



BOARD OF TRUSTEES

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

August 25, 2008

Closed Session: 5:00 p.m.
Chancellor's Office

Public Session: 6:00 p.m.
District Board Room

*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.*

AGENDA

Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session

CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of Case: Friends of the Griffin House v. Foothill-De Anza
Community College District

CONFERENCE WITH PROPERTY NEGOTIATORS

Under Negotiation: Price and terms of payment
Agency Negotiator: Kevin Crawford, Andy Dunn and John Shupe

Property: 4000 Middlefield Road, Palo Alto, CA 94303
Negotiating Parties: City of Palo Alto

Property: 100-200 Evelyn Avenue, Mt. View, CA 94041
Negotiating Parties: PSAI Realty Partners

Property: 189 N. Bernardo Avenue, Mt. View, CA 94043
Negotiating Parties: Cornish & Carey Commercial

CONFERENCE WITH LABOR NEGOTIATOR

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

Public Session

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

APPROVAL OF MINUTES

August 4, 2008

AUDIT & FINANCE COMMITTEE REPORT

CORRESPONDENCE

PUBLIC HEARING

**INFORMATION
ACTION**

**INFORMATION
INFORMATION
INFORMATION**

Open Negotiations for 2008-2011 *Agreement* between the District and
SEIU, Local 521, Unit 1 (**Novotny x6211**)

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

1. [Ratifications of Contracts and Agreements \(Dunn x6104\)](#)
2. [Ratification of Enterprise B Warrants Greater Than \\$5,000: April-June, 2008 \(Dunn x6201\)](#)
3. [Revision to Board Policy 9200 – Conflict of Interest \(second reading\) \(Kanter x6104\)](#)
4. [Appointment of Chief Negotiators \(Novotny x6211\) \(See Public Memo for backup\)](#)
5. [Termination of Parking Citation Processing Services Contract with Data Ticket, Inc. \(Bailey x6165\) \(See Public Memo for backup\)](#)
6. [Authorization of Agreement with Turbo Data Systems, Inc. for Parking Citation Processing Services \(Bailey x6165\)](#)
7. [Microsoft Campus Agreement \(Sherman x6120\)](#)
8. [Personnel Actions as Follows: \(Novotny x6211\)](#)
 - Employment – Shawna Aced, Foothill Registrar
 - Stipend for Additional Duties – Don Dorsey, Foothill Dean
 - Temporary Salary Increase for Additional Duties – Jeanine Hawk, De Anza Vice President
 - Employment – Mark J. Larson, De Anza Instructor
 - Resignation – Jewell Renee McGinley, De Anza Counselor
9. [Human Resources Report. \(Novotny x6211\)](#)

BUSINESS AND FINANCE/FACILITIES

10. [Multi-Year Budget Planning \(Dunn x6201\)](#) **INFORMATION**
11. [Public Hearing: 2008-09 Budget \(Dunn x6104\)](#) **INFORMATION**
12. [Valley Transportation Authority Bus Stop on De Anza College Campus \(Hawk x8976\)](#) **ACTION**

MEASURE E PROJECTS

- 13. **Measure E Consent Calendar (Allen x6150)** **ACTION**
 - A) Change Order #1 (Master Landscaping) – JJ Nguyen, Inc.
 - B) Revision #8 (Visual and Performing Arts) – DES Architects
 - C) Change Order #10 (Visual and Performing Arts) – S.J. Amoroso
 - D) Budget Transfer DA #65

- 14. **District and Community Center Building: Certification of Final Study/Mitigated Negative Declaration and Approval of Project (Allen x6150)** **ACTION**

MEASURE C PROJECTS

- 15. **Measure C Consent Calendar (Allen x6150)** **ACTION**
 - A) Agreement (Roundabout and Lots) – Sandis
 - B) Agreement (Sports Field) – Verde Design
 - C) Agreement (Campus Irrigation) – Cleary Consultants
 - D) Agreement (Foothill) – Cleary Consultants
 - E) Agreement (Foothill) – Allana Buick + Bers
 - F) District and Campus Standards (*See Public Memo for backup*)
 - G) Commissioning Services Agreement – Enovity
 - H) Commissioning Services Agreement – Cogent Energy
 - I) Consulting Services (Visual and Performing Arts) – Shalleck Collaborative
 - J) Communication Plan for CEQA Study – Placemakers

- 16. Increase in Spending Authorization for Contract with Kruger International — **ACTION**
De Anza College Classroom and Office Furniture (**Bailey x6165**) (*See Public Memo for backup*)

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

September 8, 2008 — Regular Meeting
Approval of 2008-09 Budget
Quarterly Listing of District Investments

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: August 19, 2008

RE: Public Session, **August 25, 2008**

PUBLIC HEARING

Open Negotiations for 2008-2011 *Agreement* between the District and SEIU, Local 521, Unit 1

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and SEIU, Local 521 for Unit 1 propose to begin negotiations on a new contract for November 1, 2008 through October 31, 2011. All Articles of the current *Agreement* are open.

Both parties reserve the right to make proposals on all articles.

This Public Hearing affords members of the public the opportunity to express themselves regarding this matter.

CONSENT CALENDAR

1. 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.**

2. Ratification of Enterprise B Warrants Greater Than \$5,000: April-June, 2008

Presented to the Board for ratification are the B Warrants greater than \$5,000 for the following funds:

- 1) De Anza Enterprise Funds for the months of April, May and June, 2008;
- 2) Foothill Bookstore Funds for the months of April, May and June, 2008;
- 3) Flint Center funds for the months of April, May and June, 2008.

A list of all B Warrants is available for public viewing in the Chancellor's Office. Vice Chancellor of Business Services Andy Dunn recommends **ratification**.

3. Revision to Board Policy 9200 – Conflict of Interest

Every two years, as required by the Fair Political Practices Commission, public agencies must update their Conflict of Interest policies which list the "designated positions" deemed to fall within the reporting requirements for annual statements of economic interest. District staff has reviewed the Board's current policy and determined that three corrections must be made to the list of designated positions: delete "Director of Construction Program Management," a position which no longer exists; change a title to "Dean of Learning Resources, De Anza"; and add "Dean of Faculty and Staff, Foothill" since the oversight of the library has been shifted from the vice president to that position. In addition, language has been revised to clarify that the list is comprised both of employees and non-employees. The revisions, once approved by the Board, must be submitted to the County of Santa Clara by October 31, 2008. The revised policy was for a first reading on August 4, 2008 and is now presented for approval.

Chancellor Martha Kanter recommends **approval**.

4. Appointment of Chief Negotiators

In accordance with Board Policy 2610.2, the Board is requested to approve the following administrators to meet and confer or meet and negotiate with recognized employee organizations:

Kim Chief Elk, Director of Human Resources
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity

Chancellor Martha Kanter recommends **approval**.

5. Termination of Parking Citation Processing Services Contract with Data Ticket, Inc.

On November 6, 2006, the Board authorized Purchasing Services to enter into a three-year agreement for parking citation processing services pursuant to Bid 1031 with Data Ticket, Inc. The contract agreement is effective from January 1, 2007 through December 31, 2009.

Paragraph 1.05 of the agreement provides for the following: “The District may terminate this contract at any time for any reason by providing 30 days notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all work provided to the date of termination.”

The Board is requested to authorize the Purchasing Services Supervisor to notify Data Ticket, Inc. of its intent to terminate the agreement in accordance with Paragraph 1.05. The termination date would be effective no less than 30 days from the date specified in the notice and Data Ticket, Inc. shall be paid for any services received through the date of termination. District legal counsel John Shupe has reviewed the agreement with Purchasing Services and District Police Department staff.

District Police Chief Ron Levine and Purchasing Services Supervisor Gina Bailey recommend that the Board **authorize the Purchasing Services Supervisor to notify Data Ticket, Inc. of the District’s termination of the agreement for parking citation processing services, in accordance with Paragraph 1.05.**

6. Authorization of Agreement with Turbo Data Systems, Inc. for Parking Citation Processing Services

Parking citation processing is an extremely important operation within the District Police Department and is a source of revenue for the District. The District Police Department issues between 17,000 and 18,000 parking citations annually.

On November 6, 2006, the Board authorized Purchasing Services to enter into a three-year contract agreement pursuant to Bid 1031 with Data Ticket, Inc. for parking citation processing services. Bids were received only from Data Ticket, Inc. and Turbo Data Systems, Inc. The Board has since been asked for authorization to terminate the agreement with Data Ticket, Inc.

Turbo Data Systems, Inc. has agreed to honor their pricing as indicated in their original bid document, except that they request to add 3 cents per item to cover the increase in postage fees (see attached). Turbo Data Systems, Inc. has provided parking citation processing services to the District in the past and those services were satisfactory.

District Police Chief Ron Levine requests that the Board approve a contract agreement with Turbo Data Systems, Inc. for parking citation processing services for the period effective prior to the start of Fall Quarter 2008 and through no later than December 31, 2009. A copy of the draft agreement is attached. Police Department staff will work with Purchasing Services staff to develop new bid specifications based upon their needs and Purchasing Services will issue a new bid for those services.

District Police Chief Ron Levine and Purchasing Services Supervisor Gina Bailey recommend that the Board **authorize entering into an agreement for parking citation processing services with Turbo Data Systems, Inc.**

7. Microsoft Campus Agreement

The Foundation for the California Community Colleges (FCCC) negotiates special pricing on behalf of the California Community Colleges for software and hardware products. The District participates in the Microsoft Campus Agreement plan through the FCCC, which allows the District to purchase an annual site license agreement for Microsoft products at a substantially reduced price based on FTE faculty/staff count, less the percentage of faculty on overload teaching status and reduced by the number of faculty and staff on leave. The average cost savings compared to the normal Academic or Select license is approximately 60-70%. It provides a 20% reduction in the license cost from the retail group purchase price.

ComputerLand of Silicon Valley is the vendor that administers this program. The cost to the District for this year is \$86,449.50 based on a Foothill College cost of \$33,945.00 and a De Anza cost of \$52,504.50. This is the first year of a three-year contract the FCCC has with Microsoft. The agreement also allows District employees to purchase selected Microsoft applications for their personal use at a substantially reduced price through the FCCC.

Because the purchase is through the FCCC, there is no need to participate in a formal bid process. The term of the contract will be October 1, 2008 through September 30, 2009.

Vice Chancellor of Technology Fred Sherman recommends that the Board **approve purchase of the Microsoft Campus Agreement from ComputerLand of Silicon Valley for the amount of \$86,449.50.**

8. Personnel Actions

<i>Name:</i>	Shawna Aced	
<i>Position:</i>	Registrar	
<i>College:</i>	Foothill College	
<i>Division:</i>	Counseling and Student Services	
<i>Action:</i>	Employment	
<i>Effective Date:</i>	August 1, 2008	<i># of Months:</i> 12
<i>Compensation:</i>	Level G, Step 1 @ \$7,078.49 per month	

Name: **Don Dorsey**
Position: Dean of Student Affairs and Activities
College: Foothill College
Division: Student Development and Instruction
Action: **Stipend for Additional Duties**
Effective Date: January 7, 2008 through June 10, 2008
Compensation: \$1,200

Name: **Jeanine Hawk**
Position: Vice President
College: De Anza College
Division: Finance and College Services
Action: **Temporary Salary Increase for Additional Duties**
Effective Dates: January 1, 2008 through June 30, 2009
Compensation: 8% adjustment
Comments: In accordance with Chapter III of the Administrators Handbook

Name: **Mark J. Larson**
Position: Instructor
College: De Anza College
Division: Applied Technologies
Action: **Employment**
Effective Date: September 18, 2008
Compensation: Column I, Step A @ \$5,264.08 per month # of Months: 10

Name: **Jewell Renee McGinley**
Position: Counselor
College: De Anza College
Division: Counseling
Action: **Resignation**
Effective Date: August 1, 2008

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

9. 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**.

BUSINESS AND FINANCE/FACILITIES

10. Multi-Year Budget Planning

In response to the Board's desire to implement multi-year budget planning, the staff has made presentations to the Board on a number of different occasions highlighting potential changes in major revenue and expense variables and their effect on a balanced budget. The latest update to this planning exercise is attached for review with the Board as an information item.

The multi-year budget model does include three scenarios illustrating the effects of COLA (cost of living adjustment) on the operating deficit:

- COLA applied to revenue only
- COLA applied to revenue and expenses
- No COLA applied to revenue or expenses

Please note that future COLA estimates (included) have been taken from School Services of California and are estimates only.

As illustrated in these scenarios, the FY 2008-09 deficit has been addressed with the following one-time solutions:

- Unrestricted ending fund balance including savings from health benefits from FY 2007-08 which were retained in the General Fund as well as other unrestricted ending fund balance.
- Budgeted transfers from the Internal Service Fund (Fund 61), approximately \$1.5M, to offset projected increases in health benefit costs between FY 2007-08 and 2008-09.
- The Adopted Budget anticipates that the colleges and Central Services will contribute approximately \$2.53 million from their restricted carryovers. If the governor signs into law the backfill of property tax for FY 2007-08 (approximately \$2 million for Foothill-De Anza), this money will be used to offset the operating deficit, and the contributions from the colleges and Central Services will be reduced accordingly.

Looking ahead, the current modeling for FY 2009-10 shows an operating deficit ranging from \$3.3 million to \$10.5 million in the first year, depending on the impact of COLA. If a COLA is received from the state on revenue and not passed through for salaries or other operating expense increases, then the deficit could be as small as \$3.3 million. However, if it is assumed that salaries were to increase in rough proportion to a state revenue COLA, then the deficit would be in the magnitude of \$10.5 million.

In addition to the Multiyear Budgeting Scenarios, the Board is provided with a Summary of the FY 2007-08 General Fund Ending Balance indicating all restrictions on carryover and

sources and uses of the ending fund balance (i.e., how it will be used to close the FY 2008-09 \$7.9 million deficit). This summary indicates that the District may have some one-time money to help offset the FY 2009-10 operating deficit. However, the use of this carryover will severely limit the District's and colleges' budget plans and the colleges' growth initiatives approved by the Board of Trustees in FY 2006-07.

11. Public Hearing: 2008-09 Budget

In accordance with Title 5 Section 58301, the governing board is required to hold a public hearing on the adoption of the 2008-09 proposed budget of the District for the year ending June 30, 2009. The Board will be asked to officially adopt the budget at its meeting of September 8, 2008.

12. Valley Transportation Authority Bus Stop on De Anza College Campus

De Anza College and Valley Transit Authority (VTA) have agreed for placement of a bus stop on the north side of campus. The bus stop is a thoughtful and creative way to get students onto the campus by developing a bus stop on the north side of campus to serve VTA route 23. This route transports the majority of student riders and will provide a safe and proximate drop-off. The bus stop will be fully developed by VTA without the use of any college funds.

As such, staff is asking the Board of Trustees to take the following actions per Section 4-310, Part 1, Title 24, California Code: A) adopt a resolution stating that the public bus stop will not be entered by students and teachers for educational purposes; and B) adopt a resolution that that the public bus stop will not be used for school purposes. A sign will be posted on the structure by VTA pursuant to Section 17368 of the Education Code and fencing will surround the structure.

De Anza President Brian Murphy recommends that the Board **adopt Resolution #2008-16 stating that the public bus stop constructed by VTA on the De Anza Campus will not be entered by students and teachers for educational purposes and will never be used for school purposes.**

MEASURE E PROJECTS

13. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$146,560.

- A.** *Title:* Change Order #1
Vendor: JJ Nguyen, Inc.
Agreement Date: May 29, 2008
Campus: De Anza College
Project No.: 237
Project Name: Master Landscaping Phase I
Amount: \$45,259
For: Construction changes including pipe and trench revisions to accommodate vehicular traffic over lines and shallow utility crossings, installation of water pressure regulators, redwood stump removal, and increasing the size of trees in the L-Quad and S-Quad.
Action: Ratification
- B.** *Title:* Revision #8 to Standard Form of Agreement
Vendor: DES Architects & Engineers, Inc.
Agreement Date: January 17, 2006
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$10,340
For: Additional design, documentation, construction administration services required for exterior signage at the new building.
Action: Ratification

C. Title: Change Order #10 to Agreement
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 29, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$90,961
For: Change Order #10 includes several negotiated construction scope revisions to the Prime Contract Agreement between with S.J. Amoroso Construction Company for De Anza Measure E Project #765-209. These changes are required to complete the construction of this project and include the following items: revised connection details for roof deck to exterior and interior full-height walls, additional wall furring and ceiling framing to conceal structural steel and utility lines, waterproofing detail work at mechanical screen walls and canopies, upgraded infrastructure and controls for future mechanized theater rigging, new exterior aluminum trellis, hydronic utility equipment replacement, and minor casework revision.

The total change orders to date (including Change Order #10) will amount to \$388,726. This will equal 2.75% of the original contract amount. This change order does not alter the original contract completion date of September 21, 2008.

Action: Approval

- D. Title:** Budget Transfer DA #65
Campus: De Anza College
For: Budget Transfer DA #65 includes Program Contingency to Project Transfer and realizes changes to Funding Sources. These actions reflect a joint effort by De Anza College, the District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza College. Budget Transfer DA #65 transfers available funds from the Program Contingency to the E1 Auto Tech Project for additional design efforts required for the project beyond what was negotiated initially. Budget Transfer DA #65 recognizes a new funding source “Performance Hall – Local Fundraising (Foundation)” for the Performance and Lecture Hall Project and also recognizes a change to existing funding source Print Shop Funding.
- The total revised Measure E Program Contingency will be decreased as a result of this transfer to a revised total of \$530,887, which represents 11.68% of the current revenue balance to complete all active and planned De Anza Measure E Projects.
- Action:** Ratification

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

14. District and Community Center Building: Certification of Final Study/Mitigated Negative Declaration and Approval of Project

The attached Final Initial Study/Mitigated Negative Declaration (IS/MND) is provided for Board certification in accordance with California Environmental Quality Act requirements. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was sent as certified mail to interested parties from the District’s neighborhood residents list. The NOI contained information on where the Draft IS/MND could be reviewed on-line or in person at the District offices. The NOI and a copy of the IS/MND were also sent to agencies on the District’s agencies list. The NOI was mailed certified from Oakland, California on May 16, 2008. The NOI was submitted to the Santa Clara County Clerk’s Office and was confirmed by the Office as posted from May 19 through June 18, 2008.

The Project was originally defined in a Draft Environmental Impact Report (EIR) dated June 2004, and a Final Environmental Impact Report dated June 2005, identified together by the State Clearinghouse number SCH #2004052082. A full discussion of the historical significance of the Griffin House is set forth in the certified “Foothill College Projects” Program EIR dated March 2002, and in the certified “District and Community Center Building and Parking Lot 1H” EIR dated June 2005.

The attached Final IS/MND addresses the potential environmental effects of amending the original project definition to delete from it any physical alteration or demolition of the Griffin House, and to build to the east of the Griffin House site a smaller administration building of approximately 14,000 square feet in gross floor area. The new building would be separated from the Griffin House by a landscaped courtyard area. The District proposes to continue its ongoing maintenance program for the Griffin House. The IS/MND sets forth the factual basis for a conclusion that the proposed project will not significantly adversely affect the Griffin House's historical significance.

Based on California Environmental Quality Act (CEQA) guidelines, there would be no significant environmental effects. Additionally, all mitigation measures required in the IS/MND are feasible.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **certify the Final Initial Study/Mitigated Negative Declaration for the District and Community Center Building and approve the District and Community Center Building project.**

MEASURE C PROJECTS

15. Measure C Consent Calendar

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$59,880.

A. Title:	Professional Services
<i>Vendor:</i>	Sandis
<i>Agreement Date:</i>	August 7, 2008
<i>Campus:</i>	Foothill College
<i>Project No.:</i>	162B
<i>Project Name:</i>	Roundabout and Parking Lot 8
<i>Amount:</i>	\$4,680
<i>For:</i>	Provide professional services to design, document for construction and construction administration. The funding is included in the current budget.
<i>Action:</i>	Ratification

- B.** *Title:* Professional Services
Vendor: Verde Design, Inc.
Agreement Date: August 5, 2008
Campus: Foothill College
Project No.: 142
Project Name: Sports Field Feasibility Study
Amount: \$16,900
For: Provide solutions depicting the best field arrangement for baseball soccer, softball, and the supporting field amenities. In addition, provide a conceptual budget substantiating the cost of construction the sports fields.
Action: Ratification
- C.** *Title:* Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: August 7, 2008
Campus: Foothill College
Project No.: 129
Project Name: Campus Irrigation main Phase II
Amount: \$4,000
For: Provide soil engineering services during construction. The funding is included in the current budget.
Action: Ratification
- D.** *Title:* Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: August 11, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000
Amount: \$3,600
For: Provide professional services including on-site observations and field density testing for Forum 5000.
Action: Ratification
- E.** *Title:* Professional Services
Vendor: Allana Buick + Bers
Agreement Date: August 8, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000
Amount: \$12,700
For: Provide construction monitoring services for Forum 5000. The funding is included in the current budget.
Action: Ratification

F. Title: District Standards and Campus Standards

For: In order to establish design and construction consistency, operational efficiency and maintainability, while ensuring first class teaching and learning facilities, FHDA would like to standardize the following vendors to provide the best value for expenditure that are aligned with the Foothill-De Anza Community College District's long range goals.

These standard product lines do not diminish or eliminate the standard of care owed by a consultant to FHDA or relieve, in any manner whatsoever, a consultant from any professional responsibility, duty or due diligence required toward the work.

Standard 001 – District-wide - Schlage (Door Locks)

Standard 002 – District-wide - Novar (Building Automation System/Controls)

Standard 003 – District-wide - Rainmaster (Irrigation Controls)

Standard 004 – De Anza Campus – Gamewell (Fire Alarm System)

Standard 005 – Foothill Campus – Siemens (Fire Alarm System)

California Public Contract Code Section 3400 identifies situations in which “sole sourcing” is allowed for a particular material, product, thing, or service as documented below.

Since FHDA currently utilizes these products, it is recommended that the Board find that these products are to be specified for all FHDA projects in accordance with Section 3400(b)(2), “In order to match other products in use on a particular public improvement either completed or in the course of completion.”

Action: Approval

G. Title: Commissioning Services – Master Agreement
Vendor: Enovity
Campus: De Anza College
Project No.: Multiple Projects
Project Name: Multiple Projects
For: In May 2008, the District issued RFQ #1159 for Commissioning Services related to Measure C Project(s); 11 firms responded. A team from the Office of Facilities, Operations, & Construction Management and select members of Gilbane-Maas reviewed all responses received, deliberated as to 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 factors. The Selection Committee selected four Commissioning firms to be included in a “Commissioning Agency Pool.” The services from these commissioning firms range from a very small Leadership in Energy & Environmental Design (LEED™) specialist to larger and quite diverse engineering teams to support full campus commissioning services.

The Contract for Services was presented to each of the firms in the RFQ and all firms agreed to the use of this Contract. The Board was presented with this information at the July 7, 2008 Board meeting and authorized negotiations with these firms. By utilizing a group of firms, specific projects can be assigned to one or more of the firms on an as-needed basis and will more appropriately reflect the suitability of matching the requirements of each project to the size and ability of the selected firm/s.

This Master Agreement Contract will establish the baseline for commissioning services for the Measure C projects with one of the firms, Enovity. Each individual project will be contracted separately under a Project Authorization Amendment (PAA) to this Master Agreement Contract and each PAA will be presented at future Board meetings for review and approval.

Action: Approval of Master Agreement

H. Title: Commissioning Services – Master Agreement
Vendor: Cogent Energy
Campus: De Anza College
Project No.: Multiple Projects
Project Name: Multiple Projects
For: In May 2008, the District issued RFQ #1159 for Commissioning Services related to Measure C Project(s); 11 firms responded. A team from the Office of Facilities, Operations, & Construction Management and select members of Gilbane-Maas reviewed all responses received, deliberated as to 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 factors. The Selection Committee selected four Commissioning firms to be included in a “Commissioning Agency Pool.” The services from these commissioning firms range from a very small Leadership in Energy & Environmental Design (LEED™) specialist to larger and quite diverse engineering teams to support full campus commissioning services.

The Contract for Services was presented to each of the firms in the RFQ and all firms agreed to the use of this Contract. The Board was presented with this information at the July 7, 2008 Board meeting and authorized negotiations with these firms. By utilizing a group of firms, specific projects can be assigned to one or more of the firms on an as-needed basis and will more appropriately reflect the suitability of matching the requirements of each project to the size and ability of the selected firm/s.

This Master Agreement Contract will establish the baseline for commissioning services for the Measure C projects with one of the firms, Cogent Energy. Each individual project will be contracted separately under a Project Authorization Amendment (PAA) to this Master Agreement Contract and each PAA will be presented at future Board meetings for review and approval.

Action: Approval of Master Agreement

- I. Title:** Consulting Services
Vendor: The Shalleck Collaborative, Inc.
Agreement Date: August 13, 2008
Campus: De Anza College
Project Name: Visual and Performing Arts Center – Group II Equipment & Theater
Amount: \$18,000
For: The Visual & Performing Arts Center at De Anza College is currently under construction and will incorporate specific theater components into the current design with Group II equipment for which the District is currently soliciting bidders. Several of the theater elements were developed through the architect and their consultants, including stage draperies, production lighting, cinema screen, stage rigging and orchestra shell packages. The infrastructure for those packages was included in the base construction contract and is quickly being completed by the contractor.
- The coordination and review of those elements during construction were limited to minimum oversight of the designed infrastructure for those elements through contracts between the theater consultants and the architect. The effort to manage the installation and the evaluation/check-out of the District-supplied Group II theater components were not contracted through the architect's contract with the theater consultants. Since the District will contract for these added components in Group II separately, no services were previously included by the architect.
- This contract with The Shalleck Collaborative, Inc. will be for the Construction Administration and operational verification with the architect's theater consultant to maintain continuity with the design efforts and will take these project components through final check-out. This contract will support the current design and the upcoming Group II work for the noted elements.
- Action:** Ratification

- J. Title:** Communication Plan for CEQA Study
Vendor: Placemakers
Campus: De Anza College
Project No.: Historical Buildings
Project Name: Visual and Performing Arts Center – Group II Equipment & Theater
- For:* This information item provides the proposed calendar to complete the public review process for the CEQA study of the two historical buildings at De Anza College: the East Cottage and Winery Building. Due to the rehabilitation and reconstruction program currently under design for these two buildings, an Initial Study was performed and the assessment has indicated that a Mitigated Negative Declaration would be prepared.
- The consultants, Placemakers, performed their evaluations and have prepared their Administrative Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program. They will submit for public review and comment. A community meeting will be held to review the findings and discuss the Mitigated Negative Declaration and Mitigation Monitoring Program. The attached schedule indicates the timeline of these efforts.
- Action:* Information Only

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

16. Increase in Spending Authorization for Contract with Kruger International — De Anza College Classroom and Office Furniture

On June 16, 2008, the Board authorized Purchasing Services to issue purchase orders to Kruger International (KI) pursuant to Public Contract Code 20652 based upon the County of Alameda contract for classroom and office furniture. Public Contract Code 20652 provides that the District may utilize contracts that have been awarded by other public entities. At that time, De Anza College staff anticipated that it would spend approximately \$400,000 with KI during fiscal year 2008-09. However, they have since had an opportunity to further evaluate the college furniture requirements. Staff has identified and assessed the need to upgrade furniture in thirty-five (35) classrooms and provide ergonomically correct furniture for seventy (70) faculty and staff members. To complete the classroom upgrades and purchase the ergonomically correct furniture, De Anza College is requesting an increase of \$350,000 on top of the \$400,000 spending authorization that the Board authorized on June 16. Measure C will fund these purchases; however, none of these purchases will be for the Measure C large capital projects.

Purchasing Services Supervisor Gina Bailey and De Anza Director of College Services Donna Jones-Dulin recommend that the Board **approve an increase in the spending**

authority for up to an additional \$350,000 of classroom and office furniture and authorize the District Purchasing Services Supervisor to issue Purchase Orders for De Anza College pursuant to Public Contract Code 20652 and the County of Alameda contract through the contract expiration date or through June 30, 2009, whichever is sooner.

MJK:jco