



Board Agenda Item #	Agenda # III A
Date:	May 8, 2017
To:	Magnolia Public Schools, Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Frank Gonzalez, Chief Growth Officer
RE:	Approval of MSA Santa Ana Gym Contract for Architectural and Engineering Services (Berliner Architects)

Proposed Board Recommendation

I move that the board authorize the CEO or a designee to negotiate and execute the contract for Berliner Architects to complete the construction of the gymnasium and associated spaces at the new MSA Santa Ana campus.

Background

Magnolia developed and constructed a new school facility for MSA Santa Ana which was occupied in September 2016. The approved DSA plans call for the construction of a gymnasium, locker rooms, serving kitchen, covered outdoor eating area, playground and landscaping (collectively “Phase II”). However, the allocated amount in state funds did not provide sufficient funding for construction of Phase II. Financing for the project is in the process of being secured through a tax-exempt bond and the project can proceed.

Bidding

Berliner Architects are the project architects as chosen at the inception of the project through a bid process. The firm designed the school facility. The approved plans by the Division of State Architect is under their license. Therefore, they are critical to Phase II of the project and need to continue serving as part of the project team as the architects of record through the completion of the gymnasium building. This contract was negotiated solely with Berliner Architects as they are the only architecture firm that could work on Phase II of the project given the facts listed herein. The contract for these services cannot be bid out as the existing DSA plans could not be utilized and doing so would delay the process significantly (by a minimum of an additional eighteen to twenty-four months to redesign and construct the gym building).

The Berliner Architects scope of work includes:

- A. The Gymnasium building as per the original bid documents and incorporating changes that apply to the gym building that were implemented as part of the construction of the classroom building.
- B. Create the bid document with related DSA approved documents – drawings and specifications.
- C. Construction administration services, including review of submittals, RFI's and attending weekly job meetings.
- D. Punch list and project closeout with DSA.

Please note that the bid document may need to be submitted to DSA and be approved by DSA as information purpose only so that the work can be properly delineated and properly inspected by the IOR and the DSA inspectors.

#### Budget Implications

The costs to construct Phase II will be paid for by a long-term tax exempt bond, not to exceed \$209,027.00. Reimbursable costs will be billed at a cost plus 7.5% estimated at 10% or \$21,000. Any changes in the scope will be submitted in writing in the form of a Work Authorization and no work will be done until specifically authorized by Magnolia Public Schools following standard procedures. The California Schools Finance Authority ("CSFA") will be the conduit issuer of the financing. A CSFA board meeting will be held on May 9, 2017 to consider and approve the item. The Board of Magnolia Public School has previously adopted a resolution authorizing financing for this project.

#### How Does This Action Relate/Affect/Benefit All MSAs?

This project will allow students attending MSA Santa Ana to have a gymnasium and associated spaces to fully implement the approved educational program.

#### Name of Staff Originator:

Frank Gonzalez, Chief External Officer

#### Attachments

Berliner Architects Proposed Contract  
DSA Approved Plans

# BERLINER

ARCHITECTS

**April 11, 2017**

Mr. Frank Gonzalez  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683

**Subject: Gym Re-bid Add Service – Magnolia Santa Ana 17-12**

Dear Frank,

Thank you for the opportunity to submit this additional services request for the gym re-bid of the gym at the Magnolia Santa Ana School.

## **SCOPE OF WORK**

The Gymnasium was part of the original Magnolia Science Academy project and was approved by DSA. During the bid of the project due to lack of funding, the Gym was taken out of the the contract. The funding is now available and we will be proceeding to bid the project and build per the schedule attached and scope clouded as suggested and planned by NEFF, owner's CM. Following are the scope:

1. The Gymnasium building as per the original bid documents and incorporating changes that apply to the gym building that were implemented as part of the construction of the classroom building.
2. The portion of the site in the attached site plan shown as yellow (the actual profile may change based on the workability ascertained by NEFF) has to be deducted from the ongoing construction project and added to Gymnasium bid document.
3. Create the bid document with related DSA approved documents – drawings and specifications.
4. Construction administration services, including review of submittals, RFI's and attending weekly job meetings.
5. Punch list and project closeout with DSA.
6. The bid document may need to be submitted to DSA and be approved by DSA as information purpose only so that the work can be properly delineated and properly inspected by the IOR and the DSA inspectors.
7. See the Schedule attached provided by NEFF. NEFF has recommended that we follow the "Construct after current work" method and shall have bidding process, submittal review, and procurement and construction phases.

### NOT IN SCOPE OF WORK

- Any changes in the design requested by Magnolia.
- Revisions requested by DSA
- Fees for the CA phase are based on the 40 week construction schedule provided by NEFF construction at 12 hours /week for the PM/PA and 4 hours/ week for design support. If construction runs longer than 40 hours a week due to circumstances out of our control the additional time will be billed on a time and materials basis.

### FEES

Berliner Architects , see attached fee calculation	\$128,330.00
<b>SUBTOTAL BERLINER ARCHITECTS LABOR</b>	<b>\$128,330.00</b>
Saiful Bouquet – Structural Engineers	\$33,000.00
Design West Engineering – MEP Engineers	\$14,875.00
Brandow & Johnston – Civil Engineers	\$13,000.00
Ahbe – Landscape Architects	\$6,500.00
<b>SUBTOTAL CONSULTANT LABOR</b>	<b>\$67,375.00</b>
5% Consultant Coordination Fee	\$3,368.00
<b>TOTAL LABOR COST</b>	<b>199,074.00</b>
Estimated Reimbursables	\$9,954.00
<b>MAXIMUM FEE (Not to Exceed)</b>	<b>\$209,027.00</b>

### REIMBURSABLE COSTS

Reimbursable costs will be billed at cost plus 7.5%. These costs include reproduction of drawings and documents, postage, long distance phone calls, conference calls, and renderings and models to be used for public hearings, fund raising, etc. beyond those prepared during the design process.

### SCHEDULE

See Attached.

## PAYMENTS AND TERMS

Please note that we anticipate payment of invoices within 30 days of the invoice date. A monthly service charge of 1.5% of the unpaid balance (18% true annual rate) will be added to past due accounts. Berliner Architects reserves the right to terminate the performance of services without waiving any claims or rights against the client and without liability whatsoever if payment is past due the 30-day period.

## CHANGES IN SCOPE

Any changes in scope will be submitted in writing in the form of a Work Authorization and no work will be done until specifically authorized by Magnolia Public Schools. Hourly billing rates are as follows:

Principal, Richard Berliner	\$205.00 / Hour
Project Manager / Architect, Prithwish Gupta	\$145.00 / Hour
Drafting and Design	\$ 85.00-\$110.00 / Hour

Please contact me with any questions regarding this request. We look forward to continuing our work with Magnolia Public Schools.

Sincerely yours,

**BERLINER ARCHITECTS**



**Richard Berliner, AIA, NCARB, LEED AP**

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Accepted for Magnolia Public Schools

Date

Fee Calculation Form

Date: April 11, 2017  
Project: Magnolia Santa Ana Gym  
Job #: 17-12

	Principal	Project Manager	Project Architect	Architect	Interior Designer	Designer	Draft/Jr. Des.	Total	NOTES
<b>Phase 1 - Info. Collection / Pre Design</b>									
Field Survey & Research								0	
Create Base CADD								0	
Meetings								0	
<b>Subtotal Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Phase 2 Schematic Design / Pricing</b>									
Plans								0	
Elevations / Sections								0	
Details								0	
Finishes/Specs								0	
Meetings								0	
<b>Subtotal Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Phase 3 Design Development</b>									
Plans								0	
Elevations/ Sections								0	
Details								0	
Coordination								0	
Finishes/Specs								0	
Meetings								0	
Quality Control								0	
Models								0	
<b>Subtotal Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Phase 4 Construction Documents</b>									
Plans	1	12					20	33	
Elevations / Sections	1	12					20	33	Create Bid Documents - 6 weeks
Details	1	8					20	29	PM - mtg @ 4hrs/wk
Coordination		16						16	PA - coord+mtg+QC @ 16 hrs/wk
Finishes/Specs	1	8						9	Des - 24 hrs/wk
Meetings		8						8	
Specifications		8						8	
Quality Control		8						8	
<b>Subtotal Hours</b>	<b>4</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>144</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		
<b>Total</b>	<b>\$ 820</b>	<b>\$ 11,600</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,700</b>	<b>\$ -</b>	<b>\$ 18,120</b>	
<b>Phase 5 Plan Check</b>									
Bldg. Dept. / DSA Review								0	Assumes no plan check with DSA
Pick Up Corrections								0	
Consultant Coordination								0	
Back Check								0	
<b>Subtotal Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Phase 6 Bidding Support</b>									
Respond to questions	2	38					20	60	
Meetings		8						8	Bid - 6 weeks
<b>Subtotal Hours</b>	<b>2</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>68</b>	
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		PA/PM - 8 hrs/wk
<b>Total</b>	<b>\$ 410</b>	<b>\$ 6,670</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,900</b>	<b>\$ -</b>	<b>\$ 8,980</b>	Des - 20 hrs
<b>Phase 7 Construction Administration</b>									
Respond to RFI's		150					80	230	
Review Shop Drawings and Submittals		160					80	240	Submittals - 9 weeks
Coordination		100						100	PA/PM - 12 hrs/wk
Meetings	8	172						180	Des - 4 hrs/wk
<b>Subtotal Hours</b>	<b>8</b>	<b>582</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>160</b>	<b>0</b>	<b>750</b>	Procurement + Construction - 40wks
\$/ Hour	\$ 205	145	\$ 150	\$ 120	\$ 110	\$ 95	\$ 85		PA/PM - RFI+Coord+Site Visits - 12 hrs/wk
<b>Total</b>	<b>\$ 1,640</b>	<b>\$ 84,390</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,200</b>	<b>\$ -</b>	<b>\$ 101,230</b>	Des - 4 hrs/wk
<b>Total Hours On Project</b>	<b>14</b>	<b>628</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>240</b>	<b>0</b>	<b>962</b>	
<b>TOTAL ARCHITECTURAL LABOR COST \$ 2,870 \$ 102,660 \$ - \$ - \$ - \$ 22,800 \$ - \$ 128,330</b>									
Landscape Architect - AHBE								\$ 6,500	
Structural Engineer, Saiful Bouquet								\$ 33,000	
Mechanical / Plumbing / Electrical Engineer/Fire, Design West								\$ 14,875	
Civil Engineer, Brandon and Johnston								\$ 13,000	
<b>TOTAL CONSULTANTS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 67,375</b>	
<b>5% CONSULTANT FEE MARKUP</b>								<b>\$ 3,368.75</b>	
<b>TOTAL LABOR COSTS</b>	<b>\$ 2,870</b>	<b>\$ 102,660</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 22,800</b>	<b>\$ -</b>	<b>\$ 199,074</b>	
<b>ESTIMATED REIMBURSABLES</b>								<b>\$ 9,954</b>	
<b>TOTAL PROJECT COST</b>	<b>\$ 2,870</b>	<b>\$ 102,660</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 22,800</b>	<b>\$ -</b>	<b>\$ 209,027</b>	





# AUTHORIZATION FOR PROFESSIONAL SERVICES ADDITIONAL SERVICES

# 251

**PROJECT:** Magnolia Pacific Technology- Santa Ana  
B&J W.O. 1220022

**ADD. SERV. NO.:** 3  
**DATE:** April 7, 2017

**REQUESTED BY:** Richard Berliner  
Berliner and Associates Architecture

**DATE REQUESTED:** April 7, 2017

**SIGN AND RETURN ONE COPY TO:** Brandow & Johnston, Inc.

**SCHEDULED START:** April 7, 2017

## DESCRIPTION OF ADDITIONAL SERVICES:

Pursuant to your request, **Brandow & Johnston** (B&J) is submitting for your approval this request for authorization of additional services, related to civil engineering design revisions for the above mentioned project.

The work associated with these tasks is a result of additional civil engineering services that were not part of our original agreement or any prior requests for authorization of additional services. The civil engineering work associated with these tasks will be performed at a fixed fee basis, per the scope elements listed hereon. The budget associated with this request is our best estimate of time and effort involved in the requested scope of work

### Tasks:

1. Revise Civil Drawings to accommodate addition of western building to construction documents.
2. Provide coordination related to ADA comments.
3. Provide Design Team coordination.
4. Attend 2 project meetings.
5. Construction Administration & Closeout (32 hours budgeted)

### Assumptions:

- Contractor of main campus to provide as-built topo survey of newly constructed site improvements.
- It is assumed that this scope will be covered by one single design package.

**ESTIMATED ENGINEERING FEE:** \$13,000



The above-mentioned work will be performed on a fixed-fee basis in accordance with the General Terms of our original Agreement. Should additional time and cost become necessary we will obtain your approval for amended budget prior to conducting the work.

Should this proposal meet your approval, please sign below, and return it to our office, as an authorization to invoice these additional services. We understand that you will be processing an amendment to the contract for this work, as a part of B&J existing open agreement, and it will be forthcoming within 30 days of your initial approval.

Approved and accepted in accordance with the General Terms of Agreement:

**BRANDOW & JOHNSTON, INC.** (B&J)  
A California Corporation  
Gerard M. Nieblas, S.E., President  
Licensed Structural Engineer #2723

**CLIENT: BERLINER & ASSOCCIATES**  
5976 Washington Blvd.  
Culver City, CA 90232

By: \_\_\_\_\_  
*Ed Melo, P.E. C80534*  
*Associate Principal/Director of Civil Engineering*

By: \_\_\_\_\_  
*Name:*  
*Title:*

**CLIENT**, PLEASE RETURN ONE SIGNED COPY OF AGREEMENT AS AUTHORIZATION TO PROCEED AND SEND ALL AGREEMENT RELATED CORRESPONDENCE TO:

**Ed Melo, P.E.**  
**Associate Principal/Director of Civil Engineering**  
**Brandow & Johnston, Inc.**  
**700 South Flower Street, Suite 1800**  
**Los Angeles, CA 90017**  
**emelo@bjsce.com**

Revised April 11, 2017  
April 10, 2017

Mr. Richard Berliner AIA, LEED AP Principal  
Prithwish Gupta RA  
Project Architect  
Berliner Architects  
5976 Washington Blvd.  
Culver City, California 90232

Subject: Fee Proposal for Structural Services for Magnolia Charter School Gymnasium construction

Dear Richard and Prithwish;

It is our understanding that Magnolia Charter schools is planning to move forward with bidding the Santa Ana gymnasium that was de-scoped from the original project after DSA approval. In connection with this the following scope of work is anticipated:

1. Create a bid document with related DSA approved documents for the Gymnasium. This will consist of crossing out information that does not apply to the gymnasium.
2. The bid document may need to be submitted to DSA and be approved by DSA for informational purposes only. It is not anticipated that the drawings will be plan checked again by DSA.
3. Provide Construction Administration Services for the Gymnasium, including up to 3 site visits. Additional site visits will be based on \$750/visit basis.

In developing this fee proposal we have assumed the following:

- a. There will be no revisions to current design of the Gymnasium
- b. The building code in effect will remain as CBC 2010
- c. There will not be any corrections or comments from DSA to address.

## **FEES:**

We anticipate performing the following tasks in addition to those listed above;

Review of the following material by a lead person (Senior Project engineer or project engineer and select supporting staff to familiarize themselves with the project:

- a. All drawings including architectural MEP, and Structural
- b. The spec and correspondent to date
- c. Computer models and calculations to develop an understanding of the assumptions that were made for design

In addition relevant documents will be reviewed by the Principal in charge to refresh understanding of the project for the purpose of supervising the project

We propose an additional lump sum fee as presented below to provide the above services plus reimbursable expenses subject to the assumptions and tasks noted above in the project description.

Items 1 through 3: \$ 33,000 plus reimbursable expenses

Should DSA plan check be required we will perform the work on time and material

We hope this proposal is acceptable. However, should you have any questions please do not hesitate to contact us. We look forward to working with you and the team on this project.

Sincerely,

**SAIFUL/BOUQUET, INC.**

A handwritten signature in blue ink that reads "Mehran Pourzanjani". The signature is written in a cursive style with a large initial 'M'.

Mehran Pourzanjani S.E.  
Principal,

CC. Shahram Salmasi SE/SBI

# AHBE

LANDSCAPE ARCHITECTS

## NOTICE OF ADDITIONAL SERVICES #1

<b>DATE</b>	JANUARY 22, 2016	<b>FROM</b>	WENDY CHAN
<b>CLIENT</b>	BERLINER ARCHITECTS	<b>CC</b>	EVAN MATHER, LINDA DALEY
<b>PROJECT</b>	MAGNOLIA PACIFIC TECHNOLOGY SCHOOL		
<b>PROJECT #</b>	112047		
<b>REQUESTED BY</b>	KAI TELLESS		

Based on the information provided to us, we reviewed the additional work required to revise the landscape construction documents. The requested changes require more time than can be absorbed by the present contract. The following is a description of the requested revisions and a fee proposal for our completion of the work.

### Description of Additional Services

Magnolia Science Academy – Gymnasium Re-bid

1. Planting and irrigation revisions to the construction documents due to deduction of the area designated as the Gymnasium limit of work.
2. Create planting and irrigation bid construction documents and specifications for the “Gymnasium Re-bid” scope of work.
3. Work relating to Construction Administration services such as bidding process, submittal review, and field observation for “Gymnasium Re-Bid” scope of work.

**Cost for Additional Services: \$6,500**

### Client Approval of Additional Service

Services described herein will be provided upon receipt of Client’s written authorization. Sign below to confirm your approval of the above Additional Services description and fees. Return the signed document to us. Retain a copy for your records.

CLIENT  
**Berliner Architects**

LANDSCAPE ARCHITECT  
**AHBE Landscape Architects**

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
SIGNATURE

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SIGNATURE

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TITLE

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TITLE

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DATE SIGNED

\_\_\_\_\_  
DATE SIGNED



DESIGN WEST ENGINEERING

Date: April 10, 2017  
Company: Berliner Architects  
5976 Washington Blvd.  
Culver City, CA 90232  
Attention: Richard Berliner  
Subject: Magnolia PTS Charter School  
Gymnasium Re-Bid  
Our Proposal #12-269 AS-1

**PROPOSAL FOR ENGINEERING SERVICES – AS-1 GYMNASIUM RE-BID**

The following proposal is based on plans and information received to date. If accepted, this proposal will become the contract for services rendered.


We intend to provide Mechanical, Electrical, Plumbing and Fire Sprinkler Engineering Services for the Magnolia PTS Charter School project for Gymnasium Re-Bid in the amount of **\$14,875.00**. Services to include revision of existing DSA approved sheets as necessary to perform re-bid, update of the plans from any lessons learned from Phase 1 of project and additional Construction Administration scope required for the now staggered construction schedule. Construction Administration includes 3 CA Site Visits.

Payment for services rendered outlined above shall be as stated in the original contract for the above referenced project.

In the event that either party to this contract brings action to enforce this contract, the prevailing party shall recover its attorney's fees and cost from the losing party.

If the above terms and conditions meet with your approval, please acknowledge below by signing and returning a copy to our office.

Respectfully,

  
Steven Johnson  
Design West Engineering

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

Client Job Number \_\_\_\_\_

DWE Proposal Number 12-269 AS-1

If any portion of this transmission is illegible or incomplete, please notify our office

