

|                          |                       |                  |
|--------------------------|-----------------------|------------------|
|                          | _____                 | _____            |
| <b>Architect:</b>        | <b>Name (Printed)</b> | <b>Signature</b> |
| <b>Const. Mgt. Rep.:</b> | IBI GROUP, INC.       | _____            |
|                          | Colombo Construction  | _____            |

**Bond Planning PM:** Maas Companies \_\_\_\_\_  
**Inspector of Record:** Jeff Roberson \_\_\_\_\_  
**Owner:** Ernest M. Bell \_\_\_\_\_  
 Superintendent of Schools \_\_\_\_\_

cc:

**ITEM CO.:**

|                       |                            |
|-----------------------|----------------------------|
| <b>Requested by:</b>  | District                   |
| <b>Reference</b>      | Exhibit "A" / JDS Proposal |
| <b>Justification</b>  | B/3                        |
| <b>Time Extension</b> | 0 Days                     |

**ADD/DEDUCT:** \$ 114,028.07

**TOTAL CHANGE ORDER AMOUNT:** \$ 114,028.07

**CODE LEGEND\***

- A SITE COST, UNFORESEEN FIELD CONDITION
- B SITE COST, ERROR AND/OR OMISSION
- C SITE COST, DISTRICT ADDED OR DELETED/REDUCED SCOPE
- D SITE COST, AGENCY OR CODE REVISION
- E SITE COST, CONTRACTOR IMPACT TO ANOTHER CONTRACTOR
- F BUILDING COST, UNFORESEEN FIELD CONDITION
- G BUILDING COST, ERROR AND/OR OMISSION
  
- H BUILDING COST, DISTRICT ADDED OR DELETED/REDUCED SCOPE
  
- J BUILDING COST, AGENCY OR CODE REVISION
  
- K BUILDING COST, CONTRACTOR IMPACT TO ANOTHER CONTRACTOR
  
- L CONTRACT ADMINISTRATIVE ISSUE

\* Note: "I" has been omitted to avoid confusion with "1"

- 1 CONTRACTOR GENERATED
- 2 CONSTRUCTION MANAGER GENERATED
- 3 ARCHITECT/ENGINEER GENERATED
  
- 4 DISTRICT GENERATED
- 5 INSPECTOR OR AGENCY GENERATED