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**ADOPTED – BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 508
NOVEMBER 5, 2015**

**BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 508
COUNTY OF COOK AND STATE OF ILLINOIS**

**SCOPE COORDINATION, COST REFINEMENT AND GENERAL CONSTRUCTION SERVICES
CMO- A JOINT VENTURE
OFFICE OF ADMINISTRATIVE AND PROCUREMENT SERVICES
NEW MALCOLM X COLLEGE OF HEALTH AND SCIENCES
(AMENDMENT TO BOARD REPORT #32113, ADOPTED DECEMBER 12, 2013)**

THE CHANCELLOR RECOMMENDS:

that the Board of Trustees authorizes the Chair to amend the existing agreement with CMO, the General Contractor in the construction of the New Malcolm X College Campus for an additional amount not to exceed \$6,588,000 for the period from December 12, 2013 through December 31, 2016, for a total revised cost not to exceed \$210,313,000. It is important to note that the additional funding requested represents a transfer of funds available within the project budget of \$251 million and does not represent new monies to the project. The project, assuming no further unanticipated changes, will remain within the \$251 million budget.

VENDOR: CMO – A Joint Venture
216 South Jefferson Street
Suite 502
Chicago, Illinois 60661

USER: Office of Administrative and Procurement Services/Malcolm X College

TERM:
The original term of the agreement commenced on December 13, 2013 and will expire on December 31, 2016.

SCOPE OF SERVICES:
CMO has been responsible for the construction of the new Malcolm X College Campus. The CMO team, comprised of Clark Construction, McKissack & McKissack Midwest and Old Veteran Construction, has effectively communicated and conveyed their ability and willingness to assume and to fulfill the independent duties for furnishing the work in accordance with the requirement of the contract documents within the contract price and within the contract time.

Examples of these independent duties of the contractor include:

- Schedule and coordinate the work by the contractor and its subcontractors;

- Supervise (control, direct, and coordinate) the performance of the work;
- Provide labor, material, and equipment as necessary for the work;
- Initiate, maintain, and supervise all safety precautions and programs in connection with the work;
- Select and provide the means, methods, techniques, sequences, and procedures of construction; and
- Warrant and guarantee that all work will be in accordance with the contract documents and will not be defective.

The additional funds are requested to address the following items:

Code Compliance: City Colleges was required by the City of Chicago and the State of Illinois to comply with several code compliance items totaling \$300,000 that were not anticipated in the architectural drawings.

Issued for Construction (IFC) Set: The General Contractor used the initial 100% Construction Documents for determining the “Gross Maximum Price” (GMP) of the new MXC project. Upon completion of the “Issued for Construction” (IFC) set of construction documents which contained significant changes required to complete the building to industry standards and specifications, a review of assumptions and costs was undertaken. The majority of the changes were related to electrical, structural or architectural matters which necessitated use of the General Contractor to preserve the integrity and integration of the work and maintain warranties. The cost of these changes amount to approximately \$5 million.

Storm Trap Remediation: During the construction phase, significant rainfall caused flooding in parts of the building where total systems designed to address water redirection were either under construction or not fully operational. As a result, the solution involves the redesign and modification of the stormtrap system which must be executed immediately. This is also to be done in coordination with the City of Chicago Department of Water Management. The cost is not to exceed \$1.288 million. City Colleges of Chicago reserves the right to pursue a claim for these additional expenses if warranted.

BENEFIT TO CITY COLLEGES OF CHICAGO:

The General Contractor is responsible for all aspects of construction of the new Malcolm X College Campus. The new Malcolm X College Campus is expected to be approximately 544,000 square feet with a stand-alone multi-level parking facility. It will consist of a General Education building and a Health Sciences Academy, which will focus on health care academic programs designed to prepare Chicagoans for high-growth, high-wage jobs under the College to Careers initiative. The new campus will provide the specialized educational facilities required to best deliver hands-on learning environments for City Colleges of Chicago students.

VENDOR SELECTION CRITERIA:

Pursuant to Board Report #32113 adopted by the Board on December 12, 2013, the Board approved the execution of an agreement with CMO – A Joint Venture to serve as the general

contractor in the construction of the New Malcolm X College. Specifications were prepared by District Procurement staff and a Request for Qualifications (RFQ) #SH1302 was publicly advertised on April 5, 2013. The Pre-Submittal Conference was held on April 11, 2013. Responses to the RFQ were submitted on Monday, April 29, 2013 by eight vendors; Power/UJAAMA Joint venture, CMO Joint Venture, Lend Lease, Walsh Construction, O'Neil/Sollitt Joint Venture, Paschen Partners JV, Gilbane Building Company and Powers & Sons/ IHC Joint Venture.

The Evaluation Committee took into consideration the following items:

1. Experience
2. Implementation Plan and Technical Approach
3. Capacity and Equipment Availability
4. Cost
5. MBE/WBE Compliance plan

The Evaluation Committee included representatives from the Office of Institutional Advancement, the Office of the Chief Operating Officer, the President of Malcolm X College, the Office of Administrative Services, the Malcolm X Auxiliary Services Department, and the Department of Buildings for the City of Chicago. In addition, the District's Chief of Staff, Chief Operating Officer, Chief Financial Officer, and Risk Manager as well City Colleges' contracted Construction Management team, Office of MBE/WBE Compliance and Architect of Record served as advisors.

Based on the evaluation scoring, staff recommended the acceptance of the proposal from CMO as the most responsive, responsible contractor. The proposal response was quite clear and detailed in its assumptions based on the scope of work outlined in the RFP. The exceptions/clarifications were taken on a number of items that the Architect of Record considers core to the scope of the project (and evaluation adjustments were made for such items), however the level of detail provided a window into the level of transparency expected in the selection of the proposer. Recommendations on constructability were also suggested – indicating a level of review and diligence on the part of the proposer.

MBE/WBE COMPLIANCE:

The Office of MBE/WBE Contract Compliance has reviewed the proposed amendment and has determined that the vendor is in compliance with the Board Approved Plan and on track to meet the originally bid goals of 28% MBE and 8% WBE Utilization. Based upon 70% contractor payout, CMO has demonstrated MBE utilization at 28% and WBE utilization at 7%.

GENERAL CONDITIONS:

Inspector General- It shall be the duty of each party to the agreement to cooperate with the Inspector General for City Colleges of Chicago in any investigation conducted pursuant to the Inspector General's authority under Article 2, Section 2.7.4(b) of the Board Bylaws.

Ethics – It shall be the duty of each party to the agreement to comply with the applicable provisions of the Board’s Ethics Policy adopted January 7, 1993, and as amended by the Board.

Contingent Liability – Pursuant to Section 7-14 of the Illinois Public Community College Act, all agreements authorized herein shall contain a clause that any expenditure beyond the current fiscal year is subject to appropriation in the subsequent fiscal year.

FINANCIAL:

Total: \$210,313,000

Charge To: Office of Administrative and Procurement Services

Source of Funds: Capital Fund

FY16: 580000-92015-3005031-70000

Respectfully submitted,

**Cheryl L. Hyman
Chancellor**

November 5, 2015 – Office of Administrative and Procurement Services