

Minutes of Meeting (Draft)

Subject: Change Order Review Meeting with Gilbane Building Co.

Project: Laney College Athletic Fields and Field House Project # 2338

Date: April 27, 2011 11:40 AM – 1:30PM

Attendees: For Laney College; Claudette Brero-Gow and Trent Tornabene. For Gilbane: Iliia Florentin and Scott Jewel and for Cordoba Corporation: Angel A. Alvarez

The meeting was called by Claudette for the purpose of addressing the issues surrounding Changes to the Design-Build Project. There are a number of unresolved Gilbane initiated Construction Change Authorizations (CCA's) that are pending resolution. Claudette briefly illustrated the fact that the District and she understands the pain of having to deal with pain as contractors, construction managers and owners. She stated that this meeting alone would not resolve all the issues but that she needed make everyone what protocol will be used to attempt to resolve all the issues effectively. To clarify some questions about the District's position in what appears to be an ever slipping project schedule. The District simply cannot accept any more delays in the delivery date of the project.

She requested to see a unified Change Order log. Cordoba Corporation, Trent Tornabene and Gilbane Construction each have a different version of a log. Gilbane was given an opportunity to present their case in an abbreviated form and generally presented their verbal arguments. Both Trent and Angel agreed with some of their arguments and rebuffed many of their points. The following CCA's were reviewed in concept and the merits were discussed as follows:

CCA#	Description:	Date issued	Date Resolved	Status
1 & 2	PV System Credits			Resolved as part of final contract
3	Credit for PV Modifications	10/26/2010		Resolved as part of final contract
4 R 1	Rolling gates at owner's request	3-3-2011		Agreed in concept pending final decision
5	Provide tamper proof PV fasteners	12-10-10		Agreed to only do this at Parking lot.
6	Power for 6 th Street sign	12-13-10		Scope change, recommend approval
7	Exploratory Digging at Estuary	12-13-10		Work not yet performed, only a proposal
8	Credit for not Providing CX	12-22-10		Approved credit
9	Cost to prepare sub grade at Mobile Baseball Equipment.	1-31-11		Gilbane to prove that this is outside of scope, why charge for all new fencing when some existing fabric was used,

				Some labor , equipment & supervision was on site already
10	Nora Floor installation at Weight Rm.	2-09-11		District will not pay for Water proofing floor, needs cost breakdown, when and if District approves
CCA#	Description:	Date issued	Date Resolved	Status
11	Nora Floor installation at rooms 117, 119, 121 and 125	2-09-11		Same as #10
12	Nora Floor installation at Rm. 109	2-09-11		Same as #10
13	Additional Signage for 40 spaces	2-11-11		Faculty and staff designations are customary
14	Credit for Ice Machines being bought by John Beam	2-15-2011		District negotiating freight charge credit
15	Credit for not providing sled mounts	2-16-2011		Acceptable credit
16				
17	Additional Electrical Panel	3-14-2011		Panels provided did not leave space for potential load or circuit changes.
18	Provide higher poles and netting	3-14-2011		District might consider a negotiated settlement. Original design heights changed by Gilbane without Dist, Approval
19	Cost for removal of unforeseen concrete and debris at excavations for field netting poles	3-14-2011		District will review details once again.
20	Cost for modifications to Batter's Eye per DSA approved drawings due to incorrect as-bilt information.	3-14-2011		Item to be negotiated
21	Item got cancelled			
22	Cost to provide A/V equipment	4-07-2011		Cost being reviewed

During the course of the meeting Scott Jewell was asked to give us a target date that he feels comfortable achieving at this time, he responded that he expects to have completion in Mid-September. Claudette expressed her frustration and told Scott that the completion date of September is absolutely unacceptable, that Gilbane has not provided a Recovery Schedule nor a Fragnet that will explain their continued failure to perform and that the District is poised to start withholding payments as they are allowed by contract until an acceptable Recovery Schedule is provided and Gilbane can assure the District that they are doing whatever they can to recover and achieve a completion that is satisfactory to the District. Scott said that their schedule is as tight as possible and that they lost a lot of time due to their foundation, masonry and concrete subcontractor. Trent said that according to the District's Scheduler the project looks to be completed in

Mid-October. Angel Alvarez reviewed last month's schedule and noted that the schedule is extremely tight and that most activities have no float or negative float, that the Gilbane needs to find some other way to accelerate schedule. A limited amount of overtime has been used to mitigate the situation. Scott Jewel indicated that Gilbane will now place certain crews on five ten hour days to improve the completion date.

The effect of the particularly heavy rains during the season was discussed and Gilbane needs to provide a CCA to allow for the number of rain days in excess of the ones allowed by contract to be approved by the District.

Ilia indicated that the project has been delayed by the DSA process beyond the originally planned time to get permits. He will also deal with it in the same manner.

Scott said that their foundation contractor was responsible for a considerable amount of delay and that Gilbane did everything they could do drag them across the finish line. Western was at the verge of going under and they had to pay them at times before even Gilbane got paid to make sure that they would not totally default. In any case he recognizes that Gilbane is responsible for the schedule and they will do what is reasonably possible to complete the job as close to the original schedule as possible. Claudette mentioned that Gilbane's reputation is on the balance and that the District takes the situation very seriously. She emphasized in every way how important the schedule was for the District and made sure that Gilbane understands the fact that Liquidated Damages will be applied.

Angel A. Alvarez P. E. CM
Córdoba Corporación

Copies to Gilbane
Claudette B-G and Trent Tornabene
File

