



BOARD OF TRUSTEES

Foothill-De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

*For information and disability access to materials, call 650-949-6100.
Requests for accommodation should be made no later than one business day
prior to meeting. Meetings are held in a location accessible to the disabled.*

October 5, 2009

**Closed Session: 5:30 p.m.
Don Bautista Room**

**Public Session: 6:00 p.m.
Conference Rooms A/B
De Anza College
21250 Stevens Creek Blvd.
Cupertino, CA 95014**

*Members of the public who wish to comment on items or address the Board may do so
by completing a request form prior to the start of the meeting and are limited to five minutes each.*

AGENDA

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session – 5:30 p.m.

UPDATE ON PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny
Employee Organizations: All Represented and Unrepresented Groups

Public Session – 6:00 p.m.

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION, SEPTEMBER 14, 2009

INFORMATION

REPORTING OUT FROM CLOSED SESSION

INFORMATION

APPROVAL OF MINUTES

ACTION

August 31, 2009
September 14, 2009
September 24, 2009

CORRESPONDENCE

INFORMATION

CHANCELLOR SEARCH COMMITTEE REPORT

INFORMATION

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

The Board does not take action or respond to items not on the agenda.

- Public
- Students
- Staff – Presidents’ Reports on Enrollment
- Board

1. Discussion of NASA Site Development (Dunn x6201) **INFORMATION**

APPROVAL OF CONSENT CALENDAR

ACTION

2. Assignment of ACCT Delegate Vote at 2009 Congress (Brandy x6104) (*See Public Memo for backup*)
3. South Bay Regional Public Safety Training Consortium Contract (Murphy x8705)
4. Renew Contract with Capture Technologies, Inc. (Dunn x6201)
5. Ratification of Contracts and Agreements (Dunn x6201)
6. Personnel Items (Novotny x6211)
7. Human Resources Report (Novotny x6211)
8. Professional Achievement Awards (Novotny x6211)
9. Sale of Surplus District Vehicles (Redmond x6166)
10. Sale of Miscellaneous Surplus Electronic Equipment (Redmond x6166)
11. Donation of Surplus District Personal Property (Redmond x6166)
12. Donation of Surplus District Personal Property (Redmond x6166)

BOARD BUSINESS

13. Audit and Finance Committee Membership (Dunn x6201) **ACTION**
14. Citizens' Bond Oversight Committee Membership (Dunn x6201) **ACTION**
15. ACCJC Follow-Up Report, 2009, Foothill (Townsend-Merino x7209) **ACTION**
16. ACCJC Follow-Up Report, 2009, De Anza (LaManque x8777) **ACTION**
17. Annual Accountability for Reporting for Community Colleges Report (LaManque x8777) **ACTION**

BUSINESS AND FINANCE/FACILITIES

18. Designation of Reserve Structure (Dunn x6201) **ACTION**
19. Feasibility Study of Parcel Tax Election (Dunn x6201) **ACTION**

MEASURE E PROJECTS

20. [Measure E Consent Calendar](#) (Allen x6150)

ACTION

Foothill College –

Aggregate amount of these items is \$25,000

- A) Gilbane – Revision #1 to Addendum #11, Agreement for Services – Bond Program and Campus Center - \$25,000
- B) Quali-Con Enterprises, Inc. – Revision #2 to Agreement for General Construction Inspectors – Lower Campus Complex - \$0

MEASURE C PROJECTS

21. [Measure C Consent Calendar](#) (Allen x6150)

ACTION

De Anza College –

Aggregate amount of these items is \$209,794.45

- A) Consolidated Engineering Laboratories – Standard Agreement – Baldwin Winery-East Cottage Renovation - \$29,370.45
- B) Noll & Tam Architects – PAA #4-B to Master Agreement – Corporation Yard - \$48,130
- C) Salas O’Brien Engineers, Inc. – Revision #2 to Agreement, PO #G979822 – S2-S6 Phase II-Utility Master Plan Phase I - \$0
- D) Zolman Construction and Development, inc. – Change Order #5 – Autotech Renovation - \$44,807
- E) O. C. Jones & Sons, Inc. – Change Order #4 – Mediated Learning Center-Site Preparation Package - \$4,542
- F) Ratcliff Architects – Revision #2 to Agreement – Mediated Learning Center - \$12,745
- G) Ratcliff Architects – Revision #3 to Agreement – Mediated Learning Center - \$14,900
- H) Ross/Luthin Creative – Agreement for Services – Signage and Wayfinding - \$55,300

Foothill College –

Aggregate amount of these items is \$79,627

- I) Chevron Energy Solutions – Change Order #1 – Install Photovoltaic Arrays - \$48,988
- J) Chevron Energy Solutions – Change Order #2 – Install Photovoltaic Arrays - \$5,441
- K) Edward R. Bacon – Change Order #2 – Utility & Technology Infrastructure – Medical Air Compressor - \$850
- L) Engineering Economics, Inc. – Commissioning Service Agreement – Multiple Projects – Amount to be determined by each PAA
- M) Engineering Economics, Inc. – Commissioning Service Agreement – Modernization of Administration Building and General Classrooms - \$41,500
- N) Ferma Corporation – Change Order #1 – Choral Rehearsal Hall Demolition –

(\$8,000)

- O) Ferma Corporation – Change Order #1 – Horticultural, Veterinary Technology Demolition – (\$8,740)
- P) HMC Architects – Revision #3 to PAA #F-HMC-#3A – Smithwick Theater - \$6,690
- Q) HMC Architects – Revision #2 to PAA #F-HMC-#3A – Smithwick Theater - \$14,950
- R) IMR Contractor Corporation – Change Order #1 – Japanese Cultural Center and Carriage House Roof Replacement - \$ (\$23,052)
- S) Redwood Engineering Construction – Change Order #3 – Utility Lids – Phase II - \$1,000

- 22. [Project Assignment Amendment for WRNS Studio \(Allen x6150\)](#) **ACTION**

- 23. [Rental Agreement with the Norman Harris Family Trust to rent the facility located at 525 Del Rey Avenue, Unit F, Sunnyvale, CA, for the interim use by the De Anza College Bookstore for receiving and warehousing space \(Allen x6150\)](#) **ACTION**

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

- November 2, 2009 – Next Board Meeting
- November 9-12, 2009 – Hold for Chancellor Interviews
- December 14, 2009 – Hold for Special Board Meeting - Chancellor Appointment

INFORMATION

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

TO: Members of the Board of Trustees
FROM: Mike Brandy, Interim Chancellor
DATE: September 30, 2009
RE: Public Session — **October 5, 2009**

1. Discussion of NASA Site Development

As a part of a continuing dialogue with the Board of Trustees concerning development issues at the University Development Area at the NASA Research Park (NRP), a presentation has been developed to focus on environmental remediation efforts.

Environmental remediation of the NRP site has been a focus of previous discussions with the Board. On December 4, 2008, a packet of background information was transmitted to the Board that included the following:

- Executive Summary from the *Environmental Issues Management Plan*
 - Text without appendices of the *Revised Human Health Risk Assessment*
- Various documents related to Board presentations and Foothill-De Anza's participation:
- Board Briefing 10/17/05
 - Mercury News article 11/16/03
 - Board presentation 10/17/05
 - Project and Program Plan
 - Silicon Valley Center Partners Meeting 10/17/05
 - Board agenda items from the following meetings 4/7/08, 7/7/08, 11/3/08 and 12/1/08

At the January 8, 2009, meeting of the Board of Trustees in a subsequent discussion of environmental issues, Executive Director Allen advised the Board that documents associated with this remediation effort were available on the NASA website. That URL is noted below: <http://researchpark.arc.nasa.gov/Public/publicDocs.html>.

The following individuals will update the Board on past, present and future remediation efforts. Reference documents are noted in bullets beneath each speaker

Michael L. Marlaire

Director NASA Research Park
NASA Ames Research Center

Alana Lee

Project Manager
Superfund Division
U.S. Environmental Protection Agency Region 9

- EPA potential changes to Proposed Vapor Intrusion Remedy at the MEW study area
- EPA Middlefield-Ellis-Whisman (MEW) Study Area overview
- EPA proposed plan for the Vapor Intrusion Pathway in the MEW study area

Kelly Drumm

Senior Counsel
Office of General Counsel
University of California Office of the President

- Overview of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA)

Trustee Casas Frier has also forwarded an email with other useful websites containing background information. This email is included in the packet for reference.

Future updates to the Board of Trustees will continue to look at issues surrounding project development, budget requirements and schedule issues.

CONSENT CALENDAR

2. Assignment of ACCT Delegate Vote at 2009 Congress

The ACCT Annual Community College Leadership Congress will be held Oct 7-10 in San Francisco. Trustee Pearl Cheng will represent the FHDA Board of Trustees at the congress. It is recommended that Trustee Cheng serve as the voting delegate for FHDA assuming the authority to cast all three ballots on behalf of the District on any matters brought before the congress. Interim Chancellor Mike Brandy recommends the board **assign trustee Pearl Cheng as its delegate to cast the three votes assigned to the district.**

3. 2009-10 South Bay Regional Public Safety Training Consortium Contract

In 1995, the FHDA Board approved De Anza College to be a member in the South Bay Regional Public Safety Training Consortium and membership in a Joint Powers Agreement to provide Public Safety and Fire Training.

Each year FTES is generated and purchased by member colleges. For the next fiscal year (2009-10) De Anza College will be generating 53 FTES through the consortium for an estimated total of \$134,000. The yearly contract for 53 FTES is being submitted to the Board for approval. President Brian Murphy recommends **approval**.

4. Renew Contract with Capture Technologies Inc.

The Board first awarded a contract to Capture Technologies, Inc., on May 2, 2005 in accordance with Invitation to Bid 971. The initial contract term was May 3, 2005 through September 18, 2008. The contract included the purchase of hardware and software as well as the purchase of services for the following: hardware and software maintenance, transaction downloads, cash collection and reconciliation from the cash-to-card machines, management of the Foothill College Card Office, financial reporting, and three days of on-site training per year.

The initial contract expired on September 18, 2008. On October 6, 2008, the Board ratified a new one-year contract with Capture Technologies for the period September 19, 2008 through September 18, 2009 for the same kinds of services provided under the original contract at a total cost of \$169,000. This represented a 5.6% increase in the fees charged by Capture Technologies for these services during the previous year.

This year, for the period September 19, 2009 through September 18, 2010, Capture Technologies is quoting a price of \$176,401.61, a 4.4% increase over last year for these services.

Capture provides the following functionality:

- 1) 'Pay as you go' printing (through GoPrint) in certain computer labs across both campuses
- 2) User authentication in libraries for checking out books
- 3) A source of revenue for the student body governments (based on the sale of the cards)

Capture does not have anything to do with accounting for student attendance in labs; this is handled through our TouchNet system which is completely separate.

The district presently underwrites a considerable portion of the cost of the Capture system and by doing so, is providing a significant revenue stream for the student body governments.

In the coming year we will engage the key stakeholders who are interested in smart card technologies in order to determine whether this current contract and approach is the most effective means of meeting their needs. These stakeholders are primarily the student body governments and their staff / faculty advisors at both colleges as well as managers in charge of labs that use 'pay as you go' printing. Vice Chancellor of Business Services Andy Dunn recommends **approval**.

5. Ratification of Contracts and Agreements

Presented to the Board for ratification is the list of contracts and agreements signed by Andy Dunn, Vice Chancellor of Business Services. Vice Chancellor Andy Dunn recommends **ratification** of the contracts and agreements as presented.

6. Personnel Actions as Follows:

Name: **Randy Claros**
Position: Counselor
College: De Anza College
Division: Counseling
Action: **Employment Correction**
Effective Dates: September 17, 2009 through June 25, 2010 # of months: 11
Compensation: Column II, Step A at \$5,545.86 / month
Comments: In accordance with Education Code Section 87470

Name: **Edmundo Norte**
Position: Coordinator of Diversity, Community and Civic Engagement
College: De Anza College
Division: Academic Services
Action: **Employment**
Effective Date: October 12, 2009 # of months: 10
Compensation: Column V, Step E at \$7,518.29 / month

Name: **Jue Thao**
Position: Counselor
College: De Anza College
Division: Counseling
Action: **Employment Correction**
Effective Dates: July 1, 2009 through June 25, 2010 # of months: 11
Compensation: Column IV, Step A @ \$6,109.41 / month
Comments: In accordance with Education Code Section 87470

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

7. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, promotions, permanent contract changes, reclassifications, resignations, retirements, leaves of absence, professional growth awards, service recognition awards and longevity awards for classified staff, part-time faculty and short-term and temporary employees. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

8. Professional Achievement Awards

The Board is requested to approve the Professional Achievement Awards for Foothill and De Anza College faculty employees in accordance with Article 38 of the *Agreement* between the District and the Faculty Association. Summaries of the applications are included for the Board's review. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny, Foothill College President Judy Miner, and De Anza College President Brian Murphy recommend **approval**.

9. Sale of Surplus District Vehicles

The District has five (5) vehicles that have been identified as old and obsolete (see attached). The Associate Director of Facilities and Operations has determined the vehicles are of no further use of the District.

California Education Code 81452(a) provides that if the governing board by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000.00), the property may be sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to post a notice on Bid Net and call for competitive bids from automotive recyclers. Proceeds will be deposited to the District's general fund.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **make a finding that the District will no longer need the District vehicles because the vehicles are unsatisfactory and not suitable for school use and authorize the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)**.

10. Sale of Miscellaneous Surplus Electronic Equipment

The District has approximately 15 pallets of computers, monitors, printers, and miscellaneous electronic equipment. ETS departmental staff have determined that the items are obsolete and of no further use to the District. De Anza College OTI and the DASB have also found them to be unsuitable for further use. The District also has other electronic items that are in non-working condition or are of no further use. In accordance with the Electronic Waste Recycling Act these items are considered electronic waste and should be sold to authorized State of California CRT material handlers, collectors and recyclers. See attached surplus forms prepared by the colleges for a list of electronic waste scheduled to be sold. The estimated aggregate market value of this electronic equipment is less than \$5,000.00.

California Education Code 81452(a) provides that if the governing board by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000.00),

the property may be sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to post a notice on Bid Net and call for competitive bids from companies that are authorized State of California CRT material handlers, collectors and recyclers. Proceeds will be deposited to the District's general fund.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **make a finding that the property does not exceed \$5,000.00 in value and authorize the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a).**

11. Donation of Surplus District Personal Property

The District has 30 wooden chairs, 3 desk chairs, 1 podium, 9 round tables, 2 metal book carts, 40 magazine holders, 1 wooden desk and 2 metal tables (6 ft.) that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District.

Education Code 81450.5 provides that a community college district may donate any personal property belonging to the District if the District determines that the property is no longer required for school purposes provided that the property is donated to a school district, a community college district, or a public entity.

The Santa Clara Unified School District has evaluated the wooden chairs, desk chairs, podium, round tables, metal book carts, magazine holders, wooden desk, metal tables and found them to be acceptable for use by their school district and would like to receive them as a donation (see attached e-mail). Therefore, it is recommended that the identified equipment be donated to the Santa Clara Unified School District.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **authorize Director of Purchasing and Material Services to make a donation of the equipment described herein to the Santa Clara Unified School District.**

12. Donation of Surplus District Personal Property

The District has 2 monitors and 4 computers that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District. Each monitor has an ETS estimated value of \$30.00 and each computer has an estimated value of \$40.00. Therefore, the estimated aggregate value is \$220.00.

The De Anza College Occupational Training Institute evaluated this equipment and found it acceptable for refurbishment and donation to students as scholarships. Therefore, it is recommended that the computers and monitors be donated to the Foothill-De Anza Foundation, which is a tax-exempt public benefit corporation under Section 501c(3) of the Internal Revenue Service Code.

California Education Code 81452(c) provides that if the governing board, by a unanimous vote of those members present, finds that the property, is of insufficient value to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the board.

Director of Purchasing and Material Services Carmen Redmond recommends that in accordance with Education Code 81452(c), the Board **make a finding that the property is of insufficient value to defray the cost of a sale, and authorize the Director of Purchasing and Material Services to make a donation to the Foothill-De Anza Foundation.**

BOARD BUSINESS

13. Audit and Finance Committee Membership

Attached is a memorandum from Vice Chancellor Dunn to Interim Chancellor Brandy outlining a process for membership appointment to the Audit-Finance Committee. The term of two community members will expire at the end of the calendar year.

Vice Chancellor of Business Services Andy Dunn recommends the Board **appoint a two-person subcommittee that will be engaged in reviewing prospective applicants and making a recommendation to the full Board at their December meeting.**

14. Citizens' Bond Oversight Committee Membership

Attached is a memorandum from Vice Chancellor Dunn to Interim Chancellor Brandy outlining a process for membership appointment to the Citizens' Bond Oversight Committee Membership.

The term of four members will expire at the end of the calendar year.

Vice Chancellor of Business Services Andy Dunn recommends the Board **appoint a two-person subcommittee that will be engaged in reviewing prospective applicants and making a recommendation to the full Board at their December meeting.**

15. ACCJC Follow-Up Report 2009, Foothill College

This report is in response to the request by ACCJC for a follow-up report on Foothill College's progress towards meeting commission standards on student learning outcomes. Vice President of Instruction and Institutional Research Katie Townsend-Merino recommends **acceptance** of the report as submitted.

16. ACCJC Follow-Up Report 2009, De Anza College

This material responds to the request by ACCJC for a follow-up report on De Anza College's progress towards meeting commission standards on student learning outcomes. Interim Director of Institutional Research Andrew LaManque recommends **acceptance** of the report as submitted.

17. Annual "Accountability for Reporting for Community Colleges" Report

AB 1417 requires all California community college boards of trustees to annually review and officially accept performance measurement data for their colleges that is included in the "Accountability for Reporting for Community Colleges" (ARCC) Report. The Report, which the State Chancellor's Office provides to the state legislature, contains performance measurement both for individual colleges and system-wide in seven key areas:

- 1) Student progress and achievement in terms of degrees/certificates earned and transfer to four-year institutions
- 2) Percent of students who earned at least 30 units
- 3) Student persistence rate
- 4) Annual Successful Course Completion Rate for Credit Vocational Courses
- 5) Annual Successful Course Completion Rate for Credit Basic Skills Courses
- 6) Improvement rate for ESL and
- 7) Improvement rate for Credit Basic Skills Courses.

The purpose of the Report is to encourage colleges to improve their student success-related outcomes over time. Interim Director of Institutional Research Andrew LaManque will present the 2009 ARCC Report for Foothill College and De Anza College. Interim Director of Institutional Research Andrew LaManque recommends **acceptance** of the report as submitted.

BUSINESS AND FINANCE/FACILITIES

18. Designation of Reserve Structure

The August 31, 2009, Public Hearing and associated budget presentation of the 2009-10 Adopted Budget included several strategically designed budget reserves.

The attached memorandum dated September 24, 2009, from Vice Chancellor Dunn to Interim Chancellor Brandy outlines the structure and purpose of those reserves. Vice Chancellor of Business Services Andy Dunn recommends **approval**.

19. Feasibility Study of Parcel Tax Election

As discussed at the July 6, 2009 study session with the Board, the district has critical programs and services that had to be reduced as a result of the \$14 million in cuts imposed by the state in the 2009-10 FY.

During the summer of 2009 the Board discussed parcel taxes on two occasions; first at the meeting of July 6, where the Board voted to approve Resolution 2009-15 in support of Senate Constitutional Amendment (SCA) 6 authored by Joe Simitian which would reduce the approval threshold from the current 66-2/3% to 55%; and second, on August 3, 2009, where the Board was presented with additional background materials and a summary of recent parcel tax election results.

The purpose of this agenda item is to determine whether the Board wishes to direct staff to pursue the feasibility of a parcel Ttax measure on the November 2010 ballot.

The attached memorandum from Vice Chancellor Dunn to Interim Chancellor Brandy outlines a process leading to a November 2010 election date. The Board is asked to approve only the Feasibility Study phase of this process. Vice Chancellor of Business Srvices Andy Dunn recommends **approval** of the Feasibility Study phase.

MEASURE E PROJECTS

20. Measure E Consent Calendar

Foothill College –

Aggregate amount for these items is \$25,000

- A.** *Title:* Revision #1 to Addendum #11 for Agreement for Services
Vendor: Gilbane
Agreement Date: April 4, 2000
Campus: Foothill College
Project No.: 153
Project Name: Measure E Bond and Campus Center
Amount: \$25,000
For: Construction Management Services for litigation support related to the Campus Center Project.
Action: Ratification
- B.** *Title:* Revision #2 to Agreement for Services
Vendor: Quali-Con Enterprises, Inc.
Agreement Date: June 12, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$0
For: Extension of duration of existing agreement to provide services of the Inspector of Record; anticipated services will be primarily to close project out with Division of State Architect. Inspector's hourly rates are increased from original 2005 rates. No increase in the contract amount is required.
Action: Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **ratify Measure E consent items A-B.**

MEASURE C PROJECTS

21. Measure C Consent Calendar

De Anza College –

The aggregate amount for these items is \$209,794.45

- A.** *Title:* Standard Agreement
Vendor: Consolidated Engineering Laboratories
Agreement Date: September 15, 2009
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery-East Cottage Renovation
Amount: \$29,370.45
For: DSA approved special inspection and testing firm to conduct required scheduled inspection.
Action: Approval
- B.** *Title:* PAA #4-B to Agreement
Vendor: Noll & Tam Architects
Agreement Date: December 6, 2007
Campus: De Anza College
Project No.: 766-214
Project Name: Corporation Yard
Amount: \$48,130
For: Professional services for Design Development Phase to include the preparation of all design documentation for the project based on the outcome of the Programming and Schematic Design services performed under PAA #4-A; the facilitation and management of design review and comment incorporation; the preparation of construction cost estimate; and the reconciliation of scope and construction budget prior to the Construction Documentation phase.
Action: Approval
- C.** *Title:* Revision #2 to Agreement, PO #G979822
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: August 5, 2008
Campus: De Anza College
Project No.: 766-241
Project Name: S2/S6 Phase II – Utility Master Plan Phase I
Amount: \$0

For: Extension of contract end date by 819 calendar days from 10/3/2008 to 12/31/2010 to match the construction end date of the S2/S6 project.
Action: Approval

D. *Title:* Change Order #5
Vendor: Zolman Construction and Development, Inc.
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Autotech Renovation
Amount: \$44,807
For: Miscellaneous change orders: Fur out parapet wall at new building extension; connect existing fire sprinklers to new system; additional unforeseen but necessary abatement; re-frame three existing door openings; add top coating to roofing system.
The total Change Orders to date represent 7.65% against the original contract amount. Funding is included in the current budget.
Action: Ratification

Change Order #4
E. *Title:*
Vendor: O. C. Jones & Sons, Inc.
Agreement Date: June 12, 2009
Campus: De Anza College
Project No.: 766-261
Project Name: Mediated Learning Center – Site Preparation Package
Amount: \$4,542
For: Provide additional hazardous materials abatement, signage & fencing relocation, and accelerated concrete retaining wall form removal.
The total Change Orders to date represent 17.52% against the original contract amount. Funding is included in the current budget.
Action: Ratification

F. *Title:* Revision #2 to Agreement
Vendor: Ratcliff Architects
Agreement Date: June 17, 2008
Campus: De Anza College
Project No.: 766-261
Project Name: Mediated Learning Center
Amount: \$12,745
For: Additional design and construction administration services for the following elements at the MLC building:

1. Anthropology casework design consultant fees for lab/exhibit space.
2. Structural Peer Review, as requested by DSA, to assist in the construction document review process.

Action: Approval

G. *Title:* Revision #3 to Agreement
Vendor: Ratcliff Architects
Agreement Date: June 17, 2008
Campus: De Anza College
Project No.: 766-261
Project Name: Mediated Learning Center
Amount: \$14,900
For: Additional design and construction administration services for the following elements at the MLC building:

1. Uninterrupted temperature and humidity control at Anthropology Room 101C.
2. Audiovisual and telecommunications as required for Public Address System.

Action: Approval

H. *Title:* Agreement for Services
Vendor: Ross/Luthin Creative
Agreement Date: October 6, 2009
Campus: De Anza College
Project No.: 218
Project Name: Signage and Wayfinding
Amount: \$55,300
For: Professional services by Ross Luthin Creative will be performed for the development of an interior building signage master plan, implementation of additional signage to complete the exterior signage master plan, and will provide updates to existing sign messages.

Ross Luthin's scope of services will include but is not limited to, programming, design, bid documentation, construction administration, and close out. The final deliverable will be compilation of the Master Signage Program documenting the development and implementation of the Signage program.

Background: Ross Luthin Creative was selected to perform design services for Measure C Project 215 – Signage Phase 1 from a group of respondents to a Request for Qualifications. Since they were successful in exceeding the expectations of the College during the initial Phase I signage development and implementation program, had developed explicit familiarity with the College's

requirements, could quickly engage and support the completion of the signage program in Phase II, and provided a cost effective proposal for delivery of the Phase II signage program, they were selected to provide these services. Other firms were considered for the delivery of Phase II signage, but trying to establish roles, responsibilities and delivery expectations of a new, unproven designer was considered to be inefficient, since other current and upcoming projects will rely on the efforts of the Phase II signage design and delivery of that work to be successful and meet College expectations.

Action: Approval

Foothill College –

The aggregate amount for these items is \$79,627

- I.** *Title:* Change Order #1
Vendor: Chevron Energy Solutions
Agreement Date: June 17, 2009
Campus: Foothill College
Project No.: 154
Project Name: Install Photovoltaic Arrays
Amount: \$48,988
For: Replacement of the existing transformer at photovoltaic project's point of connection to campus main line, at District request. Replacement of the old, undersized transformer and related equipment at this time avoids duplication of work required for future projects in the area.

This change order plus all previous change orders represent 1.5% above the base contract amount. The funding for this change order is within current budget.

Action: Ratification

- J.** *Title:* Change Order #2
Vendor: Chevron Energy Solutions
Agreement Date: June 17, 2009
Campus: Foothill College
Project No.: 154
Project Name: Install Photovoltaic Arrays
Amount: \$5,441
For: Increasing height of carport support structure adjacent to playing field to increase clearance, as requested by District.

This change order plus all previous change orders

- represent 1.6% above the base contract amount. The funding for this change order is within current budget.
- Action:* Ratification
- K.** *Title:* Change Order #2
Vendor: Edward R. Bacon
Agreement Date: September 29, 2009
Campus: Foothill College
Project No.: 135
Project Name: Utility and Technology Infrastructure – Medical Air Compressor
Amount: \$850
For: Increased labor cost due to delay in delivery of district-supplied compressor.

The funding is included in the current budget.

- This change order plus all previous change orders represent 8.8% above the base contract amount. The funding for this change is within the current budget.
- Action:* Ratification
- L.** *Title:* Commissioning Service Agreement
Vendor: Engineering Economics, Inc.
Agreement Date: September 21, 2009
Campus: Foothill College
Project No.: Multiple Projects
Project Name: Multiple Projects
Amount: To be determined by each Project Authorization Amendment
For: Engineering Economics, Inc. was approved at the 7/7/08 Board of Trustees meeting to be included in a Commissioning Agency Pool and authorized the Executive Director of Facilities, Operations and Construction Management to negotiate contracts for commissioning services on an as-needed basis. This Master Standard Form of Master Agreement Between The Foothill-De Anza Community College District & Commissioning Agency defines scope of work and allows project assignment with Project Authorization Amendments.
- Action:* Approval

- M.** *Title:* Commissioning Service Agreement
Vendor: Engineering Economics, Inc.
Agreement Date: September 21, 2009
Campus: Foothill College
Project No.: 112
Project Name: Modernization of Administration Building and General Classrooms
Amount: \$41,500

- For:* Fundamental Commissioning Services for Measure C Project 112 which includes buildings 1900, 5500, and 6400. Engineering Economics, Inc. will review the project design, incorporate Commissioning Requirements, Develop a Commissioning Plan, Verify the Installation, function, performance, training and documentation of mechanical systems, and issue a final commissioning report.
- Action:* Approval
- N.** *Title:* Change Order #1
Vendor: Ferma Corporation
Agreement Date: July 27, 2009
Campus: Foothill College
Project No.: 149
Project Name: Choral Rehearsal Hall Demolition
Amount: (\$8,000)
For: Credit for not salvaging the exterior siding of building 1300. After several of the planks were removed, it was determined that the material was unusable.
- Action:* Ratification
- O.** *Title:* Change Order #1
Vendor: Ferma Corporation
Agreement Date: July 27, 2009
Campus: Foothill College
Project No.: 147
Project Name: Horticultural, Veterinary Technology Demolition
Amount: (\$8,740)
For: Credit of (\$10,800) for not removing the Atlas Cedar, and adding cost for removing trees located near the Physical Education complex \$2,060.
- Action:* Ratification
- P.** *Title:* Revision #3 to PAA #F-HMC-#3A
Vendor: HMC Architects
Agreement Date: September 18, 2009
Campus: Foothill College
Project No.: 120
Project Name: Smithwick Theatre
Amount: \$6,690
For: Services to provide acoustical assessment of existing mechanical system, review proposed new design, and provide recommendations for the new mechanical design.
- Action:* Approval
- Q.** *Title:* Revision #2 to PAA #F-HMC-#3A

Vendor: HMC Architects
Agreement Date: September 9, 2009
Campus: Foothill College
Project No.: 120
Project Name: Smithwick Theatre
Amount: \$14,950
For: Provide services relating to design, bidding, construction administration and DSA closeout services for replacement of the air handler unit servicing the ticket office, coat room and lobby, and replacement of wiring for house lights, exterior pendants, and all back of house areas.
Action: Approval

R. *Title:* Change Order #1
Vendor: IMR Contractor Corporation
Agreement Date: September 18, 2009
Campus: Foothill College
Project No.: 116 and 100
Project Name: Japanese Cultural Center and Carriage House Roof Replacement
Amount: (\$23,052)
For: Remove and replace the rotten siding and fascia board at Carriage House and delete the Alternate #1 (new sheet metal gutters) from the contract.

This change order plus previous change orders represents an 18.6% reduction of the base contract amount.

Action: Ratification

S. *Title:* Change Order #3
Vendor: Redwood Engineering Construction
Agreement Date: October 5, 2009
Campus: Foothill College
Project No.: 130
Project Name: Utility Lids – Phase II
Amount: \$1,000
For: Installation of galvanized angle iron and fill concrete to close gaps resulting from existing field conditions.

This change order plus all previous change orders represents 9.5% above the base contract amount. The funding for this change is within the current budget.

Action: Approval

Executive Director of Facilities, Operations, and Construction Management Charles Allen, De Anza Director of Bond Program Management Tom Armstrong, and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **ratify/approve Measure C consent items A-H for De Anza College and items I-S for Foothill College.**

22. Project Assignment Amendment for WRNS Studio

This Project Assignment Amendment PAA #F-WRNS-1B with WRNS Studio is for architectural design services on project #144 Central Campus Site Improvements. The site improvements project includes renovations to many of the landscape, hardscape, and softscape features of the Foothill Campus that are in a state of disrepair. An overview of the improvements include modernization of the campus irrigation system, tree repair and replacement, accessibility improvements, exterior lighting, storm drain repairs, site furnishings, and trash and recycling receptacles.

Within the scope of this agreement, WRNS Studio will advance the Concept Designs that they developed with the Foothill College Steering Committee for the inner campus site improvements into a complete set of biddable construction documents. The scope of this PAA also includes the construction administration services required by the architect during the Construction Phase of the project.

Measure C funding is available for this assignment in Project #144, Central Campus Site Improvement.

Executive Director of Facilities, Maintenance and Construction Management Charles Allen recommends **approval**.

23. Rental Agreement with the Norman Harris Family Trust for interim use by the De Anza College Bookstore

The renovation of the East Cottage and Baldwin Winery renovations will be starting in mid-October, 2009 and will displace the current Bookstore warehouse. This will require moving the program to an alternate location to accommodate the construction and renovation of the existing Bookstore warehouse in the lower level of the Baldwin Winery. The rented space covered by this Rental Agreement will house the Bookstore on an interim basis while several other projects are completed. The final home for the Bookstore receiving and warehouse operation will be in the renovated A8 facility.

However, before this renovation of A8 can happen, the new Mediated Learning Center (MLC) must be completed and the Technology Resources Group must move from A-8 into their new space in the MLC. The completion of the MLC is slated for the summer of 2012. Once the occupants of A8 are moved, the renovation of A8 can take place. The completion of the work in A8 is scheduled for completion during the summer of 2013 and the Bookstore will move from its interim rental location into A8 after renovation is complete.

The total costs for the rental agreement is \$121,196 over four years. Funding for the agreement is available from De Anza Measure C project #203, Baldwin Winery & East Cottage Historical Renovation.

Executive Director of Facilities, Maintenance and Construction Management Charles Allen recommends **approval**.