



# BOARD OF TRUSTEES

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

## July 7, 2008

Foothill College Campus Center  
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.*

*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.*

Closed Session: Noon  
Altos Room

Public Study Session: 1:00 p.m.  
Toyon Room

Closed Session: 4:00 p.m.  
Altos Room

**Public Session: 6:00 p.m.**  
**Toyon Room**

## AGENDA

### Study Session and Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

**Closed Session — Noon-1:00 p.m.**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position Title: Chancellor

**Public Study Session — 1:00-4:00 p.m.**

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

**INFORMATION**

BOARD STUDY SESSION

- |   |                    |
|---|--------------------|
| 1. Our Students – Our Community ( <b>Kanter x6104</b> ) ( <i>See Public Memo for backup</i> )   | <b>INFORMATION</b> |
| 2. Silicon Valley Growth and Economic Projections: Implications for Foothill-De Anza’s Educational Master Plan ( <b>Kanter x6104</b> ) ( <i>See Public Memo for backup</i> )  | <b>INFORMATION</b> |
| 3. Foothill-De Anza Educational Master Plan, 2005-2015 ( <b>Kanter x6104</b> ) <ul style="list-style-type: none"> <li>• Mission and Purpose: Closing the Achievement Gap</li> <li>• Understanding Growth, Productivity and State Apportionment Funding</li> <li>• Revisiting Our Planning Assumptions</li> <li>• Planning Process for 2010-2020: Building Capacity to Meet Student Needs</li> </ul> | <b>INFORMATION</b> |
| 4. Foothill-De Anza Annual Report for 2007-08 ( <b>Kanter x6104</b> ) <ul style="list-style-type: none"> <li>• 2007-08 Accomplishments</li> <li>• Plans for 2008-09</li> </ul>  | <b>INFORMATION</b> |
| 5. Human Resources and Equal Opportunity Update ( <b>Novotny x6211</b> ) <ul style="list-style-type: none"> <li>• Annual Staffing and Compensation Report (<i>See Public Memo for backup</i>)</li> </ul>  | <b>INFORMATION</b> |

6. 2007-08 Board Self-Evaluation and 2008-09 Goals **(Kanter x6104)**

**INFORMATION**

**Closed Session — 4:00-6:00 p.m.**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Number of Potential Cases: Foothill-De Anza Community College District v. Anshen + Allen (AAA No. 74 110 00250 07)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Number of Potential Cases: 1

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

**INFORMATION**

APPROVAL OF MINUTES

**ACTION**

June 16, 2008

CORRESPONDENCE

**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
- Board

APPROVAL OF CONSENT CALENDAR

**ACTION**

7. Ratification of Contracts and Agreements **(Dunn x6201)**
8. Foothill and De Anza Colleges Impact – Community Education Short Courses for Fall Quarter 2008 **(Blinick x8280)**
9. Science, Technology, Engineering, Mathematics and Design (STEM-D) Careers Internship Program **(Criddle 650-604-4183)**
10. Donation, Recycling or Disposal of Miscellaneous Surplus District Furniture **(Redmond x6166)**
11. Sale of Miscellaneous Surplus District Electronic Equipment **(Redmond x6166)**
12. Donation of Surplus District Personal Property **(Redmond x6166)**
13. Authorization to Award Contract Pursuant to Bid 1158 — Purchase of Wheelchair Accessible Bus **(Redmond x6166)** *(See Public Memo for backup)*

14. Personnel Actions as Follows: **(Novotny x6211)**  
Reduction in Load to 55% – Veronica Acevedo Avila, De Anza Counselor  
Resignation for Purpose of Retirement – Virginia Becchine, Foothill Program Director  
Resignation for Purpose of Retirement – Marcos Cicerone, De Anza Director  
Approve New Classification – De Anza Director **(See Public Memo for backup)**  
Extend Employment Contract – Jennifer Dirking, Central Services Associate Director **(See Public Memo for backup)**  
Ratification of Resignation for Purpose of Retirement – Charles Dougherty, De Anza Instructor  
Resignation for Purpose of Retirement – Donna Fung, De Anza Counselor  
Resignation for Purpose of Retirement – Robert Griffin, De Anza Vice President  
Resignation for Purpose of Retirement – MaryLou Heslet, Foothill Counselor  
Resignation for Purpose of Retirement – Karen Kieffer Gilette, Foothill Librarian  
Resignation for Purpose of Retirement – Randy Lomax, De Anza Counselor  
Partial Unpaid Leave of Absence – Leonis A. Osterdock, Foothill Program Director  
Resignation for Purpose of Retirement – Ulysses Pichon, De Anza Instructor  
Extend Employment Contract – Gerald Rosenberg, De Anza Dean **(See Public Memo for backup)**  
Employment – Daphne Small, Foothill Interim Dean  
Employment – Phyllis Spragge, Foothill Interim Dean  
Ratify Extension of Interim Assignment – John Swensson, De Anza Interim Vice President **(See Public Memo for backup)**  
Extend Employment Contract – Timothy Woods, Foothill Dean **(See Public Memo for backup)**

15. Human Resources Report **(Novotny x6211)**

BOARD BUSINESS

16. Board Calendar for 2009 **(Kanter x6104)** **ACTION**

BUSINESS AND FINANCE/FACILITIES

17. NASA Ames Research Center: Memorandum of Understanding and Limited Liability Corporation **(Dunn x6201)** **ACTION**
18. Five-Year Construction Plan for 2010-2014 **(Allen x6150)** **ACTION**

MEASURE E PROJECTS

19. Measure E Consent Calendar **(Allen x6150)** **ACTION**  
A) Addendum #10 – Gilbane Building Company

MEASURE C PROJECTS

20. Measure C Consent Calendar **(Allen x6150)** **ACTION**  
A) Professional Services (Master Plan) – tBP Architecture  
B) Agreement and PAA #F-1A (General Classrooms) – HMC Architects  
C) Agreement (Surveying for Foothill Projects) – Telamon Engineering Consultants  
D) Agreement (Forum and Fire Alarm Replacement) – Quali-Con Enterprises
21. Authorization to Award Contract for EIS Hardware, Installation, and Support Pursuant to Bid 1151 **(Redmond x6166)** **ACTION**
22. Authorization to Award Contract Pursuant to Bid #1122-101 — Sciences 2/ Forum 5000 Project, Foothill College **(Redmond x6166)** **ACTION**
23. Standard Form of Agreement with Gilbane-Maas for Measure C Bond Program **(Allen x6150)** **ACTION**
24. Commissioning Services for Selected Measure C Projects **(Allen x6150)** **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

**INFORMATION**

- August 4, 2008 — Board Study Session and Regular Meeting  
Strategic Planning  
August 25, 2008 — Audit & Finance Committee Meeting  
August 25, 2008 — Regular Meeting  
Budget Hearing  
Appointment of Chief Negotiators

ADJOURNMENT

**ACTION**

**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT**

**Office of the Chancellor**

TO: Members of the Board of Trustees

FROM: Martha J. Kanter, Chancellor

DATE: July 1, 2008

RE: Public Session, **July 7, 2008**

BOARD STUDY SESSION

**1. Our Students – Our Community**

The mission of the Foothill-De Anza Community College District is to provide “a dynamic learning environment that fosters excellence, opportunity and innovation in meeting the educational needs of our diverse students and community.” Toward this end, we begin the Board’s study session and discussion of the Educational Master Plan with a presentation from two students, one from Foothill College and one from De Anza College. They will discuss the impact of the college on their educational and career goals and will share their perspectives about the value of the programs and services they have experienced.

**2. Silicon Valley Growth and Economic Projections: Implications for Foothill-De Anza’s Educational Master Plan**

Dr. Stephen Levy, Director and Senior Economist of the Center for Continuing Study of the California Economy (CCSCE) in Palo Alto, will give a presentation regarding economic, demographic and social factors affecting the state and Silicon Valley and the expected impact of these data and trends on the Foothill-De Anza Community College District.

The Center for Continuing Study of the California Economy (CCSCE) has become the recognized source of independent information about long-term trends in California. Founded as an independent, private economic research organization, CCSCE focuses on long-term economic and demographic trends in the state and its major economic regions. CCSCE works with public and private institutions to explain and analyze the growth process and to project long-term economic trends in California. CCSCE uses its findings to help decision makers in strategic planning and public policy. Established in 1969 by Robert K. Arnold and Stephen Levy, CCSCE has been a source of reliable information on California for public agencies, colleges, universities and the private sector for over 35 years. Stephen Levy has been Director of CCSCE since 1985.

### **3. Foothill-De Anza Educational Master Plan, 2005-2015**

On January 22, 2008, at its annual winter study session, the Board reviewed the Foothill-De Anza Educational Master Plan, focusing on the enrollment and course-taking patterns of students; college growth initiatives to support student outreach, retention and success; and closing the achievement gap by preparing basic skills students for success in college.

At this study session, the Board will review further information about student enrollment, growth, productivity and state apportionment funding histories and assumptions that drive the District's Educational Master Plan and Facilities Master Plan to achieve its educational priorities. These are to increase the access, retention and success rates of our students and, in doing so, to close the achievement gap among various student groups as was described in more detail at the June 2 and June 16, 2008 State of the College Reports from De Anza and Foothill respectively.

This fall, the colleges will provide their three-year Accreditation Reports to the Board and then to the Accrediting Commission for Community and Junior Colleges. The information from these reports, the Board's study sessions and the District's annual reports will then be used to initiate a new strategic planning process that will update the Educational Master Plan, integrate the college plans, and build capacity to meet the needs of our students from 2010-2020. This work will occur over the eighteen months in time for the colleges to conduct their Accreditation Self-Studies in 2010-2011.

### **4. Foothill-De Anza Annual Report for 2007-08**

On January 22, 2008, at its annual winter study session, the Board reviewed the Foothill-De Anza Educational Master Plan, focusing on the enrollment and course-taking patterns of students; college growth initiatives to support student outreach, retention and success; and closing the achievement gap by preparing basic skills student for success in college.

The Foothill-De Anza "Annual Report to the Community, 2007-08" is now presented to the Board for information. Its purpose is to highlight key accomplishments of the District in the areas of Opportunity, Excellence, Accountability and Sustainability, four goals of the District's Educational Master Plan.

The Board is invited to provide feedback. The draft will then be updated, incorporating student and staff profiles and graphics for dissemination to the community in September, as will occur in subsequent years to measure progress toward the District's goals and identify opportunities and challenges that the District anticipates for the future.

## **5. Human Resources and Equal Opportunity Update**

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny will review the Compensation and Staffing Report presented annually to the Board of Trustees and discuss related Human Resources developments.

## **6. 2007-08 Board Self Evaluation and 2008-09 Goals**

This item provides an opportunity for the Board of Trustees to engage in its annual self-examination of its effectiveness and functionality. The Mission of the Board of Trustees, amended on July 12, 2004, stipulates that the Board “works constantly to improve the Board’s quality of trusteeship through orientation, education and assessment of its own performance.” A self-evaluation instrument was created based on the Board’s Philosophy and Mission and the Board’s Code of Ethics. A summary of the trustees’ responses is attached, along with the Philosophy and Mission, Roles and Responsibilities, and Code of Ethics.

In reviewing its performance, the Board also has the opportunity to identify the goals it wishes to accomplish for the coming year. At its August 27, 2007 meeting, the Board approved the attached list of “Board Priorities for 2007-08,” which were reviewed by the Board again on January 22, 2008 and includes the following priorities:

- Implement Measure E and Measure C  
Bring Measure E to a successful conclusion in 2008-09  
Launch Measure C without delay
- Close the Achievement Gap  
Enhance high school to college articulation  
Increase student retention and success
- Increase Growth while Maintaining Productivity  
Increase FTES from 0-2%  
Meet productivity target of 535
- Achieve Financially Responsible Compensation Settlements
- Develop the District’s Executive Leadership Team
- Prepare the District’s Environmental Sustainability Plan

## CONSENT CALENDAR

### **7. 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.**

### **8. Foothill and De Anza Colleges Impact – Community Education Short Courses for Fall Quarter 2008**

Board approval is requested for the attached Impact short courses Fall Quarter 2008. De Anza Dean of Community Education Caron Blinick recommends **approval.**

### **9. Science, Technology, Engineering, Mathematics and Design (STEM-D) Careers Internship Program**

The Science, Technology, Engineering, Mathematics and Design (STEM-D) Careers Internship Program is a partnership between Foothill-De Anza and NASA Ames Research Center. In alignment with NASA's Education Goals, the program provides community college students with academic internships supporting core competencies and research at NASA Ames. Specifically, the program will:

- Strengthen NASA and Silicon Valley's future workforce by preparing community college students, especially those in underserved and underrepresented communities, for careers in science, technology, engineering, mathematics, and web design/development;
- Attract and retain students in STEM-D disciplines through mentorship and active participation in projects that support NASA's engineering, scientific and technical missions;
- Engage students and faculty in NASA's mission through partnerships and linkages with local community colleges, other educational institutions, and private industry.

Foothill-De Anza has worked with NASA Ames Research Center to provide students with experiential work and learning opportunities for over 36 years. The Foothill-De Anza Internship Program (formerly NASA Ames Internship program) is unique in that it is only one of two programs for community college students (USRA at Johnson Space Center is the other program) serving the education needs of NASA. It has opened opportunities for community college students to work at one of the nation's unique research centers, earning a stipend while gaining hands-on training and exploring careers in the sciences, applied technologies, engineering, business and computer arts. Students have worked in a wide range of areas, from lab research, computer science, engineering to web design/development, business and finance. Since 1971, the program has provided the Center with 3,587 qualified

individuals who have contributed over four million work hours to support NASA Ames missions and operations. The program has also provided a pool of qualified candidates from which Ames has employed 545 civil servants and contractors.

The Internship Program will expand and extend the talent pool of undergraduate students who can contribute to NASA Ames research in earth science, space operation, aeronautics, planetary and lunar sciences, etc. The partnership of the Internship Program and NASA Ames Research Center will advance the missions of both organizations to develop and prepare the future workforce of Silicon Valley for an increasingly technology-based global community.

Foothill President Judy Miner recommends that the Board **approve the STEM-D Internship Program.**

#### **10. Donation, Recycling or Disposal of Miscellaneous Surplus District Furniture**

The District has miscellaneous surplus furniture that is of no further use to the District (see attached). The estimated aggregate market value is zero based upon previous attempts by Purchasing Services to sell similar furniture.

California Education Code 81452(c) provides that if the 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, or it may be disposed of in the local public dump on order of any employee of the district empowered for that purpose by the board.

Purchasing Services recommends donation of the surplus furniture to the Ecumenical Hunger Program, which is a tax-exempt public benefit corporation under Section 501c (3) of the Internal Revenue Service Code. The Ecumenical Hunger Program (EHP), a 30-year old, private, non-profit, community-based organization located in East Palo Alto, provides emergency food, clothing, case management, and household essentials to families in need in East Palo Alto, Menlo Park, and Palo Alto. Items not accepted by EHP will be offered to the Salvation Army. Thereafter, the District will recycle or dispose of any remaining items.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board, in accordance with Education Code 81452(c), **make a finding that the property is of insufficient value to defray the cost of a sale, and authorize the Director of Purchasing Services to make donations to the Ecumenical Hunger Program or the Salvation Army and to recycle or dispose of items that are not accepted by the Ecumenical Hunger Program or the Salvation Army.**

## 11. Sale of Miscellaneous Surplus District Electronic Equipment

The District has approximately 20 pallets of computers, monitors, printers, and miscellaneous electronic equipment (see attached). ETS has determined that the items are obsolete and of no further use to the District. The Occupational Training Institute at De Anza College and DASB have also found them to be unsuitable for further use. The estimated aggregate market value is less than \$5,000.

The District also has microwaves that are in non-working condition and of no further use to the District. These items are considered electronic waste and should be sold in the same manner as computers, monitors, and printers.

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 (\$5000.00), 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 under the Electronic Waste Recycling Act. 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 in value and authorize the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a).**

## 12. Donation of Surplus District Personal Property

The District has 80 computers that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District. Each computer has an estimated value of \$40. Therefore, the estimated aggregate value is \$3,200.

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 the Board **make a finding that the items are of insufficient value to defray the costs of arranging a sale and authorize the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation.**

### **13. Authorization to Award Contract Pursuant to Bid 1158 — Purchase of Wheelchair Accessible Bus**

The District Purchasing Services Department prepared bid documents and specifications for a wheelchair accessible bus in cooperation with the De Anza College Adapted Physical Education Department. The bus will have a fully automatic wheelchair lift and seating for 25 passengers including 6 seats that fold away to accommodate 2 power wheel chairs.

Bid #1158 was advertised in the San Jose Post Record on May 30 and June 6, 2008. It was also posted on the BidNet Bay Area Purchasing System website. Additionally, the bid documents were sent to seven (7) vendors. The deadline for bid submission was June 24, 2008, at 2:00 p.m. One vendor submitted a bid: Eldorado Bus Sales. The bid they submitted was for \$83,725 plus \$6,907.31 sales tax for a total of \$90,632.31.

The bid price appears to be reasonable. It is lower than the State of California contract price of \$86,700 plus \$7,152.75 sales tax (a total of \$93,852.75). Furthermore, it is lower than the amount Eldorado Bus Sales quoted to De Anza College in March, 2008, which was \$84,725 plus \$6,979.81 sales tax (a total of \$91,714.81).

The District has purchased buses from Eldorado Bus Sales in the past and service has been satisfactory. Eldorado Bus Sales has contracts with the State of California, Caltrans, University of California San Francisco, and Kaiser Foundation Health Plan, Inc. The purchase will be funded by a State of California grant to the De Anza College Special Education Division, fund #22-2160.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **authorize the Director of Purchasing Services to award a purchase order to Eldorado Bus Sales in the amount of \$90,632.31 pursuant to Bid #1158.**

### **14. Personnel Actions**

*Name:* **Veronica Acevedo Avila**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Counseling  
*Action:* **Reduction in Load to 55%**  
*Effective Date:* July 1, 2008 through July 31, 2008  
*Comments:* In accordance with Article 18 of the *Agreement* between the District and the

Faculty Association

*Name:* **Virginia Becchine**  
*Position:* Program Director, Radiation Therapy  
*College:* Foothill College  
*Division:* Biological and Health Sciences  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* December 12, 2008  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

*Name:* **Marcos Cicerone**  
*Position:* Director, Staff Development  
*College:* De Anza College  
*Division:* Academic Services  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* August 1, 2008

*Position:* **Director, Office of Outreach and Relations with Schools**  
*College:* De Anza College  
*Division:* Admissions and Records  
*Action:* **Approve New Classification**  
*Effective Date:* July 8, 2008 # of Months: 12  
*Compensation:* Level F  
*Comments:* In accordance with Chapter XI of the Administrators Handbook

*Name:* **Jennifer Dirking**  
*Position:* Associate Director  
*College:* Central Services  
*Division:* Development  
*Action:* **Extend Employment Contract** # of Months: 12  
*Effective Date:* August 6, 2008 to June 30, 2009

*Name:* **Charles S. Dougherty**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Physical Education and Athletics  
*Action:* **Ratification of Resignation for the Purpose of Retirement**  
*Effective Date:* June 27, 2008

*Name:* **Donna Fung**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Counseling  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* June 26, 2009  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

*Name:* **Robert Griffin**  
*Position:* Vice President  
*College:* De Anza College  
*Division:* Student Services and Institutional Research  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* July 31, 2008  
*Comments:* In accordance with Chapter XIV of the Administrators Handbook

*Name:* **Mary Lou Heslet**  
*Position:* Counselor  
*College:* Foothill College  
*Division:* Counseling  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* June 26, 2009  
*Comments:* In accordance with Article 19 and 20 of the *Agreement* between the District and the Faculty Association

*Name:* **Karen Kieffer Gillette**  
*Position:* Librarian  
*College:* Foothill College  
*Division:* Career, Workforce and Technology  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* June 26, 2009

*Name:* **Randy Lomax**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Counseling  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* June 26, 2009  
*Comments:* In accordance with Article 19 and 20 of the *Agreement* between the District and the Faculty Association

*Name:* **Leonis A. Osterdock**  
*Position:* Program Director, Pharmacy Technology  
*College:* Foothill College  
*Division:* Biological and Health Sciences  
*Action:* **Partial Unpaid Leave of Absence**  
*Effective Date:* September 22, 2008 through June 26, 2009  
*Comments:* In accordance with Article 16 of the *Agreement* between the District and the Faculty Association

*Name:* **Ulysses Pichon**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 26, 2009  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

*Name:* **Gerald Rosenberg**  
*Position:* Dean  
*College:* De Anza  
*Division:* Physical Science, Math & Engineering  
*Action:* **Extend Employment Contract**  
*Effective Date:* August 1, 2008 to June 30, 2009 # of Months: 12

*Name:* **Daphne Small**  
*Position:* Interim Dean  
*College:* Foothill College  
*Division:* Student Affairs and Activities  
*Action:* **Employment**  
*Effective Date:* September 1, 2008 through June 30, 2009  
*Compensation:* Level I, Step 2 @ \$8,922.32 per month

*Name:* **Phyllis Spragge**  
*Position:* Interim Dean  
*College:* Foothill College  
*Division:* Biological and Health Sciences Division  
*Action:* **Employment**  
*Effective Date:* September 1, 2008 through December 31, 2008  
*Compensation:* Level J, Step 3 at \$10,320.69 per month

*Name:* **John Swensson**  
*Position:* Interim Vice President  
*College:* De Anza College  
*Division:* Instruction  
*Action:* **Ratify Extension of Interim Assignment**  
*Effective Date:* July 1, 2008 through August 31, 2008

*Name:* **Timothy Woods**  
*Position:* Dean  
*College:* Foothill  
*Division:* Computers, Technology & Information  
*Action:* **Extend Employment Contract**  
*Effective Date:* August 1, 2008 to June 30, 2009 # of Months: 12

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

## **15. 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**.

## BOARD BUSINESS

### **16. Board Calendar for 2009**

Presented to the Board for approval is the calendar of Board meeting dates for 2009. The calendar follows the same pattern of meeting dates as in 2008, with the exception that the second meeting in October has been removed. The list of proposed agenda items is subject to change. Chancellor Martha Kanter recommends that the Board **approve the 2009 calendar**.

## BUSINESS AND FINANCE/FACILITIES

### **17. NASA Ames Research Center: Memorandum of Understanding and Limited Liability Corporation**

The District, in conjunction with Carnegie Mellon University, Santa Clara University and the University of California at Santa Cruz (UCSC) — collectively referred to as the University Associates — entered into a Letter of Intent (LOI) in March 2008 expressing their intention to pursue a joint development of approximately 70 acres of surplus land in the NASA Research Park (NRP) at Moffett Field. The underlying goal is to undertake a comprehensive reuse of a vital public asset to create a vibrant educational community which will support the missions of NASA Ames and the University Associates and bolster local economic development activity.

At the April 7, 2008 Board meeting, an informational update was provided by Bill Berry, UCSC's Director of the UC Affiliated Research Center and the leader of the University Associates. He addressed progress to date, the proposed scope of the project, the land area under consideration and the process going forward necessary to bring the NRP to fruition.

In the ensuing months, the University Associates has been working on a Memorandum of Understanding (MOU) to formalize the relationship among the members of the University Associates and set forth the basic terms under which the Associates will cooperate to conduct the analysis, feasibility determination and initial planning. The MOU will also commit each partner to funding a portion of the estimated \$1.5 million in pre-lease planning costs. Foothill-De Anza is a 20% partner in this process and the corresponding commitment would be \$300,000. Two iterations of the MOU have been circulated and reviewed by staff and legal counsel. It is anticipated that a final version of the MOU will be ready for signature later this month. The latest draft, dated June 28, 2008, is attached.

UCSC has targeted July 2008 for a recommendation to the UC Board of Regents to approve the MOU. UCSC is asking the Regents to delegate authority to the President, in consultation with General Counsel, to enter into a Limited Liability Corporation (LLC) with Foothill-De Anza (as the two public institutions in the collaboration) to conduct evaluation and planning to evaluate land use plan alternatives, respective financial feasibility, and financing options, and to assess the California Environmental Quality Act (CEQA) respective environmental impacts under the existing Federal Environmental Impact Statement (EIS) and CEQA. If a project is found feasible under CEQA, this LLC may elect to join Santa Clara University and Carnegie Mellon University LLC in a ground lease with NASA. Approval by the Board of Regents will set the stage for executing a long term, enhanced use ground lease and other collaborative agreements with NASA, anticipated to occur by the end of the calendar year. Land use planning will be consistent with an approved 2002 Environmental Impact Statement. This document calls for approximately 1,955 housing units and supporting retail and commercial uses. The balance of allowed development will be apportioned among the University Associates. Development will be undertaken only after full evaluation and planning studies consistent with CEQA have been

completed. The University Associates anticipate using a “master developer” approach for the project as a means to attract the necessary external capital to accomplish the planned build out.

The District’s decision to join the University Associates is a part of the process of implementing a component of the Educational Master Plan which addresses collaboration with other higher education entities and preparation of a diverse student population to enter the sciences.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **authorize the Chancellor or designee to enter into an LLC with UCSC and sign the Memorandum of Understanding with the University Associates upon its completion.**

#### **18. Five-Year Construction Plan for 2010-2014**

Each year the District prepares a Five-Year Construction Plan for submittal to the State Chancellor’s Office. The purpose of the plan is to identify the District’s capital construction needs for the support of its academic programs. Detailed WSCH statistics are matched with available square footage and future construction plans to determine if additional space is warranted.

The highlights of the 2010-2014 Five-Year Construction Plan are:

- Initial Project Proposals
- Library and Independent Study Center (ISC) Renovation, Foothill College
- Learning Center Renovation, De Anza College
- Final Project Proposals:
  - Advanced Technology Center, De Anza College
  - Biology Renovation, Foothill College

The summary sheets showing the list of the District’s proposed construction plans along with summaries projecting the lecture and laboratory capacity/load ratios are included for the Board’s review. The entire report is available for review at the Chancellor’s office. For additional background information, a graph which depicts FTES growth vs. capacity growth over the last ten years is also attached.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Five-Year Construction Plan for 2010-2014.**

## MEASURE E PROJECTS

### **19. Measure E Consent Calendar**

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$141,228.

- A.** *Title:* Addendum #10 to Agreement for Program Management Services  
*Vendor:* Gilbane Building Company  
*Agreement Date:* April 3, 2000  
*Campus:* Foothill College and De Anza College  
*Amount:* \$141,228  
*For:* On April 3, 2000, the Board awarded an Agreement for Program Management Services to Gilbane Building Company for the Measure E Bond Program. Nine previous Addenda have been issued and approved by the Board. Addendum #10 is being issued to renew this agreement August 4, 2008, in accordance with the terms and conditions of the contract.  
*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 **approve Measure E consent item A.**

## MEASURE C PROJECTS

### **20. Measure C Consent Calendar**

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$437,500.

- A.** *Title:* Master Plan  
*Vendor:* tBP Architecture  
*Agreement Date:* June 23, 2008  
*Campus:* Foothill College  
*Amount:* \$14,500  
*For:* Professional services for tBP Architecture to complete Master Plan Revision required as a result of changes in the program projects  
*Action:* Ratification

- B. Title:** Agreement for Design Services and PAA #F-1A  
*Vendor:* HMC Architects  
*Agreement Date:* July 8, 2008  
*Campus:* Foothill College  
*Project No.:* #104, #108, #112  
*Project Name:* General Classrooms-Building 5500, Language Arts General Classrooms-Building 6400, and Administration Building-Building 1900  
*Amount:* \$190,938  
*For:* HMC was selected by the District's Architect Selection Committee to provide services for Measure C building renovation projects, and their selection was approved by the Board on August 27, 2007. This Master Agreement allows multiple projects to be assigned to the Architects by the District, and the associated Project Authorization Amendment (PAA) authorizes the Architects to proceed with services related to the following Foothill College projects #104 (General Classrooms (Building 5500)), #108 (Language Arts General Classrooms (Building 6400)), and #112 (Administration Building (Building 1900)). The PAA authorizes architectural and engineering design services for schematic design and design development for renovation of those three buildings. The fee cost will be funded jointly by the corresponding Measure C project budgets. The buildings will be designed concurrently under a single contract for efficiency of design and project management efforts. The PAA establishes a fee of \$190,938, consisting of a lump sum for all basic services and an allowance for reimbursable expenses. The fee includes design services of engineers consulting to the architect.  
*Action:* Approval
- C. Title:** Agreement for Surveying Services  
*Vendor:* Telamon Engineering Consultants, Inc.  
*Agreement Date:* July 8, 2008  
*Campus:* Foothill College  
*Project No.:* #160, #126, #142  
*Project Name:* Physical Sciences & Engineering Center (formerly North Slope Science Building); Parking Lot #4; and Soccer, Softball and Baseball Complex  
*Amount:* \$79,750  
*For:* This Agreement provides for preparation of land and utility surveys of all three sites in preparation for detailed design of those projects. The fee is not to exceed \$57,750 for control, boundary and topographic surveys, and \$20,000 for an underground utility survey. An additional \$2,000 allowance is included in the Agreement for reimbursable expenses, for a total fee of \$79,750. Payment will be made on an hourly basis for actual costs, not to exceed the stated amounts. Survey costs will be funded jointly from the corresponding Measure C project budgets.  
*Action:* Approval

**D. Title:** Agreement for Inspection Services  
**Vendor:** Quali-Con Enterprises, Inc.  
**Agreement Date:** June 23, 2008  
**Campus:** Foothill College  
**Project No.:** #101 and #161  
**Project Name:** Forum and Fire Alarm Replacement Phase II  
**Amount:** \$111,100 – Forum  
\$ 41,300 – Fire Alarm Replacement Phase II  
\$152,400

**For:** This agreement provides for an Inspector of Record to meet Division of State Architect (DSA) requirements for both Measure C projects. Construction of the Forum is scheduled to begin in July 2008 and the Fire Alarm Replacement project is anticipated to begin construction in October 2008. DSA-certified and listed Class A inspectors in Santa Clara, San Mateo and Santa Cruz counties were contacted directly by District staff. Nine inspectors or inspection firms responded with letters of interest and qualifications, which were reviewed by a group of District and Gilbane-Maas staff. Five inspectors/firms supplied additional information at the request of the selection group. Based upon further review of their references, responsiveness, personnel qualifications, hourly rates and schedule availability, two inspection firms were asked to provide more detailed proposals: Steve Donohue Consulting Services and Quali-Con Enterprise, Inc. After interviews and negotiation, the latter was deemed best suited to provide the required services. The agreement authorizes inspection services on an hourly basis not to exceed a fee of \$111,100 for the Forum project and \$41,300 for the Fire Alarm project, for a total maximum cost of \$152,400.

**Action:** Approval

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends **approval/ratification of Measure C consent items A-D.**

## **21. Authorization to Award Contract for EIS Hardware, Installation and Support Pursuant to Bid 1151**

Invitation To Bid 1151 is related to the District's recent procurement of EIS (Educational Information System) software. The District must purchase the appropriate hardware platforms for its new SunGard HE Banner EIS application.

The District will award a three-year contract, but the contract will not obligate the District to purchase any particular quantity or dollar amount of equipment. The contract will be subject to renewal for additional periods, but it will not exceed ten years in length including the renewal periods. The contractor will supply hardware and services in accordance with each District Purchase Order. Purchasing Services will issue District Purchase Orders for

the hardware in order to meet the following schedule: on August 15, 2008, the vendor will deliver and install the hardware for the Test and Development platform; on October 15, 2008, the vendor will deliver and install the hardware for the Luminis platform; on December 15, 2008, the vendor will deliver and install the hardware for the Production platform; and on February 16, 2009, the vendor will deliver and install the hardware for the Backup and Recovery platform.

The bid prices include delivery and off-loading; assembly; installation of the new equipment; training; configuration; testing; removal of all related packing materials and debris; 3 years of start-up support; and annual maintenance rates for years 4 through 10.

The District published legal advertisements for bids on May 6, and May 13, 2008. In addition, the bid opportunity was posted on BidNet at [www.govbids.com](http://www.govbids.com). Bids were received and opened publicly by District Purchasing Services on June 9, 2008. Two companies submitted bids by the due date and time: Sysix Technologies, LLC and Abtech Systems, Inc. However, during the District's analysis of the two bids received, the Sysix Technologies bid was found to be incomplete because it does not include prices for all the required hardware and maintenance items and it does not include sales tax. Furthermore, the Sysix Technologies bid is non-responsive because the proposed solution does not support the Apple operating system. Therefore, Purchasing Services has notified Sysix Technologies LLC that it will recommend that the Board of Trustees reject the Sysix Technologies bid.

Information about the Abtech Systems, Inc. bid submittal is summarized in the following table:

<b>Bid Prices</b> (including delivery and off-loading; assembly; installation of the new equipment; training; configuration; testing; removal of all related packing materials and debris and applicable sales tax)	<b>Abtech Systems, Inc.</b>
Test & Development Platform	\$300,985.00
Luminus Platform	\$250,865.00
Production Platform	\$499,253.00
Backup & Recovery Platform	\$424,076.00
3 years start-up support Test & Development Platform	\$191,784.60
3 years start-up support Luminus Platform	\$80,704.00
3 years start-up support Production Platform	\$256,968.60
3 years start-up support Backup & Recovery Platform	\$184,220.00
<b>Total Three-Year Bid Price</b>	<b>\$2,188,856.20</b>

Further details are provided in the attachment.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **authorize the Director of Purchasing Services to execute a three-year contract with Abtech Systems, Inc. and to renew it for up to 7 additional years in accordance with Bid 1151.**

**22. Authorization to Award Contract Pursuant to Bid #1122-101 — Sciences 2/Forum 5000 Project**

The Measure C Sciences 2/Forum 5000 renovation project at Foothill College entails a thorough renovation of Building 5000, which houses two large lecture halls, faculty offices, men’s and women’s restrooms, and supporting functional spaces. The project will provide a new HVAC system; a new electrical system; upgraded fire alarm system; smart classroom infrastructure to support new teaching stations with state-of-the-art audio/visual equipment; lighting systems; and new interior and exterior finishes. Replacement of the building roof; abatement of hazardous materials; seismic upgrades; and ADA accessibility provisions, including a wheelchair lift, are also part of the project scope. Sugimura & Associates prepared the bid specifications. A complete set of all bid documents is on file in the Purchasing Services Department.

At its April 7, 2008 meeting, the Board approved a list of eight general contractors as pre-qualified to bid on the project. The bid was legally advertised to contractors on April 29 and May 6, 2008. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges and advertised in the Daily Pacific Builder as well as posted on “BidNet” at [www.govbids.com](http://www.govbids.com). Bids were publicly opened and read on June 5, 2008 in the Purchasing Services office. Three (3) of the eight pre-qualified contractors submitted bids, the results of which are summarized below:

**BID RESULTS**

<b>Contractor</b>	<b>Base Bid Proposal Amount</b>
<b>CRW Industries, Inc.</b>	<b>\$ 2,528,457</b>
Valhalla Builders & Developers, Inc.	\$ 2,754,000
John Plane Construction, Inc.	\$ 4,365,000

CRW Industries, Inc. is a pre-qualified contractor and the District checked its references during the pre-qualification process. Furthermore, CRW Industries and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The successful bid is within the project construction estimate of \$3,000,000. Measure C funds the project; however, the replacement of the building roof is partially funded by a 1:1 match of 2007-08 State Scheduled Maintenance funds in the amount of \$182,402. The funds received from the state must be expended by the District no later than May 15, 2009.

Director of Purchasing and Material Services Carmen Redmond recommends that the Board **authorize the Director of Purchasing Services to award a contract in the amount of \$2,528,457 in accordance with Bid Document 1121-101 to CRW Industries, Inc.**

### **23. Standard Form of Agreement with Gilbane-Maas for Measure C Bond Program**

Gilbane-Maas was awarded the initial contract for Program Management, Design Management, and Construction Management Services for the Measure C Bond Program in January, 2007. Initial Gilbane-Maas efforts have focused on working jointly with the District and colleges on program mobilization and development activities that have resulted in a Program Management System utilizing key program and project controls, policies and procedures. They have prepared the District to move forward with the implementation of the bond program.

The attached agreement for services includes these key program and project controls developed in concert with the District and colleges and engages Gilbane-Maas to implement the bond program as outlined in the agreement for the next fiscal year.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Standard Form of Agreement with Gilbane-Maas.**

### **24. Commissioning Services for Selected Measure C Projects**

On June 4, 2008 the District issued Request for Quote (RFQ) #1159 for LEED Building Commissioning Authority and Enhanced Commissioning Services for Various Major Measure C Bond Projects. The RFQ was posted on Bidnet and was also provided to several known firms that specialize in these services. On June 17, 2008, the District received responses to the proposal from the following eleven (11) firms:

- Cogent Energy, Inc.
- Engineering Economics, Inc.
- Enovity, Inc.
- Glumac
- GRD Energy
- Interface Engineering
- Jacobs
- Kitchell CEM
- P2S Engineering, Inc.
- TMAD Taylor & Gaines
- Rick Unvarsky Consulting Services, Inc.

A Selection Committee from the Office of Facilities, Operations, and Construction Management and select members of Gilbane/Maas reviewed all responses received. The Selection Committee included the following individuals:

Charles Allen, Executive Director of Facilities, Operations, & Construction Management  
Tom Armstrong, Measure C Bond Director De Anza College  
Art Heinrich, Measure C Bond Director, Foothill College  
Frank Nunez, Director of Facilities  
Jodi Soboll, Project Manager, Gilbane/Maas, Project Manager De Anza College

The Selection Committee deliberated regarding the quality of responses, the capacity of the firms, the regional proximity, ability to perform a range of services, as well as other evaluation criteria. The following respondent firms were selected, based upon their qualifications and rate schedules.

Cogent Energy  
Engineering Economics, Inc.  
Enovity  
Rick Unvarsky Consulting Services

The Selection Committee selected these commissioning firms to be included in a “Commissioning Agency Pool.” The range of services from these commissioning firms ranges from a very small Leadership in Energy & Environmental Design (LEED™) specialist to larger and quite diverse engineering teams to support full campus commissioning services.

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends that the Board **approve the list of four (4) firms to be included in a Commissioning Agency Pool and authorize him to negotiate contracts for commissioning services on an as-needed basis.**

MJK:jco