



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**February 4, 2008**

### **CALL TO ORDER AND ROLL CALL**

President Bruce Swenson declared a quorum was present and called the meeting to order at 5:00 p.m. in the Don Bautista Room of the Hinson Campus Center at De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014.

#### **Trustees Present:**

Bruce Swenson, President  
Paul Fong, Vice President  
Betsy Bechtel  
Laura Casas Frier  
Hal Plotkin

#### **for Public Session**

Jordan Eldridge, De Anza College Student Trustee  
Sarah Snow, Foothill College Student Trustee

### **CLOSED SESSION**

The Board immediately adjourned into closed session with the individuals listed below to discuss the items that follow:

#### **Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Andy Dunn, Vice Chancellor of Business Services  
Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Fred Sherman, Vice Chancellor of Technology

#### **CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Jane Enright  
Employee Organizations: All Represented and Unrepresented Groups

#### **CONFERENCE WITH PROPERTY NEGOTIATORS**

Under Negotiation: Price and terms of payment  
Agency Negotiator: Kevin Crawford, Andy Dunn and John Shupe  
Property: 395 Page Mill Road, Palo Alto, 94306  
Negotiating Parties: Jay Paul Company, Google  
Property: 685 Clyde Avenue, Mountain View, 94043  
Negotiating Parties: The Martin Group

Property: 690 E. Middlefield Road, Mountain View, 94043  
Negotiating Parties: Dostart Development Company  
Property: 487 E. Middlefield Road, Mountain View, 94043  
Negotiating Parties: VeriSign, Inc., Sares-Regis Group, NC  
Property: 465 N. Bernardo, Mountain View, 94043  
Negotiating Parties: Boston Properties  
Property: Transaction Comparable, 601 California Street, Palo Alto, 94304  
Negotiating Parties: Shorenstein  
Property: 4000 Middlefield Road, Palo Alto, CA 94303  
Negotiating Parties: City of Palo Alto

**Others Present:**

Mark Ritchie, Ritchie Commercial Real Estate Group  
Geri Wong, Ritchie Commercial Real Estate Group

**RE-CONVENE PUBLIC SESSION**

President Swenson re-convened the public session at 6:07 p.m. in Conference Room A/B of the Hinson Campus Center. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

*Staff:*

Carlita Alamban	Enrique Garcia	Frank Nunez
Charles Allen	Dave Garrido	Jon O'Bergh
Dawn Allshouse	Phyllis Garrison	Olivia Patlan
Rose Angelo	Robert Griffin	Annette Perez
Mariaelena Apodaca	Al Guevara	Hector Quinonez
Tom Armstrong	Kim Fukuyama	Carmen Redmond
Gina Bailey	Jeanine Hawk	Cindy Romatz
Judy Baker	Art Heinrich	Javier Rueda
Bill Baldwin	April Henderson	Ray Sarria
Bob Barr	Ken Horowitz	Bonnett Saussol
Becky Bartindale	Barbara Illowsky	Shirley Schooler
Margaret Bdzil	Patricia Jobs	Shelley Schreiber
Silvia Bichler	Martha Kanter	Fred Sherman
Sandra Blackborow	Dawn Kattenbach	Chien Shih
Marilyn Booye	Marsha Kelly	Roberto Sias
Nicole Buchwald	Ron Levine	Griselda Sigala Aguilar
Debbie Cashman	Drake Lewis	Cynthia Smith
Cindy Castillo	Sharon Luciw	Marisa Spatafore
Maureen Chenoweth	Christine Mangiameli	Paul Starer
Wayne Chenoweth	Ellen Mann	Jane Swanson
Kim Chief Elk	Patience McHenry	John Swensson
Mary Clark	Judy Miner	Kathleen Turner
Dolores Davison	Kathleen Moberg	Patricia Whelan
J. R. Dorcek	Kathy Munson	Erwin Widiarta
Andy Dunn	Brian Murphy	Daniel Ybarra
Christina Espinosa-Pieb	Jennifer Nguyen	

*Press:* None

<i>Students:</i>	Nitzan Beck Steve Carleton	Robin Claassen Shawn McCann	Rahela Sami
<i>Public:</i>	Robert Baldini Wayne Barry David Bradlyn Benny Canela Felipe Cepeda Nancy Clark David Collins Peggy Davis Loree Doyle Jane Enright Dan Frazier Adrian G. Josue Garcia Alan Garofalo	B.P. Gill Nicole Goehring Ernesto Gonzalez James Hewett Steve Huckaby Cheryl Jackson Bill Katz Kathy Kyne Cecil Longoria Rick Mangan Tom Marini Kevin Molloy Evangalina Nevarez Brian O'Neill	Rick Reyes David Segura Neil Struthers Don Tallerigo Terry Terman Larry Toy Ulysses Tyre Mike Vlaming Duke White Kathy Williams Byron Wilson Dominic Young Jerry Zamon

### **REPORTING OUT FROM CLOSED SESSION**

President Swenson reported that no action was taken in closed session and noted that the Chancellor's Evaluation was postponed until the next meeting.

### **APPROVAL OF MINUTES**

<b>M/S/C:</b>	Plotkin/Casas Frier
<b>Advisory vote:</b>	2 abstentions
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the January 22, 2008 meeting

### **AUDIT & FINANCE COMMITTEE REPORT**

Trustee Betsy Bechtel reported that the Audit & Finance Committee welcomed two new community members: Marge Bruno and Lester Ezrati. She reported that the Committee reviewed an actuarial report on retiree health benefits, an operational review of Measure C overhead, management responses to the three findings from the 2006-07 audit, construction reports for Measures E and C, and an update on the state budget.

### **FOUNDATION BOARD REPORT**

Trustee Fong reported that the Foundation's assets have grown to over \$30 million.

### **CORRESPONDENCE**

President Swenson asked if there was any correspondence which should be brought to the Board's attention. He read a message from Vic Ojakian praising Chancellor Martha Kanter and Foothill Psychological Services Counselor Melanie Hale for their efforts to improve student mental health and suicide intervention services regionally and statewide.

**HEARINGS: ITEMS NOT ON THE AGENDA**

*Public / Students / Staff*

Staff member Griselda Sigala-Aguilar reported that SEIU members voted not to ratify the District’s final negotiations proposal. SEIU chapter chair Javier Rueda and SEIU members Dawn Allhouse, Bill Baldwin, Mary Clark, J.R. Dorcek, Christine Mangiameli, Phyllis Garrison, Annette Perez and Shelley Schreiber urged the Board to reconsider the negotiations proposal from SEIU. Also speaking in support of the proposal was SEIU representative Brian O’Neill.

Foothill instructor Ken Horowitz spoke about offsite properties. He also expressed his disappointment in the presentation on the academic performance of student athletes that was given on January 7. De Anza President Brian Murphy underscored that coaches are very attentive to their students’ academic needs. He introduced San Jose Regional Special Olympics Athlete of the Year Mike Bailey, who received a standing ovation from the Board and audience. Dr. Murphy announced a book reading on February 28 at De Anza by author Bo Caldwell. He also reported that the college held a successful “Focus the Nation on Global Warming” event on February 1, with Trustee Casas Frier serving as one of the panelists.

Foothill President Judy Miner thanked Melanie Hale for her efforts on behalf of student mental health, and thanked the Board for allocating one-time dollars that the college was able to use to enhance student mental health services. She announced that Cisco has named Foothill a “Cisco Regional Academy.” Lastly, she invited the Board to a Foothill Author Series reading by Louann Brizendine on March 18.

Chancellor Kanter reported that she attended the California Community College League of California’s Legislative Conference in Sacramento with Trustees Casas Frier and Fong and others from the District. She announced that members of the Citizens’ Bond Oversight Committee had requested to tour the campuses prior to their meeting on February 5. She reported that the state Court of Appeal ruled in the District’s favor on the Measure C lawsuit and has published the ruling. Lastly, she invited the Board to join her and Foothill President Miner to make a presentation to the Mt. View-Los Altos Union High School District Board on February 11.

*Trustees*

Trustee Bechtel reported that she joined President Swenson, Chancellor Kanter and Foothill President Miner for a presentation to the Palo Alto Unified School District on January 29. President Swenson reported that he attended a community education meeting hosted by Senator Joe Simitian in Palo Alto. Trustee Fong reported that he attended the California Community College Trustees Board meeting and noted that the board supports Proposition 92, the Community College Initiative. Trustee Casas Frier congratulated Trustee Fong for receiving the Human Relations Award from the Santa Clara County Office of Human Relations.

**APPROVAL OF CONSENT CALENDAR**

In reference to Item 1, Trustee Plotkin complimented Trustee Fong for his sustained leadership at the state and national level.

- M/S/C:** Bechtel/Casas Frier
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved / Ratified Items 1-8 of the Consent Calendar as follows:

**Item 1** — **Approved** NOMINATION OF PAUL FONG FOR CALIFORNIA COMMUNITY COLLEGES TRUSTEES ELECTION

**Item 2** — **Approved** ENDORSEMENT OF THE CAPE TOWN OPEN EDUCATION DECLARATION

**Item 3** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 4** — **Approved** ADVERTISING CONTRACT WITH CBS OUTDOOR

**Item 5** — **Approved** ENGAGEMENT LETTER WITH RITCHIE COMMERCIAL REAL ESTATE GROUP

**Item 6** — **Approved** NON-RESIDENT TUITION RATE FOR 2008-09  
Established \$115 per quarter unit for non-resident students and an additional \$8 per quarter unit for capital outlay creating a total of \$123 per quarter unit for foreign students

**Item 7** — **Approved** PERSONNEL ACTIONS:

*Name:* **Kim Chief Elk**  
*Position:* Director of Human Resources  
*College:* Central Services  
*Division:* Human Resources and Equal Opportunity  
*Action:* **Extend Employment Contract**  
*Effective Date:* February 26, 2008 – June 30, 2008

*Name:* **Robert Griffin**  
*Position:* Vice President, Student Services and Institutional Research  
*Location:* De Anza College  
*Action:* **Approve Temporary Salary Increase**  
*Compensation:* 8% adjustment  
*Effective Date:* July 1, 2007 – June 30, 2008  
*Comments:* In accordance with Chapter III of the Administrators Handbook

*Name:* **Melanee Grondahl**  
*Position:* Instructor / Language Arts  
*College:* Foothill  
*Division:* Language Arts  
*Action:* **Resignation**  
*Effective Date:* June 27, 2008

*Name:* **Kurt Hueg**  
*Position:* Marketing Director  
*College:* Foothill  
*Division:* Marketing and Communications Office  
*Action:* **Administrative Development Leave**  
*Effective Date:* February 19, 2008 – April 18, 2008  
*Comments:* In accordance with Chapter 7 of the Administrators Handbook

**Name:** Jewell Renee McGinley  
**Position:** Counselor  
**College:** De Anza  
**Division:** Counseling  
**Action:** Unpaid Leave of Absence  
**Effective Date:** January 11, 2008 – March 28, 2008  
**Comments:** In accordance with Article 16.27 of the *Agreement* between the District and the Faculty Association

**Item 8** — Approved HUMAN RESOURCES REPORT

**Item 9**

PROFESSIONAL DEVELOPMENT LEAVES FOR 2008-09

Retired Vice Chancellor of Human Resources and Equal Opportunity Jane Enright recognized members of the Professional Development Leave Committee for their hard work.

**M/S/C:** Eldridge/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Professional Development Leaves for the following faculty:

<u>Name</u>	<u>Quarters</u>	<u>Name</u>	<u>Quarters</u>
Anderson, Mark	S09, S10, S11	Huynh, Ky Duyen	F08, W09, S09
Armstrong, Kathleen	F08, W09, S09	Joplin, Natasha	F08, W09, S09
Bertani, Laurie	S09, S10, S11	Khanna, Anuradha	F08, F09, F10
Bloom, Roberta	F08, F09, F10	Lam, Clara	F08, F09, F10
Chai, Christine	F08, F09, F10	Lane, Kimberly	F08, W09, S09
Chow, Karen	F08, F09, F10	Lee-Yen, Ann	F08, W09, S09
Cichanski, Marek	F08, F09, F10	Lew, Esther	F08, W09, S09
Craig, Jody	F08, W09	Lopez, Richard	F08, W09, S09
Crespo-Martin, Patricia	F08, F09, F10	Lopez Morgan, Christina	F08, W09
Daley, Richard	F08, W09, S09	Madigan, Julie	F08, F09, F10
Delgado, Leticia	F08, W09, S09	Mathios, Diane	F08, F09, F10
DuBarry, Michele	F08, W09, S09	Myhre, Jennifer	S09, S10, S11
Duncan, Kathleen	S09, F09, F10	Nickel, Donald	F08, W09, S09
Dunn, Ronald	S09, S10, S11	Piparo, Elaine	F08, W09, S09
Evans, Brian	S09, S10, S11	Quigley, Jill	F08, F09, F10
Georgiou, Spera	S09, S10, S11	Roberts, Becky	S09, S10, S11
Geraghty, Maurice	F08, W09, S09	Schultheis, Lisa	F08, W09, S09
Gravenhorst, Kurt*	W09, W10, W11	Sherwood, Rebecca	F08, S09, S10
Guitron, Patricia	F08, W09, S09	Shirley, Jefferson	F08
Hattori, Marshall	F08, W09, S09	Svenson, Daniel	S09, S10, S11
Hernando, Herminio	W09, S09, F09	Thunen, Charlotte	F08, S09
Howard-Pitney, David	W09, S09	Wu, Tilly	F08, W09, S09

\*quarters listed reflect correction of typographical errors in the list submitted to Board

## **Item 10**

SUPERVISOR STAFF DEVELOPMENT LEAVE FOR 2008-09

## **Item 11**

CLASSIFIED STAFF DEVELOPMENT LEAVES FOR 2008-09

Director of Human Resources Kim Chief Elk noted the individuals who were recommended for supervisor and classified staff development leaves.

- M/S/C:** Plotkin/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** 1) Approved a Supervisor Development Leave for Tom Izu (4/1/09-6/30/09)  
2) Approved Classified Staff Development Leaves for Pam Brewer (9/1/08-6/30/09) and Lori Susi (8/1/08-5/31/09)

## **Item 12**

PROJECT STABILIZATION AGREEMENT – STATUS REPORT

Vice Chancellor of Business Services Andy Dunn provided a status report, noting that the scope and term of the agreement are still under negotiation, and requested direction from the Board in this regard. Mike Vlaming, lead negotiator for the District, provided a summary of the negotiations and responded to questions. He clarified that a Project Stabilization Agreement (PSA), once signed, would be part of the bid package for projects covered by the agreement, so if the decision is made to terminate the PSA, the PSA would still be in effect for any of those projects bid prior to that decision. Responding to questions from Trustees Casas Frier and Fong, he explained that industry practice is mixed in terms of establishing a termination date, but the reason for including one is to set a date at which the performance of the agreement can be evaluated and a decision made on whether to extend the agreement, make modifications or cancel it. Trustee Fong asked about using the public works bid limit of \$15,000 for the scope of the agreement. Vice Chancellor Dunn noted an important court case which established that the criteria for PSAs should be larger multi-trade projects.

Neil Struthers, representing the Santa Clara and San Benito Counties Building and Construction Trades Council, offered his view that the trades would not sign an agreement containing a termination date or time frame that was shorter than the life of the bond and all projects specified in the agreement. Nicole Goehring, Government Affairs Director for the Golden Gate Chapter of Associated Builders and Contractors, addressed the Board regarding potential negative impacts of a PSA. Refuting her claim that local contractors would be discouraged from bidding, Alan Garofalo and Rick Reyes of the East Side Union High School District noted the success of their district's PSA, which has been in place for six years. A local contractor expressed his opposition to PSAs. Construction workers Felipe Cepeda and Byron Wilson and community member Evangelina Nevarez expressed their support for PSAs. SEIU representative Brian O'Neill also spoke in favor, stressing how PSAs ensure health care coverage for construction workers.

Trustee Plotkin explained his rationale for supporting a lower threshold around \$200,000 for projects to be covered by a PSA, noting that this is in line with what has been negotiated at other local community college districts and represents good public policy values that support the dignity of the

individual to have access to fair living wages and affordable health care. He also argued against setting a termination date.

President Swenson discussed the Board's fiduciary responsibility to the voters who expect that projects will be completed without added expense. He cited academic studies sponsored by both PSA opponents and supporters which demonstrate that the complexity of PSAs discourages independent, non-union contractors from bidding on projects. He noted that the District's history on construction projects reveals that larger projects are almost always performed by union contractors, while 70% of smaller projects — those under \$3 million — are performed by non-union contractors. He expressed his view that PSAs are well-suited to larger contracts but not so well-suited to smaller projects, and for that reason said he would support a PSA with a larger threshold in line with the District's past practice, with a termination date that would provide the opportunity for an evaluation.

Trustee Bechtel said that she had done research on other PSAs and believes it would be a mistake to have a threshold as low as \$200,000, but if that were the decision, she would only support it with a termination date that would provide the opportunity for an evaluation. Mr. Struthers provided a copy of correspondence with an author of one of the academic studies cited by President Swenson in which the author said the statement that PSAs discourage non-union contractors was taken out of context. Trustee Fong expressed his opinion that there should not be a termination date and that the agreement should apply to all of the construction projects funded by the bond. Trustee Casas Frier expressed her support for a lower threshold in the range of \$50,000-\$200,000 as a means to limit the inconsistency and labor unrest that might result from having union and non-union construction workers on simultaneous projects. She stressed the importance of affordable health care for all construction workers that a PSA would provide. She expressed support for an evaluative component, perhaps following the completion of certain projects, that would enable the Board to make the best financial decision for the District.

Mr. Vlaming said he would attempt to work with the Building and Construction Trades Council toward an agreement that best balances the comments voiced by each Board member in terms of scope and an evaluative component.

President Swenson announced a short recess at 8:47 p.m., then reconvened the meeting at 8:57 p.m.

### **Item 13**

#### **STUDY SESSION: PUBLICATION AND USE OF INSTRUCTIONAL MATERIALS**

De Anza President Brian Murphy established the context of the study session, which was an opportunity for the Board to learn about the range of choices available to faculty and the implications for Board policy regarding both instructor-generated materials and the use of Open Educational Resources (OER). Dr. Larry Toy, President Emeritus of the Foundation for California Community Colleges, provided an overview of the publishing industry and textbook pricing. Foothill Interim Dean of Language Arts Paul Starer presented an overview of the choices faculty face in terms of instructional materials and publishing, and the impact on students.

De Anza Academic Senate President Wayne Chenoweth, Foothill Academic Senate President Dolores Davison and Districtwide Academic Senate President Barbara Illowsky provided information and responded to questions. Dr. Davison noted that the right to choose a textbook is ultimately a faculty issue and an area of primacy for faculty, comments supported by Trustee Plotkin. Trustees Bechtel and Casas Frier expressed support for the peer review process described in the Statewide Academic Senate publication "Textbook Issues: Economic Pressures and Academic



Values.” Trustee Casas Frier also expressed support for a student grievance procedure that addresses pricing for instructor-generated material. Student Trustee Snow said her concern is with the supplemental materials charged to students that are not widely used beyond a particular instructor’s class.

Trustee Plotkin stated a key issue for the Board to consider: how does the District create incentives for faculty who wish to seek out less expensive instructional materials? Dean Starer elucidated a related consideration: how can the Board craft a policy that prevents abuse without completely stifling incentive?

Dr. Toy mentioned a couple of ideas to address incentives in a limited budget environment: seek funding from foundations to pay faculty to develop OER texts, or work within a consortium of colleges where each educational institutional can assume the responsibility of developing a different OER textbook. Chancellor Kanter offered to work with the Academic and Professional Issues Committee toward a policy that synthesizes the ideas discussed in both the study session and in the Statewide Academic Senate publication.

### **Item 14**

#### VTA TRANSIT CENTER AT DE ANZA COLLEGE

De Anza President Brian Murphy reported that, based on an analysis of traffic flow and the proposed Transit Center design, college administration has concluded that significant additional expenses would be incurred by the college, 300 parking spaces would be lost, and there would be a negative impact on DASB funds. Therefore, he does not believe design option A is feasible, nor is there another feasible option on the college grounds for a Transit Center.

DASB President Rahela Sami said that a number of students had been waiting to speak in opposition to the Transit Center but had to leave due to time constraints. She explained that students are concerned about loss of parking spaces and loss of funds for student programs that would result if the Transit Center were built on campus. DASB Senator Robin Claassen further explained how the loss of space would negatively impact Flea Market revenues that are used to fund a variety of student programs. Valley Transit Authority representative Bill Katz expressed interest in reviewing with college staff the analysis that was performed. Chancellor Kanter reported that she spoke to Cupertino City Manager Dave Knapp who said the city may have a possible alternative site for the Transit Center. Student Trustee Eldridge said he agrees that the Transit Center should not be situated on campus and he supports efforts to find an alternative site.

### **Item 15**

#### MEASURE E CONSENT CALENDAR

<b>M/S/C:</b>	Plotkin/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Ratified the Measure E Consent Calendar, item A, as follows:

- A.** *Title:* Change Order #2  
*Vendor:* S. J. Amoroso construction Co., Inc.  
*Agreement Date:* June 29, 2007  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual and Performing Arts Center  
*Amount:* \$5,337  
*For:* Miscellaneous construction changes including revised staircase landing, paint at state rigging, and backfill of existing utility pothole. Original contract completion date of September 21, 2008 is unaltered by this Change Order. The total Change Orders to date represent less than 0.2% against the original contract amount. The funding is included in the current budget.  
*Action:* Ratification

### **Item 16**

CONTRACT WITH GILBANE COMPANY FOR MEASURE E SERVICES – REQUEST FOR ADDITIONAL SERVICES

- M/S/C:** Eldridge/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Request for Additional Services with Gilbane Company in the amount of \$334,389

### **Item 17**

REJECTION OF ALL BIDS FOR BID 1115-415 — EQUIPMENT AND VEHICLE COVERED PARKING, DISTRICT LOT 1-G

- M/S/C:** Bechtel/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Rejected all bids received for Bid 1115-415

### **Item 18**

MEASURE C CONSENT CALENDAR

- M/S/C:** Eldridge/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure C Consent Calendar, A-C, as follows:

- A.** *Title:* Change Order #4  
*Vendor:* Ellis & Ellis Sign Systems  
*Agreement Date:* August 21, 2007  
*Campus:* De Anza College  
*Project No.:* 215  
*Project Name:* De Anza Signage  
*Amount:* \$150  
*For:* Construction changes to both the Vehicular and Pedestrian Signage Programs by changing one sign type form M2 to M3 and extending the contract time at not cost. The total Change Orders to date represent 0.01% against the original contract amount. The funding is included in the current budget.  
*Action:* Ratification
- B.** *Title:* Change Order #2  
*Vendor:* Edward W. Scott Electric  
*Agreement Date:* July 30, 2007  
*Campus:* De Anza College  
*Project No.:* 766-224  
*Project Name:* Campus Site Lighting (Phase 1)  
*Amount:* \$21,196  
*For:* Construction changes include: providing additional lighting for the east stairs in De Anza's sunken Gardens; credit for deleted light post footings; revised light post locations in A-Quad and PRC due to utility conflicts; and revised light fixtures at North-West Forum. This includes all associated infrastructure. The total Change Orders to date represent 8.2% against the original contract amount. Funding is included in the current budget.  
*Action:* Ratification
- C.** *Title:* PAA #3-A Pre-Design, Programming  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* February 5, 2008  
*Campus:* De Anza College  
*Project No.:* #766-247  
*Project Name:* Renovate/Install Roof on G-Wing  
*Amount:* \$19,000  
*For:* Programming and Pre-design services.  
*Action:* Ratification

## **Item 19**

EDUCATIONAL INFORMATION SYSTEM: EVALUATION RESULTS OF RFP 1100; STEERING COMMITTEE RECOMMENDATION; FUNDING OPTIONS

Vice Chancellor of Technology Fred Sherman thanked the members of the Educational Information System (EIS) Steering Committee and the Functional Teams. He then introduced representatives from SunGard and Oracle who were in the audience. He reviewed the process of evaluation, scoring guidelines and cost comparisons, then presented the Steering Committee's recommendation to purchase the SunGard Banner system, which provides the best value to the District and meets more of the District's needs than the competing Datatel Colleague system.

Vice Chancellor Sherman reviewed the system acquisition costs and sources of funding. He noted that ongoing system costs will require an annual augmentation from the general fund in the amount of \$362,000 during the first year and rising to \$619,000 in year ten. Lastly, he explained that Oracle's discount pricing, if obtained through SunGard, would save the District \$1 million, but a contract must be signed by February 29, 2008. Details of the contract are still being negotiated. After discussion, it was decided to hold a special Board meeting to approve the contract on February 27, 2008 at 5:00 p.m.

### **Item 20**

RENEWAL OF CONTRACT WITH GILBANE/MAAS COMPANY FOR MEASURE C PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES FOR THE PERIOD FEBRUARY 1, 2008 TO FEBRUARY 29, 2008

**M/S/C:** Bechtel/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the contract renewal with Gilbane/Maas Company for an aggregate contract price not to exceed \$329,833

### **Item 21**

AUTHORIZATION OF CONTRACT PURSUANT TO BID 1123 — PURCHASE OF MULTIFUNCTION DIGITAL COPIERS

**M/S/C:** Fong/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Denied the bid protest from Ricoh Business Solutions and authorized the Director of Purchasing to award a contract to Toshiba Business Solutions in accordance with Invitation to Bid 1123

### **Item 22**

PRE-QUALIFICATION OF PROSPECTIVE BIDDERS FOR THREE FOOTHILL COLLEGE MEASURE C PROJECTS

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the pre-qualification procedure for three Measure C projects at Foothill College in accordance with Public Contract Code Section 20101:  
Project #101 – Forum  
Project #106 – Radio Station  
Project #163 – Language Arts Division Offices

### **Item 23**

AUTHORIZATION TO AWARD CONTRACT FOR BID 1131-100A — BUILDING 1900 GLU-LAM BEAM REPAIR, FOOTHILL COLLEGE

Trustee Plotkin expressed concern that the District is moving forward to award bids on some Measure C projects over \$200,000 without a Project Stabilization Agreement in place. He indicated

that he would abstain from voting to approve such projects until the Board approves a Project Stabilization Agreement.

**M/S/C:** Bechtel Fong  
**Advisory vote:** 2 yes  
**Board vote:** 4 yes (Plotkin abstained)  
**Action:** Authorized the Director of Purchasing to award a contract pursuant to Bid 1131-100A in the amount of \$237,400 to B Bros Construction, Inc.

**Item 24**

AUTHORIZATION TO AWARD CONTRACT FOR BID 1135-236 — TILE ROOF REPAIR, DE ANZA COLLEGE

**M/S/C:** Bechtel/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** 4 yes (Plotkin abstained)  
**Action:**

- 1) Relieved Alcal-Arcade Contracting, Inc. of its bid due to a mistake, pursuant to Public Contract Code 5100-5110;
- 2) Waived the listing of the “no bid” response to Deductive Alternate #1 by Western Roofing Services as a minor irregularity; and
- 3) Authorized the Director of Purchasing to award a contract in the amount of \$219,000 to Western Roofing Services in accordance with Bid 1135-236

**DATES TO REMEMBER**

February 5, 2008 — Citizens’ Bond Oversight Committee  
February 27, 2008 — Special Meeting  
March 3, 2008 — Regular Meeting  
Cancelled: March 10, 2008

**ADJOURNMENT**

President Swenson adjourned the meeting at 10:43 p.m.

jco  
Approved: 3/3/08

---

Martha J. Kanter, Chancellor  
Secretary, Board of Trustees