






Aug 19, 2024

Paul Moran
President
Level 10 Construction, LP
1050 Enterprise Way, Suite 250
Sunnyvale, CA 94089
pmoran@level10gc.com

Dear Mr. Paul Moran:

SUBJECT: 10223 – BUILDING: Emergency Interim Shelter Rue Ferrari Expansion (“Project”) Task Order No. 02: Modular Procurement & Fabrication (Excludes Installation)

1. This task order is issued in accordance with “Design-Build Services for 10223 – BUILDING: Emergency Interim Shelter Rue Ferrari Expansion Design-Build Contract between the City of San José and Level 10 Construction, LP” (“Contract”).
2. Level 10 Construction, LP (“Level 10”) shall provide the work and services set forth in Attachment B.
3. The City of San José shall pay Level 10 based on the budgeted not to exceed \$10,392,848.00 for Task Order No. 2. Level 10 shall submit an invoice each month reflecting a progress payment based on the completion percentage of this Task Order No. 2. Invoicing and payment will occur in accordance with Section 12.2 of the Contract, entitled “Invoicing and Payment.”
4. Attachment A sets forth an accounting of the Project, including the cost of this Task Order No. 2.

Level 10 Construction, LP	: 	8/22/24
	KE Paul Moran President	Date
Approved	: 	09/13/24
	Matt Loesch Director of Public Works	Date
Approved as to Form	:  <small>Email: diana.yuan@sanjoseca.gov Date: 09/04/2024 PDT</small>	09/04/2024
	Diana Yuan Senior Deputy City Attorney	Date

Attachment A

AC 34753 - Task Order No. 02

10223 - BUILDING: Emergency Interim Shelter Rue Ferrari Expansion

AUTHORIZED NOT TO EXCEED AMOUNT:

1. Current Authorization: Task Order No. 02	\$10,392,848.00
2. Escalation/Design Contingency	\$0.00
3. Construction Contingency	\$0.00
4. Authorized Total Not to Exceed Amount	<u>\$10,392,848.00</u>


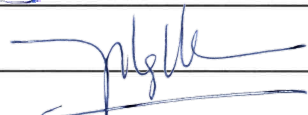
COST SUMMARY:

1. Agreement Limit	\$21,668,299.00
2. Contract Contingency	\$0.00
3. Total Agreement + Contract Contingency	<u>\$21,668,299.00</u>
4. Approved Task Order(s)	\$12,777,333.00
4a. Task Order No. 01	\$ 2,384,485.00
4b. Task Order No. 02	\$10,392,848.00
4c. Task Order No. 03	
4d. Task Order No. 04	
5. Remaining Balance (Line 3 – Line 4)	\$8,890,966.00

Appn.	Fund	Dept.	RC	Detail	Description	Amount (for contract)	Encumbered to Date	% Encumbered	Amount to Encumber
209X	454	57	220765	4080	Emergency Shelters	\$12,824,299.00	\$2,384,485.00	18.59	\$10,392,848.00
436I	001	57	220755	4080	Interim Housing – Rue Ferrari Expansion	\$8,844,000.00	\$0.00	0.0	\$0.00
TOTAL						\$21,668,299.00	\$2,384,485.00		

Du
\$4,000,000
\$6,392,848

Reviewed:

1. Project Manager – Public Works:	 08/23/2024
2. Budget Analyst – Public Works:	 8/27/24

Attachment B

Task Order No. 02

10223 – BUILDING: Emergency Interim Shelter Rue Ferrari Expansion

1. This Task Order No. 02 addresses the following items for the 10223 – BUILDING: Emergency Interim Shelter Rue Ferrari Expansion project, as detailed in the attached “CONTINUATION SHEET – SCHEDULE OF VALUES (SOV)” for Task Order No. 2. (Modular - Excluding Installation):
 - a. Material and equipment procurement for thirty-one (31) single modular units and one (1) triple modular unit.
 - b. Material procurement for prefabricated metal decking around modular units.
 - c. Reservation of fabrication facility production window, fabrication equipment and storage space for modular unit assembly.
 - d. Fabrication of thirty-one (31) single modular units and one (1) triple modular unit upon HCD approval.
 - e. Storage of completed modular units until site is ready of installation.
2. Modular unit delivery is not included in this Task Order No. 02 and will be included in a future release.
3. Modular unit installation is not included in this Task Order No. 02 and will be included in a future release.
4. Builders’ Risk insurance costs are included in this Task Order No. 02 as Contractor must procure and supply certificate of policy to the City prior to the start of work onsite.
5. A partial release of Design-Builder’s General Conditions and Project Management budgets are included in this Task Order No. 02 to support the oversight of the modular unit construction and site coordination activities. Balance of SOV funds for these activities will occur in a future release.
6. This Task Order No. 02 does not include costs for the City’s requested additional Modular two (2) units currently being planned for in the design documents. These units will be addressed in a future City change order and task order release.
7. This Task Order No. 02 does not include providing the three (3) storage units as they were to be City furnished per the contract documents. These units will be addressed in a future City change order and task order release.

8. Level 10 Construction, LP shall complete modular unit material procurement and fabrication according to the following schedule, as provided by Level 10 in the Rue Ferrari Master Schedule dated July 23, 2024:

Deliverable	Date
Material Procurement Completion	01/23/2025
Modular Unit Fabrication Completion	03/21/2025

CONTINUATION SHEET - SCHEDULE OF VALUES (SOV)

1)A Document 6703, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached. In tabulations below, amounts are listed to the nearest cent. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO. : _____

APPLICATION DATE: 7/23/2024

PERIOD TO: 7/23/2024

CITY PROJECT NO. : PW # 10223

LEVEL 10 INVOICE NO. \$ _____

A		B		C					D		E		F	G=D+E+F	H		I		J		
ITEM NO.	REF	DESCRIPTION OF WORK	CONTRACTOR/SUBCONTRACTOR	C.1		C.2		SCHEDULE OF VALUES (SOV)					WORK COMPLETED		MATERIALS PRESENTLY STORED THIS PERIOD (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE	% (G+C)	BALANCE TO FINISH (C.3 - G)	% RET.	RETAINAGE (VARIABLE RATE)	
				CONTRACT ORIGINAL VALUE	TASK ORDER NO. 1 (Design/Insurance/Bond)	Task Order No. 2 (Modular - Exc. Installation)	Task Order No. 3 (Early Site Activities)	Task Order No. 4 (Modular Install & Elect)	ADJUSTER	ADJUSTED SCHEDULED VALUE	FROM PREVIOUS APPLICATION	THIS PERIOD	FROM PREVIOUS APPLICATION	TOTAL COMPLETED							
I. NEW FACILITIES DIVISION BUILDING(S)																					
A. DESIGN BUILDER'S (D-B) ENTITY FEES																					
1.0		Profit and Overhead (3%)	Level 10	\$ 650,049	\$ 54,225	\$ 302,704		99,984	\$ 76,612	(\$533,525)	650,049	\$ -	\$ -	\$ -	\$ -	\$ 650,049	5.00%	\$ -	\$ -	\$ -	
2.0		General Conditions	Level 10	\$ 348,200	-	\$ 100,000		100,000	\$ 148,200	(\$348,200)	\$348,200	\$ -	\$ -	\$ -	\$ -	\$ 348,200	5.00%	\$ -	\$ -	\$ -	
3.0		Project Management	Level 10	\$ 967,900	-	\$ 250,000		250,000	\$ 467,900	(\$967,900)	\$967,900	\$ -	\$ -	\$ -	\$ -	\$ 967,900	5.00%	\$ -	\$ -	\$ -	
4.0		Design Fees	Level 10 & Consultants	\$ 1,296,806	1,296,806	\$ -		-	-	(\$1,296,806)	\$1,296,806	\$ -	\$ -	\$ -	\$ -	\$ 1,296,806	5.00%	\$ -	\$ -	\$ -	
5.0		Contingency (Construction)	Level 10	\$ 507,535	-	\$ -		-	-	\$507,535	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 507,535	5.00%	\$ -	\$ -	\$ -	
6.0		Excavation / Design Contingency	Estimate	\$ 522,761	\$ 522,761	\$ -		-	-	(\$522,761)	\$522,761	\$ -	\$ -	\$ -	\$ -	\$ 522,761	5.00%	\$ -	\$ -	\$ -	
		SUBTOTAL - Design Builder's Entity Fees		\$ 4,293,251	\$ 1,873,792	\$ 652,704		449,984	\$ 692,712	(\$3,669,192)	\$4,293,251	\$ -	\$ -	\$ -	\$ -	\$ 4,293,251	5.00%	\$ -	\$ -	\$ -	
B. CONSTRUCTION (CONST) GMP																					
7.0		GEN: General Requirements (Dumpsters, Cleanup & Laborer, Temp. Site Fencing)	Level 10	\$ 235,182	-	\$ -		100,000	\$ 135,182	(\$235,182)	\$235,182	\$ -	\$ -	\$ -	\$ -	\$ 235,182	5.00%	\$ -	\$ -	\$ -	
8.0		GEN: Survey & Layout	Estimate	\$ 11,869	-	\$ -		11,869	\$ -	(\$11,869)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,869	5.00%	\$ -	\$ -	\$ -	
9.0		GEN: Site Demolition	Estimate	\$ 78,625	-	\$ -		78,625	\$ -	(\$78,625)	\$78,625	\$ -	\$ -	\$ -	\$ -	\$ 78,625	5.00%	\$ -	\$ -	\$ -	
10.0		CONC: Modular Foundations	CA Modular	\$ 1,009,171	\$ -	\$ -		-	\$ 1,009,171	(\$1,009,171)	\$1,009,171	\$ -	\$ -	\$ -	\$ -	\$ 1,009,171	5.00%	\$ -	\$ -	\$ -	
11.0		OPNG: New Operators @ <E> Community Building & Laundry	Estimate	\$ 30,000	-	\$ -		-	-	\$30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000	5.00%	\$ -	\$ -	\$ -	
12.0		FIN: New Resilient Flooring @ <E> Community Building & Laundry	Estimate	\$ 55,000	-	\$ -		-	-	\$55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000	5.00%	\$ -	\$ -	\$ -	
13.0		FIN: Re-Paint Existing Phase 1 Building Exteriors	Estimate	\$ 71,775	-	\$ -		-	-	\$71,775	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 71,775	5.00%	\$ -	\$ -	\$ -	
14.0		EQPT: Modular Unit - Materials & Equipment	CA Modular	\$ 2,563,394	-	\$ -		-	-	(\$2,563,394)	\$2,563,394	\$ -	\$ -	\$ -	\$ -	\$ 2,563,394	5.00%	\$ -	\$ -	\$ -	
15.0		EQPT: Modular Units - Fabrication	CA Modular	\$ 6,384,178	-	\$ -		-	-	(\$6,384,178)	\$6,384,178	\$ -	\$ -	\$ -	\$ -	\$ 6,384,178	5.00%	\$ -	\$ -	\$ -	
16.0		EQPT: Modular Units - Delivery & Installation	CA Modular	\$ 172,875	-	\$ -		-	\$ 172,875	(\$172,875)	\$172,875	\$ -	\$ -	\$ -	\$ -	\$ 172,875	5.00%	\$ -	\$ -	\$ -	
17.0		EQPT: Modular Decks & Ramps - Materials	CA Modular	\$ 688,564	\$ -	\$ 688,564		-	-	(\$688,564)	\$688,564	\$ -	\$ -	\$ -	\$ -	\$ 688,564	5.00%	\$ -	\$ -	\$ -	
18.0		EQPT: Modular Decks & Ramps Installation	CA Modular	\$ 158,000	-	\$ -		-	\$ 158,000	(\$158,000)	\$158,000	\$ -	\$ -	\$ -	\$ -	\$ 158,000	5.00%	\$ -	\$ -	\$ -	
19.0		FURN: Site Furnishings	Estimate	\$ 438,600	-	\$ -		-	-	\$438,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 438,600	5.00%	\$ -	\$ -	\$ -	
20.0		ELEC: Electrical Service & Distribution, & Lighting & Branch Wiring, Low Voltage	Estimate	\$ 1,212,400	-	\$ -		750,000	\$ 462,400	(\$1,212,400)	\$1,212,400	\$ -	\$ -	\$ -	\$ -	\$ 1,212,400	5.00%	\$ -	\$ -	\$ -	
21.0		EWK: Excavation, Scarify, Grading	Estimate	\$ 829,546	-	\$ -		829,546	\$ -	(\$829,546)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 829,546	5.00%	\$ -	\$ -	\$ -	
22.0		EXT IMP: Wood Fence, Gates & Trash Enclosure	Estimate	\$ 346,000	-	\$ -		-	-	\$346,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 346,000	5.00%	\$ -	\$ -	\$ -	
23.0		EXT IMP: Chain Link Fence & Gates	Estimate	\$ 265,640	-	\$ -		-	-	\$265,640	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 265,640	5.00%	\$ -	\$ -	\$ -	
24.0		EXT IMP: AC Paving & Pavement Marking	Estimate	\$ 266,474	-	\$ -		-	-	\$266,474	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 266,474	5.00%	\$ -	\$ -	\$ -	
25.0		EXT IMP: Permeable Pavers	Estimate	\$ 246,000	-	\$ -		-	-	\$246,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 246,000	5.00%	\$ -	\$ -	\$ -	
26.0		EXT IMP: Site Concrete	Estimate	\$ 368,811	-	\$ -		-	-	\$368,811	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 368,811	5.00%	\$ -	\$ -	\$ -	
27.0		EXT IMP: Planting & Irrigation	Estimate	\$ 105,503	-	\$ -		-	-	\$105,503	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 105,503	5.00%	\$ -	\$ -	\$ -	
28.0		SITE: Pathways / Locals - Soil Sampling / Staking	Estimate	\$ 195,979	-	\$ -		195,979	\$ -	(\$195,979)	\$195,979	\$ -	\$ -	\$ -	\$ -	\$ 195,979	5.00%	\$ -	\$ -	\$ -	
29.0		SITE: Domestic Water	Estimate	\$ 435,502	-	\$ -		435,502	\$ -	(\$435,502)	\$435,502	\$ -	\$ -	\$ -	\$ -	\$ 435,502	5.00%	\$ -	\$ -	\$ -	
30.0		SITE: Fire Water	Estimate	\$ 193,854	-	\$ -		193,854	\$ -	(\$193,854)	\$193,854	\$ -	\$ -	\$ -	\$ -	\$ 193,854	5.00%	\$ -	\$ -	\$ -	
31.0		SITE: Sanitary Sewer	Estimate	\$ 336,962	-	\$ -		336,962	\$ -	(\$336,962)	\$336,962	\$ -	\$ -	\$ -	\$ -	\$ 336,962	5.00%	\$ -	\$ -	\$ -	
32.0		SITE: Storm Drain Modification Allowance	Estimate	\$ 50,443	-	\$ -		50,443	\$ -	(\$50,443)	\$50,443	\$ -	\$ -	\$ -	\$ -	\$ 50,443	5.00%	\$ -	\$ -	\$ -	
33.0		OTHER: Contractor's Bond	Level 10	\$ 136,510	\$ 136,510	\$ -		-	-	(\$136,510)	\$136,510	\$ -	\$ -	\$ -	\$ -	\$ 136,510	5.00%	\$ -	\$ -	\$ -	
34.0		OTHER: Subcontractors' Bond		\$ -	\$ -	\$ -		-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	5.00%	\$ -	\$ -	\$ -	
35.0		OTHER: Builder's Risk Insurance	Level 10	\$ 104,008	-	\$ 104,008		-	-	(\$104,008)	\$104,008	\$ -	\$ -	\$ -	\$ -	\$ 104,008	5.00%	\$ -	\$ -	\$ -	
36.0		OTHER: General Liability Insurance (1%)	Level 10	\$ 216,683	\$ 216,683	\$ -		-	-	(\$216,683)	\$216,683	\$ -	\$ -	\$ -	\$ -	\$ 216,683	5.00%	\$ -	\$ -	\$ -	
37.0		OTHER: Caltans Encroachment Permit Allowance	Level 10 (Caltans)	\$ 10,000	\$ 10,000	\$ -		-	-	(\$10,000)	\$10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000	5.00%	\$ -	\$ -	\$ -	
38.0		OTHER: Commissioning Plan & Inspections	Level 10 (NRG)	\$ 10,000	\$ -	\$ -		-	-	\$10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	5.00%	\$ -	\$ -	\$ -	
39.0		OTHER: Fire Plan Check & Inspections Allowance)	Level 10 (S/JFD)	\$ 15,000	\$ 15,000	\$ -		-	-	(\$15,000)	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ 15,000	5.00%	\$ -	\$ -	\$ -	
40.0		OTHER: Great Oaks Water Company Engineering & Service Allowance	Level 10 (Great Oaks)	\$ 75,000	\$ 75,000	\$ -		-	-	(\$75,000)	\$75,000	\$ -	\$ -	\$ -	\$ -	\$ 75,000	5.00%	\$ -	\$ -	\$ -	
41.0		OTHER: PG&E Contract & Engineering Assessment Allowance	Level 10 (PG&E)	\$ 57,500	\$ 57,500	\$ -		-	-	(\$57,500)	\$57,500	\$ -	\$ -	\$ -	\$ -	\$ 57,500	5.00%	\$ -	\$ -	\$ -	
		SUBTOTAL - CONST ESTIMATE		\$ 17,375,048	\$ 510,693	\$ 9,740,144		2,982,780	\$ 1,937,628	(\$15,171,245)	\$17,375,048	\$ -	\$ -	\$ -	\$ -	\$ 17,375,048	5.00%	\$ -	\$ -	\$ -	
TOTAL - D-B ENTITY FEES + CONST GMP				\$ 21,668,299	\$ 2,384,465	\$ 10,392,848		3,432,764	\$ 2,630,340	(\$18,840,437)	\$21,668,299	\$ -	\$ -	\$ -	\$ -	\$ 21,668,299	5.00%	\$ -	\$ -	\$ -	
C. CONTRACT CHANGE ORDERS (CCO)																					
CCO #1																					
TOTAL - CONTRACT CHANGE ORDERS																					
TOTAL: New Facilities (FEES + CONST GMP + CCO)				\$ 21,668,299	\$ 2,384,465	\$ 10,392,848		3,432,764	\$ 2,630,340	(\$18,840,437)	\$21,668,299	\$ -	\$ -	\$ -	\$ -	\$ 21,668,299	5.00%	\$ -	\$ -	\$ -	



- FOR YOUR ELECTRONIC SIGNATURE
- FULLY EXECUTED COPY TO FOLLOW

CITY STAFF: Vanessa Lindores
STAFF EMAIL: Vanessa.Lindores@sanjoseca.gov

SCANNED SIGNATURE AUTHORIZATION

DATE: 8/22/24 TOTAL PAGES: (INCLUDING THIS PAGE) 5

CONSULTANT NAME: Paul Moran, President, Level 10 Construction LP
EMAIL: pmoran@level10gc.com
PHONE: 650-642-4620

- I agree to use electronic signatures

SIGNATURE OF CONSULTANT: 

DIRECTIONS:

REVIEW THE ENCLOSED DOCUMENT, IF IT IS ACCEPTABLE:

1. SIGN THE DOCUMENT
2. CHECK THE BOX BELOW YOUR NAME AND SIGN AGREEING TO THE USE OF ELECTRONIC SIGNATURES
3. SCAN YOUR EXECUTED DOCUMENT TOGETHER WITH THIS COVER PAGE **IN BLUE INK**
4. EMAIL THE ENTIRE DOCUMENT TO (CITY STAFF EMAIL ADDRESS):
Vanessa.Lindores@sanjoseca.gov

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ALTERNATIVE METHODS OF VERIFICATION:

- USE OF A PASSWORD PROTECTED WEBSITE
- CONFIRMED BY A KNOWN TELEPHONE NUMBER
- PERSONALLY KNOWN TO CITY STAFF