



PALISADE
BUILDERS, INC.

PCCO #007

Palisade Builders, Inc.
900 E. Hamilton Avenue, Suite 140
Campbell, California 95008
Phone: +14084297700

Project: 2800 - 777 W. Middlefield - Building C
669 N. Shoreline Blvd.
Mountain View, California 94043
Phone: 408-429-7700

Prime Contract Change Order #007: PCO 039

TO:	Mountain View Whisman School District 1400 Montecito Avenue Mountain View, California 94043	FROM:	Palisade Builders, Inc. 900 E. Hamilton Ave, Suite 140 Campbell, California 95008
DATE CREATED:	7/24/2023	CREATED BY:	Hesham Naja (Palisade Builders, Inc.)
CONTRACT STATUS:	Pending - In Review	REVISION:	0
DESIGNATED REVIEWER:		REVIEWED BY:	
DUE DATE:		REVIEW DATE:	
INVOICED DATE:		PAID DATE:	
SCHEDULE IMPACT:		EXECUTED:	No
		SIGNED CHANGE ORDER RECEIVED DATE:	
CONTRACT FOR:	1:Building C Prime Contract	TOTAL AMOUNT:	\$131,762.79

DESCRIPTION:

PCO #039
CE #065 - CCD #04 - Scaffold Netting
CCD #04 Scope:

Install and remove scaffold netting for the duration that scaffold will be erected. Scope includes the maintenance of scaffold netting. Installation will begin on Monday, 6/5, and be complete by Friday, 6/9, where scaffold has been erected.

Change Type: Owner's Contingency AIA A201-2017: Article 7 and Construction Change Directive AIA A201-2017: 7.3

ATTACHMENTS:

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:

PCO #	Title	Schedule Impact	Amount
039	CE #065 - CCD #04 - Scaffold Netting	0 days	\$131,762.79
Total:			\$131,762.79

CHANGE ORDER LINE ITEMS:

PCO # 039: CE #065 - CCD #04 - Scaffold Netting

#	Budget Code	Description	Amount
1	09-09100.O PLASTER/SCAFFOLDING	Scaffold Netting	\$125,608.00
2	90-90000.O OVERHEAD AND PROFIT (4.9%)	PBI Fee	\$6,154.79
Grand Total:			\$131,762.79

The original (Contract Sum)	\$67,787,286.85
Net change by previously authorized Change Orders	\$283,851.70
The contract sum prior to this Change Order was	\$68,071,138.55
The contract sum would be changed by this Change Order in the amount of	\$131,762.79
The new contract sum including this Change Order will be	\$68,202,901.34
The contract time will not be changed by this Change Order.	



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PCCO #007

Mountain View Whisman School District
1400 Montecito Avenue
Mountain View, California 94043

Palisade Builders, Inc.
900 E. Hamilton Ave, Suite 140
Campbell, California 95008

DocuSigned by:

Hisham Naja

7/26/2023

CFB40C26DEBB41B...

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE

W.M. O'Neill
Lath & Plastering Corp.
P.O. Box 60352
Sunnyvale, CA 94088
License Number: 935933

Change Order

Date	CO or PO No.
6/1/2023	WMO CO #3

Customer

Palisade Builders, Inc.
 900 E. Hamilton, Suite 140
 Campbell, CA 95008

CO or PO No.	Project Address
	777 MIDDLEFIELD RD MT. VIEW, CA

Description	Units	U/M	Rate	Amount
THE SEVENS BLDG C - add scaffold netting to the entire building. NOTE: netting to be installed after entire scaffold bay set, not per level.			125,608.00	125,608.00

This change order should accompany the field order which should be signed for scop of work, hours and materials.

William O'Neill Signature _____

Customer Signature _____

The above scope of work is a change to the original contract price and is an additional charge of:

Total	\$125,608.00
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phone: 408-329-1413 fax: 866-837-4849
e-mail:office@oneillstucco.com www.oneillstucco.com



6101 West Courtyard Drive
Building 2, Suite 200
Austin, TX 78730

05/24/2023

Attn: James Rozzi
Risk Placement Services - San Francisco
100 Montgomery Street, Suite 715
San Francisco, CA 94104

Re: 22-COC-000244 MVO, LLC; Miramar Capital Partners, LLC - West Middlefield Apartments

Mountain View, California

Dear James,

This letter is to inform you that a site loss prevention survey was recently conducted by an authorized service provider of Technical Risk Underwriters.

As a result of this survey, a summary of deficiencies is being presented to the insured for their review. It is the responsibility of the Policyholder to undertake reasonable and appropriate measures to prevent loss. Our summary findings of the issue(s) have been attached on the following page(s).

Please confirm the receipt and appropriate distribution of this letter. Additionally, please ensure the Insured reviews all findings, as some issues may require a written response from the Insured and/or their authorized representatives within the specified timeframe(s).

Lastly, confirm with the insured and/or general contractor if any modifications to the pre-agreed security regime will occur within the next 100 days. If so, please provide the details so that we may proactively work together in order to ensure security is in accordance with the Underwriting Conditions of the policy.

All communications should be coordinated directly with your Agent or Broker involved in placing the account with TRU.

We thank you for your business. As always, if you have any questions, please contact us.

Sincerely,

Technical Risk Underwriters

TRU Loss Control Contacts:

John Jeng
Loss Protection Engineer
john.jeng@truins.com
O: 512-354-2017 M: 920-747-1050

Joseph Amodeo
Director of Engineering
joseph.amodeo@truins.com
O: 512-354-2013 M: 862-485-9221

Trey Sulak
Loss Protection Engineer
trey.sulak@truins.com
O: 512-354-2012 M: 254-722-5902

DISCLAIMER: Please be advised that this inspection was for *insurance underwriting purposes only* and recommendations contained herein do not imply that site conditions and/or practices are in compliance with any regulatory body governing unsafe conditions, law or code violation, or exception of good practice. The services referenced herein are the intellectual property of Technical Risk Underwriters and shall not be construed to affix any responsibility or liability resulting from any identified or unidentified hazards, conditions, actions, practices, or operations whether or not identified herein.



6101 West Courtyard Drive
Building 2, Suite 200
Austin, TX 78730

05/24/2023

Re: 22-COC-000244 - MVO, LLC; Miramar Capital Partners, LLC - West Middlefield Apartments
Mountain View, California

RECOMMENDATIONS

RESPONSE REQUIRED BY: 05/31/2023

To avoid further action, a written response from the Insured and/or their authorized representatives must be received no later than the due date.

Item	Recommendation	TRU Comment
1	Provide fencing at the perimeter of the project. The fence should be arranged to deter unauthorized entry while still enabling access for firefighting. Sections of the fence that are removed for construction purposes need to be restored at the end of the workday.	Some of the fencing around the site is not 8' tall as agreed upon in the security agreement document.
2	The site shall provided scaffolding netting where scaffolding has been erected.	Bldg C has scaffolding but no netting has been installed per the security agreement document.

Hesham Naja

From: Geoffrey Gutierrez <ggutierrez@miramarcapital.com>
Sent: Thursday, June 1, 2023 1:17 PM
To: Hesham Naja; Jessica Baker; Hansen, Jim; Dean Guerrero; Mark Ruebsamen
Cc: Eric Carbajal
Subject: RE: Sevens - TRU Recommendations
Attachments: 22-COC-000244 Loss Prevention Recommendation Letter 20230524.pdf
Importance: High

****EXTERNAL Email****

Hesham and PBI Bldg C team,

This is a Construction Change Directive No. 4(CCD 4) for Sevens Building C. PBI will install Netting on the scaffold on or before June 7, 2023.

Scope includes installation of screen/netting and removal after the scaffold is taken down.

MVO is requesting a revised PBI response to TRU recommendations on your letterhead as a follow-up to the email received that Screen Netting will be installed ASAP.

The risk of losing TRU insurance has been hovering around the project due to previous inspections on November and last inspection. **Below are the recommendations made:**

- *Provide fencing at the perimeter of the project. The fence should be arranged to deter unauthorized entry while still enabling access for firefighting. Sections of the fence that are removed for construction purposes need to be restored at the end of the workday.*
 - *TRU Comment -Some of the fencing around the site is not 8' tall as agreed upon in the security agreement document.*
- *The site shall provide scaffolding netting where scaffolding has been erected.*
TRU Comment- Bldg C has scaffolding but no netting has been installed per the security agreement document.

Thank you for your prompt action and coordination with your trades to respond to the Recommendation letter attached herein.

Geoffrey Gutierrez
Project Manager, MVO LLC.
Miramar Capital
(O) +1 669-281-2403 | (M)+1 415-760-5558
ggutierrez@miramarcapital.com

From: Hesham Naja <hnaja@palisadebuilders.com>
Sent: Wednesday, May 24, 2023 3:47 PM
To: Geoffrey Gutierrez <ggutierrez@miramarcapital.com>
Cc: Eric Carbajal <ECarbajal@palisadebuilders.com>; Blade, Greg <gregb@palisadebuilders.com>; Chris Gehrels <ChrisG@palisadebuilders.com>; Hansen, Jim <jimh@palisadebuilders.com>; Jessica Baker <jbaker@palisadebuilders.com>; Dean Guerrero <DeanG@palisadebuilders.com>
Subject: RE: Sevens - TRU Recommendations

Hi Geoffrey,

I spoke with Sam on the phone two weeks ago but I was not aware of a site visit and I did not walk with him. Regardless, please see my responses to the TRU recommendations below.

1. Provide fencing at the perimeter of the project. The fence should be arranged to deter unauthorized entry while still enabling access for firefighting. Sections of the fence that are removed for construction purposes need to be restored at the end of the workday.
 - a. TRU Comment -Some of the fencing around the site is not 8' tall as agreed upon in the security agreement document.
 - b. PBI Response: Perimeter fencing was inspected by PBI 5/24 and all fence measures 8' from the exterior side of the fence.
2. The site shall provide scaffolding netting where scaffolding has been erected.
 - a. TRU Comment- Bldg C has scaffolding but no netting has been installed per the security agreement document.
 - b. PBI Response: Netting is not a CAL OSHA requirement. The scaffolding as installed complies with CAL OSHA requirements. Please clarify where and why netting is required.

Hesham Naja
Palisade Builders, Inc.
Project Manager
650-333-0760
900 E. Hamilton Avenue, Suite 140
Campbell, CA 95008



From: Geoffrey Gutierrez <ggutierrez@miramarcapital.com>
Sent: Wednesday, May 24, 2023 2:49 PM
To: Blade, Greg <gregb@palisadebuilders.com>; Chris Gehrels <ChrisG@palisadebuilders.com>; Hansen, Jim <jimh@palisadebuilders.com>; Jessica Baker <jbaker@palisadebuilders.com>; Dean Guerrero <DeanG@palisadebuilders.com>
Cc: Hesham Naja <hnaja@palisadebuilders.com>; Eric Carbajal <ECarbajal@palisadebuilders.com>
Subject: FW: Sevens - TRU Recommendations

****EXTERNAL Email****

Greg and Hesham,

TRU said they walked the job with Hesham, so the inspector had checked in at Bldg C and walked the job.

I copied Hesham to confirm all inspections from the insurance broker. Any plan for remedy must be submitted on or before 5/31/23 on PBI's plan to remedy the fence and scaffold netting issue.

Thank you all.
Geoffrey Gutierrez
Project Manager, MVO LLC.
Miramar Capital

(O) +1 669-281-2403 | (M)+1 415-760-5558

ggutierrez@miramarcapital.com

From: Ted Way <Ted_Way@ajg.com>

Sent: Wednesday, May 24, 2023 1:14 PM

To: Geoffrey Gutierrez <ggutierrez@miramarcapital.com>; Mark Ruebsamen <mruebsamen@miramarcapital.com>

Cc: Matthew Kalafatis <Matthew_Kalafatis@AJG.com>; Brian Watts <Brian_Watts@ajg.com>

Subject: RE: Sevens - TRU Recommendations

Hi Geoffrey,

See below response from TRU:

I was able to get some clarification for you.

*First I apologize for my miscommunication of 5 business days. I forgot Monday was a holiday when I stated this and the letter is requesting the response by 05/31/2023 not 5 business days. Please try to get some clarity on these issues before then as they may take some time to correct. **(Ted Note: We just need to respond not remedy by 5/31)***

The Visit clarifications are below:

The visit was done by Sam Ghezavat who met with Hesham Naja (Project Manager for Palisade) on-site last week. Even if they had driven by the site to measure the fence and provide a photo of the unnetted structure, the recommendation would still hold; conducting a windshield survey does not prohibit TRU from issuing recommendations.

Unfortunately, I don't have a picture of the field rep with holding a tape measure showing that the height of the fence is 6' as opposed to 8', the rep is saying the fencing is 6' and I have to go off their on-site assessment of the situation.

As for the lack of netting...



I hope this helps.

Ted Way | Senior Vice President

mobile: 650.380.4733

For Large Files: [Upload Here](#)

Arthur J. Gallagher Risk Management Services Lic #100292093, CA Lic# 0G73104

"I would like to emphasize that the discussion set forth above is only an insurance/risk management perspective and is NOT legal advice. We do not provide legal advice and I highly recommend that you seek the advice of legal counsel in order to become fully apprised of the legal implications related to these issues."

Ted Way | Senior Vice President



Insurance | **Risk Management** | **Consulting**

mobile: 650.380.4733

For Large Files: [Upload Here](#)

160 West Santa Clara Street, Suite 300, San Jose, CA 95113

Arthur J. Gallagher Risk Management Services Lic# 100292093, CA Lic# 0G73104

"I would like to emphasize that the discussion set forth above is only an insurance/risk management perspective and is NOT legal advice. We do not provide legal advice and I highly recommend that you seek the advice of legal counsel in order to become fully apprised of the legal implications related to these issues."