MOUNTAIN VIEW-LOS ALTOS HIGH SCHOOL DISTRICT

RESOLUTION NO. 23/24-16

RESOLUTION DECLARING THE FUTILITY OF PUBLIC BIDDING FOR UNDERGROUND UTILITIES TRADES SERVICES FOR LOS ALTOS HIGH SCHOOL STUDENT SERVICES BUILDING AND RATIFYING CHANGE ORDER APPROVAL FOR THAT WORK

WHEREAS, the Board of Trustees ("Board") of the Mountain View-Los Altos High School District ("District") formally and publicly opened bids for Bid Package C – Underground Utilities Trades ("Bid Package C") for the Los Altos High School Student Services Building Project ("Project"), located at Los Altos High School, 201 Almond Avenue, Los Altos, California 94022; and

WHEREAS, of the four (4) bids submitted for Bid Package C, Robert A. Bothman was determined to be the lowest responsive responsible bidder, and on or about April 26, 2021, the Board awarded a contract to perform the work for Bid Package C on the Project in the amount of Four Hundred Thirty-Nine Thousand Two Hundred Dollars (\$439,200.00); and

WHEREAS, since commencement of the Project, there were added costs to repair an existing broken water main at the courtyard that was leaking into the construction area (PCO 2), remove existing gas line in way of new utilities in conflict to current plans (PCO 5), relocate domestic water supply to an open joint trench (PCO 16), extend sanitary sewer to manhole (PCO 51), domestic water reroute in parking lot B (PCO 54), re-route the plan shown location for the storm drain in the student services parking lot to avoid electrical vault and connect to the revised point of connection (PCO 55), remove and replace previously installed water line in conflict with building excavations (PCO 63), reinstall storm drain due to conflicts between plan elevations and the existing storm drain elevations (PCO 65), install asphalt paving at all utility trenches in the staff parking lot (PCO 75), repair and reinstall drain inlets damaged during site work and heavy equipment activity (PCO 89), Install a filter at the fire water backflow to prevent debris from entering the fire sprinkler system (PCO 92), add extension pieces to (7) drain inlets that were installed below grade to prevent damage during site work (PCO 132), excavate and raise existing manhole that was not shown on drawings to finish grade (PCO 134); via Change Orders #2C, 3C, 4C, 5C, 6C, 7C, 8C, and 9C for Robert A. Bothman; and

WHEREAS, the Project adjustments represent additions in scope and cost for services to be performed on the Project pursuant to Bid Package C ("Additional Work"); and

WHEREAS, the Project adjustments are integral and inseparable from, and inherent to, the work already in progress on the Project; and

- **WHEREAS**, the Contractor issued documentation supporting final pricing for the integral and additional necessary Underground Utilities work to the Project via Potential Change Orders ("PCOs") #2, 5, 16, 51, 54, 55, 63, 65, 75, 89, 92, 132, and 134 (Robert A. Bothman Cos#2C, 3C, 4C, 5C, 6C, 7C, 8C, and 9C) totaling \$346,644.98 which brings the total current cost of all approved and pending change orders to \$482,096.65 (107.02% of the original contract amount); and
- **WHEREAS,** requesting bids for the Additional Work, and having another contractor perform the adjusted Work, would result in waste and delay on the Project, which would ultimately be at the expense of the District; and
- **WHEREAS**, bringing in a new Contractor to perform the Additional Work would have created coordination and interference problems at the Project, for example, the need to perform the work within the same area, and would expose the District to liability for delay and/or disruption damages; and
- **WHEREAS**, bringing in a new contractor to perform the Additional Work could have created a potential dispute over the warranty for that work and the surrounding work being performed by the Contractor; and
- **WHEREAS**, bringing in a new contractor (or contractors) to perform the Bid Package B Work pursuant to the Project adjustments would potentially expose the District to significant cost increase, since Robert A. Bothman is already familiar with and mobilized on the Project site and any other bids are likely to result in increased costs to the District; and
- **WHEREAS,** it is imperative to perform the Additional Work immediately to prevent delay to the Project, which may expose the District to a significant increase in cost; and
- WHEREAS, California courts allow a narrow exception to the public bidding law in circumstances in which public bidding would be futile, undesirable, or impractical and would cause additional delay and additional cost; (See, e.g., Los Angeles Dredging Company v. City of Long Beach (1930) 2 Cal. 348; Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631, 645.); and
- WHEREAS, notwithstanding the requirements of Public Contract Code sections 20111(b) or 20118.4(a), California law provides that, "where 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); and
- **WHEREAS**, bidding the Additional Work for Bid Package C will not affect the final result to the District except to further increase the cost of the Project; and

WHEREAS, bidding the Additional Work will not produce an advantage to the District;

NOW THEREFORE, the Governing Board of the Mountain View-Los Altos High School District hereby resolves, determines, and finds the following:

Section 1. That the above recitals are true and correct.

<u>Section 2.</u> For the reasons stated above, public bidding of the Additional Work for Project Bid Package C would not produce an advantage to the District and would produce a net burden and distinct disadvantages to the District.

<u>Section 3.</u> Based on the foregoing, it would be incongruous, futile, and unavailing to attempt to bid the Additional Work for Project Bid Package C.

<u>Section 4.</u> The Board hereby ratifies Robert A. Bothman – Cos#2C, 3C, 4C, 5C, 6C, 7C, 8C, and 9C to perform the Additional Work, without further advertising for or inviting of bids.

<u>Section 5.</u> The Board hereby authorizes the District's Superintendent, or her designee, to take all steps and perform all actions necessary to execute and implement Robert A. Bothman - COs#2C, 3C, 4C, 5C, 6C, 7C, 8C, and 9C.

APPROVED, PASSED AND ADOPTED this <u>13th</u> day of <u>November</u>, 2023 by the following vote of the Board of Trustees of the Mountain View-Los Altos High School District:

	AYES:
	NOES:
	ABSENT:
	ABSTAIN:
l certi stated	fy that the foregoing resolution was duly introduced, passed, and adopted as d.

Dr. Nellie Meyer Superintendent Mountain View-Los Altos High School District



MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES

Sanjay Dave Phil Faillace, Ph.D. Debbie Torok Catherine Vonnegut Fiona Walter

SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Serving the communities of Mountain View, Los Altos and Los Altos Hills

Date: 06/02/2022

CHANGE ORDER #2C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades

Project Name: LAHS Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	Amount of Change
5	Added scope to pothole, trace the existing gas line, excavate, and reconfigure a section of existing 6" gas main line. The revisions are required due to the gas line being in conflict with the new building footings shown on the plans.	N/A	38	\$ 38,905.00
6	Using \$4,000.00 of Allowance C1 (temporary water and sewer connection), to stub-up existing domestic water source to supply construction water to site for concrete wash-out, and site water to keep dust down during excavation of the project	N/A	76	\$ 0.00
7	Remove existing shrubs at East drive property line, per District request. This was not shown to be removed on current DSA approved plans. Shrubs were in the way of the construction utilities and job trailer.	N/A	N/A	\$ 11,769.00
10	Backfill joint trench with 230 Lineal feet of concrete slurry from bottom of footing to subgrade, per RFI directive due to updated storm drain inverts and relocation. The 10" storm drain line was relocated to maintain an access path for the students at the 200 Wing Building for the school year. Cost includes slurry seal for storm drainpipe and sanitary sewer line.	N/A	44.1	\$ 25,975.00
16	Existing 6" domestic water supply is not as plans denote requiring relocation where it's using an open joint trench. Added cost covers time and material with equipment to relocate the existing 6" domestic water line. The existing open trench will be utilized to save costs.	N/A	N/A	\$ 20,046.00
21	Additional work due to an existing water line leak that needed to be sourced. Contractors found that the existing restraint system had a proficient leak which was existing for some time and went unnoticed due to being very deep underground. The contractor removed the restraint and replaced it with a new more modern mega lug system.	N/A	N/A	\$ 4,530.00
24	Excavate and repair a leak on domestic water line caused by vibration and compaction on the building pad. The leak was after the fact and not directly tied to a certain contractor who compacted the area, likely causing the leak.	N/A	N/A	\$ 1,644.00
, Y	Total of Change Order #2C			\$ 102,869.00

Original Contract Amount: \$ 439,200.00



Los Altos and Los Altos Hills

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Change Order #1C Amount: \$ 12,059.00

Change Order #2C Amount: \$ 102,869.00

Revised Contract Amount: \$ 554,128.00

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Mike Mathiesen	Date:	6/17/2022
Program Manager's Signature		Date:	6/17/2022
Architect's Signature:	7076FA3F32AB49A	Date:	6/6/6022
Contractor's Signature:	Tyler Hutchings	Date:	6/17/2022





Los Altos and Los Altos Hills

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Phone: (650)940-4650

Date: 08/08/2022

CHANGE ORDER #3C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades

Project Name: LAHS Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	Amount of Change
48	Provide and install trench plates for the upcoming excavation work on the fire line. The trench plates are requested to cover the open trench so deliveries can continue and allow equipment to go over this area for continued access.	N/A	N/A	\$ 1,409.81
50	Provide additional pothole and utility line locating to find the existing point of connection shown on plan sheet C6 for the fire water service shown but not located. The contractor dug the area shown per contract, at the point of connection shown, down 10 feet, but no existing fire line was found. Moreover, additional discovery is needed to connect this service line to the building	N/A	N/A	\$ 16,805.31
51	To add material and labor for 50 lineal feet of new sanitary sewer line to existing manhole. This work is on the northeast corner of the building.	N/A	43	\$ 24,958.00
54	New domestic water line install required in a location other than shown on the bid set due to conflict with utilities and footing. The revised route will run through Parking Lot B instead of along the south of buildings footings due to other utility conflicts and "zone of influence" of the footings. Cost is to provide 220 lineal ft of new 2.5" line.	N/A	198	\$ 32,488.97
55	Re-route the proposed storm drain utility shown on the bid set. The new route is through the center of the parking lot due to various existing issues causing conflict in this area, and previously being in the zone of influence of the footings. Additionally, the new storm drain leaders from the building will connect to the existing storm drain noted.	N/A	198	\$ 47,980.62
58	Revise the current civil bid-set plan pages based on changes mentioned in the related request for information response. These changes add lineal feet of fire water piping and connect to an alternate point of connection, due to a discrepancy at the original "point of connection" shown between the civil plans, and the fire sprinkler drawings previously depicted at bid time.	N/A	242.1	\$ 20,455.45
59 %* ^v	Replace a portion of the existing domestic water line removed due to being in the "zone of influence" of the new building's footings. The Student Services bid-set plans denoted a portion of this water pipe as "existing to remain" but could not be due to being in conflict of the new footings.	N/A	N/A	\$ 14,795.61



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	existing, previous construction damage. Total of Change Order #3C			\$159,626.50
61	Remove the existing damaged cone on the sewer manhole at the library building and replace. The existing one is not usable due to	N/A	N/A	\$ 732.73

Original Contract Amount: \$ 439,200.00

 Change Order #1C Amount:
 \$ 12,059.00

 Change Order #2C Amount:
 \$ 102,869.00

 Change Order #3C Amount:
 \$ 159,626.50

Revised Contract Amount: \$ 713,754.50

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Mike Mathiesen	Date:	8/5/2022
Program Manager's Signature:	9777007C41D147B Docusigned by: Patrick Maravelias	Date:	8/5/2022
Architect's Signature:	7076FA3F32AB49A	Date:	8/2/2022
Contractor's Signature:	Docusigned by: Tyler Hutchings	Date:	8/5/2022



Los Altos and Los Altos Hills

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Phone: (650)940-4650

Date: 11/17/2022

CHANGE ORDER #4C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades
Project Name: Los Altos High School Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	 mount of Change
63	Temp water line removal and replace to new stub-out location as per plan on the west side of the site. This was removed to over excavate the building site per consultant recommendations.	N/A	N/A	\$ 14,851.30
65	Remove and reinstall 6" storm drain due to as-builts not being correct and the lines being not per code under the concrete pathways. Cost is to rework these to a lower depth to allow baserock and concrete per the detail.	N/A	274.1	\$ 49,784.58
75	Provide labor, equipment, and materials as needed to remove and offhaul 6" of baserock spoils, recompact, and install a 6" section of asphalt paving at all underground utility trenches in the existing parking lot adjacent to the new building as shown on the utility plan mark-up. It is critical that this work is completed ASAP as we are approaching rainy season and the open utility trenches pose a risk to stormwater control.	N/A	198.1	\$ 20,078.62
76	Provide power washing, street sweeping, and labore to remove all dirt and debris that has accumulated in the parking lot (adjacent to the new building) throughout the past several months of construction activity as needed to maintain compliance with stormwater control measures. Cleaning of the parking lot is also needed before asphalt paving of the underground utility trenches can be completed.	N/A	N/A	\$ 5,961.97
86	Provide and install a base rock pad with (4) 8'x10' rumble plates for a wash out station in the undeveloped, active construction area to prevent dirt track out into the parking lot and storm drainage system as an effort to maintain a clean and SWPPP compliant job site through winter.	N/A	N/A	\$ 5,649.69
	Total of Change Order #4C			\$ 96,326.16





MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

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Los Altos High School Student Services Building Robert A. Bothman Change Order #4C 11/17/2022

> **Original Contract Amount:** 439,200.00 **Change Order #1C Amount:** \$ 12,059.00 \$ **Change Order #2C Amount:** 102,869.00 **Change Order #3C Amount:** \$ 159,626.50 \$ **Change Order #4C Amount:** 96,326.16 **Revised Contract Amount:** \$ 810,080.66

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Mike Mathiesen	Date:	11/18/2022
Program Manager's Signature:	Patrick Maravelias	Date:	11/18/2022
Architect's Signature:		Date:	11/13/2022
Contractor's Signature:	Docusigned by: Tyler Hutchings	Date:	11/18/2022





Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

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SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Date: 12/12/2022

CHANGE ORDER #5C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades
Project Name: Los Altos High School Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#		nount of Change
92	Install a 6" filter at the firewater point of connection to prevent rust and debris that was detected in the existing city water line from entering the new student services building's fire sprinkler system.	N/A	356	\$ 2	20,932.22
	Total of Change Order #5C			\$ 2	20,932.22

Original Contract Amount: 439,200.00 **Change Order #1C Amount:** \$ 12,059.00 **Change Order #2C Amount:** \$ 102,869.00 **Change Order #3C Amount:** \$ 159,626.50 **Change Order #4C Amount:** \$ 96,326.16 **Change Order #5C Amount:** \$ 20,932.22 \$ **Revised Contract Amount:** 831,012.88

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Mike Mathiesen	Date:	12/15/2022
Program Manager's Signature:	9777007C41D147B Patrick Marave	liaDate:	12/15/2022
Architect's Signature:	7076FA3F32AB49A	Date:	12/12/2022
Contractor's Signature:	Docusigned by: Tyler Hutching	Date:	12/15/2022



Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

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Phone: (650)940-4650

Date: 01/23/2023

CHANGE ORDER #6C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades
Project Name: Los Altos High School Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	Amount of Change
002	Provide labor, equipment, and materials as needed to trace, locate and repair a domestic water leak in the student courtyard that was leaking into the construction area. The leak appeared to be existing and was discovered when footings for the new building created a low spot allowing the water to seep to that area.	N/A	N/A	\$ 11,534.00
102	Provide labor, equipment, and materials as needed to repair an underground domestic water line leak that was discovered during site work.	N/A	N/A	\$ 3,080.10
	Total of Change Order #6C			\$ 14,614.10

Original Contract Amount:	\$ 439,200.00
Change Order #1C Amount:	\$ 12,059.00
Change Order #2C Amount:	\$ 102,869.00
Change Order #3C Amount:	\$ 159,626.50
Change Order #4C Amount:	\$ 96,326.16
Change Order #5C Amount:	\$ 20,932.22
Change Order #6C Amount:	\$ 14, 614.10
Revised Contract Amount:	\$ 845,626.98





Los Altos and Los Altos Hills

01/23/2023

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES

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SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Los Altos High School Student Services Building Robert A. Bothman Change Order #6C

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Michael Mathiesen	Date:	1/25/2023
Program Manager's Signature:	9777007C41D147B Patrick Marasu	լլոֆate:	1/25/2023
Architect's Signature:	.7076FA3F32AB49A	Date:	1/22/2023
Contractor's Signature:	Docusigned by: Tyler ftutchin	Date:	1/25/2023





Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES

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Phone: (650)940-4650

Dr. Nellie Meyer

Date: 05/08/2023

CHANGE ORDER #7C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades **Project Name:** Los Altos High School Student Services Building

DSA Application #: 01-119006 **Contract Number:** C21-081

PCO#	Reason for Change	CCD#	RFI#	mount of Change
132	Provide labor, equipment, and material to excavate (7) drain inlet bases, that were previously installed below grade to prevent further damage during site work activities per work directive #89, and add concrete extension pieces as needed to adjust the drain inlets to finish grade before concrete sidewalk placement can continue.	N/A	N/A	\$ 19,831.00
140	Provide labor, equipment, and material to remediate the wet soil on the north side of the student services building that was caused by excessive wet weather conditions this winter. Contractor shall also remove and dispose of misc. Debris and dirt spoils that have accumulated throughout the site over the past several months of construction. All material shall be brought to an appropriate disposal facility.	N/A	N/A	\$ 10,584.00
	Total of Change Order #7C			\$ 30,415.00

Original Contract Amount:	\$ 439,200.00
	_
Change Order #1C Amount:	\$ 12,059.00
Change Order #2C Amount:	\$ 102,869.00
Change Order #3C Amount:	\$ 159,626.50
Change Order #4C Amount:	\$ 96,326.16
Change Order #5C Amount:	\$ 20,932.22
Change Order #6C Amount:	\$ 14, 614.10
Change Order #7C Amount:	\$ 30,415.00
Revised Contract Amount:	\$ 876,041.98





Los Altos and Los Altos Hills

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SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Los Altos High School Student Services Building Robert A. Bothman Change Order #7C 05/08/2023

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Michael Mathiesen	Date:	5/12/2023
Program Manager's Signature:	Patrick Maravelias	Date:	5/12/2023
Architect's Signature:		Date:	5/8/2023
Contractor's Signature:	Docusigned by: Tyler Hutching	[∫] Date:	5/12/2023





Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES

Thida Cornes Sanjay Dave Phil Faillace, Ph.D. Esmeralda Ortiz Catherine Vonnegut

SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Date: 05/22/2023

GREEN BUSINESS

CHANGE ORDER #8C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades
Project Name: Los Altos High School Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	mount of Change
134	Provide labor, equipment, and material to excavate and adjust an existing storm drain manhole to finish grade. The manhole was discovered during site work and was not included on the original contract drawings.	N/A	418.1	\$ 2,994.00
	Total of Change Order #8C			\$ 2,994.00

Original Contract Amount:	\$	439,200.00
Change Order #1C Amount:	¢	12,059.00
Change Order #2C Amount:	<u>\$</u> \$	102,869.00
3		
Change Order #3C Amount:	\$	159,626.50
Change Order #4C Amount:	\$	96,326.16
Change Order #5C Amount:	<u>\$</u>	20,932.22
Change Order #6C Amount:	\$	14, 614.10
Change Order #7C Amount:	\$	30,415.00
Change Order #8C Amount:	\$	2,994.00

Revised Contract Amount: \$ 879,035.98

Mountain View-Los Altos H.S. District's Signature:	Docusigned by: Michael Mathiesen	Date:	6/22/2023
Program Manager's Signature:	Patrick Maravelias	Date:	6/22/2023
Architect's Signature:	7076FA3F32AB49A	Date:	5/16/2023
Contractor's Signature:	Docusigned by: Tyler frutching:	Date:	6/22/2023

MVLA HIGH SCHOOL DISTRICT

Serving the communities of Mountain View,

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MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES

Thida Cornes Sanjay Dave Phil Faillace, Ph.D. Esmeralda Ortiz Catherine Vonnegut

SUPERINTENDENT Dr. Nellie Meyer

Phone: (650)940-4650

Date: 10/16/2023

CHANGE ORDER #9C

Contractor Name: Robert A. Bothman

Contract Name: Bid Package C, Underground Utilities Trades
Project Name: Los Altos High School Student Services Building

DSA Application #: 01-119006 Contract Number: C21-081

PCO#	Reason for Change	CCD#	RFI#	Amount of Change
89	Provide labor, equipment, and material to remove, saw-cut damaged portion, and reinstall (below grade) concrete drain inlet boxes that were previously installed in September 2021 and damaged during the past several months of site work and heavy equipment activity. RGMK will continue to investigate how the damage occurred and the responsible party(ies).	N/A	N/A	\$ 42,260.67
	Total of Change Order #9C			\$ 42,260.67

Original Contract Amount:	\$ 439,200.00
Change Order #1C Amount:	\$ 12,059.00
Change Order #2C Amount:	\$ 102,869.00
Change Order #3C Amount:	\$ 159,626.50
Change Order #4C Amount:	\$ 96,326.16
Change Order #5C Amount:	\$ 20,932.22
Change Order #6C Amount:	\$ 14, 614.10
Change Order #7C Amount:	\$ 30,415.00
Change Order #8C Amount:	\$ 2,994.00
Change Order #9C Amount:	\$ 42,260.67
	 · · · · · · · · · · · · · · · · · · ·

Revised Contract Amount: \$ 921,296.65

Mountain View-Los Altos H.S. District's Signature:	Date:	
	-	
Program Manager's Signature:	Date:	
Architect/s Signature:	Date:	
Contractor's Signature:	Date:	