



BOARD OF TRUSTEES

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

September 8, 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 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
- Property: 21265-21269 Stevens Creek Blvd., Cupertino, CA 95014
- Negotiating Parties: Homeland Management, Inc.

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE

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

INFORMATION

APPROVAL OF MINUTES

ACTION

August 25, 2008

FOUNDATION BOARD REPORT

INFORMATION

CORRESPONDENCE

INFORMATION

PUBLIC HEARING

INFORMATION

Open Negotiations for 2008-09 between the District and CSEA,
Chapter 96

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. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
2. [Ratification of Bookstore Purchases \(Quinonez x6250\)](#)
3. [Listing of District Investments as of June 30, 2008 \(Dunn x6201\)](#)
4. [Approval of Contract Titled *State of California Department of General Services Natural Gas Services Program Gas Services Agreement* \(Allen x6150\)](#)
5. [Sale of Miscellaneous Surplus District Electronic Equipment \(Bailey x6165\)](#)
6. [Sale of Surplus Digital \(Electronic\) Pianos \(Bailey x6165\)](#)
7. [Changes to the 2008-09 Foothill College Curriculum \(Graham x7156\)](#)
8. [Personnel Actions as Follows: \(Novotny x6211\)](#)
 - Employment – Gabriel E. Buenrostro, Foothill Acting Director
 - Employment Assignment Change – Judith Clavijo, De Anza Instructor
 - Employment – Christina Espinosa-Pieb, De Anza Interim Vice President
 - Employment – Esther Halwani, De Anza Counselor
 - Employment – Christine E. Magnin, De Anza Instructor
 - Reduction in Contract to 50% – Vivie Sinou, Foothill Dean
 - Resignation – Vivie Sinou, Foothill Dean
 - Resignation for Purpose of Retirement – Richard H. Wood, De Anza Instructor
9. [Human Resources Report \(Novotny x6211\)](#)

BOARD BUSINESS

10. [Trustee Selection and Appointment Process \(Kanter x6104\)](#) **ACTION**

BUSINESS AND FINANCE/FACILITIES

11. [Adoption of 2008-09 Budget \(Dunn x6201\)](#) **ACTION**
12. [Authorization to Award Contract Pursuant to Bid 1050 — Multimedia Equipment and Installation \(Bailey x6165\)](#) **ACTION**

MEASURE E PROJECTS

- 13. [Measure E Consent Calendar \(Allen x6150\)](#) ACTION
 - A) Revision #1 (VPAC) – Cleary Consultants
 - B) Budget Transfer #49 – Foothill College
- 14. [Revision #2 to Project Assignment Amendment 2B — Renovation of Multicultural Center, De Anza College \(Allen x6150\)](#) ACTION
- 15. [Revision #2 to Project Assignment Amendment 2C — Renovation of Multicultural Center, De Anza College \(Allen x6150\)](#) ACTION

MEASURE C PROJECTS

- 16. [Measure C Consent Calendar \(Allen x6150\)](#) ACTION
 - A) PAA #1 (Multicultural Center) – Enovity, Inc.
 - B) PAA #2 (East Cottage) – Enovity, Inc.
 - C) PAA #3 (Seminar) – Enovity, Inc.
 - D) PAA #4 (Multicultural Center) – Enovity, Inc.
 - E) Agreement (various) – Environmental Construction Services
 - F) PAA #1 (Mediated Learning Center) – Environmental Construction Services
 - G) PAA #2 (Seminar) – Environmental Construction Services
 - H) PAA #3 (Baldwin Winery) – Environmental Construction Services
 - I) PAA #4 (East Cottage) – Environmental Construction Services
 - J) Campus Surveying (Parking and Circulation) – Telamon Engineering
 - K) Design Services (Sports Complex) – Verde Design
 - L) Civil Engineering and Surveying (various) (*See Public Memo for backup*)
 - M) Professional Services (Fire Alarm) – Ralf W. Schmidmeier
 - N) PAA #5 (HVAC Improvement) – Enovity, Inc.
- 17. [Amendment to Educational Information System Contract \(Shih x6139\)](#) ACTION
- 18. [Measure C Project List Revision: Central Services Budget Transfer #04, Foothill Budget Transfer #06, De Anza Budget Transfer #07 \(Allen x6150\)](#) ACTION
- 19. [Authorization to Award Contract for Bid 1161 — Visual and Performing Arts Center Draperies and Production Lighting, De Anza College \(Bailey x6165\)](#) ACTION
- 20. [Authorization to Award Contract for Bid 1162 — Visual and Performing Arts Center Cinema Projection Screen, De Anza College \(Bailey x6165\)](#) ACTION
- 21. [Authorization to Award Contract for Bid 1165-125 — Mainline Irrigation, Foothill College \(Bailey x6165\)](#) ACTION
- 22. [Authorization to Award Contract for Bid 1166 — Visual and Performing Arts Center Audiovisual Systems, De Anza College \(Bailey x6165\)](#) ACTION
- 23. [Contract with Salas O’Brien Engineers, Inc. — De Anza Project #766241, Phase II S2/S6 Central Plant \(Allen x6150\)](#) ACTION

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

October 6, 2008 — Regular Meeting
Mid-Term Accreditation Report
October 20, 2008 — Regular Meeting
PAA Awards

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: September 3, 2008
RE: Public Session, **September 8, 2008**

PUBLIC HEARING

Open Negotiations for 2008-09 between the District and CSEA, Chapter 96

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and CSEA, Chapter 96 propose to reopen negotiations on the current *Agreement* (January 1, 2007 through December 31, 2009). CSEA proposes changes to Articles 5, 6, 12 and 16. Both parties reserve the right to add, alter, or delete any of the above proposed 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 Bookstore Purchases

Pursuant to Education Code 70902(d), the purchases of the Foothill and De Anza Bookstores are submitted for ratification. The figures listed are the estimated purchases of merchandise for resale or for services through June 30, 2009. These estimates are based on a review of the total payments to all vendors during fiscal year 2007-08, along with any anticipated vendor changes and sales increases/decreases for the year. Controller Hector Quinonez recommends **ratification of the Bookstore purchases as presented.**

3. Listing of District Investments as of June 30, 2008

Provisions with SB 564 require local agencies to report all external investments on a quarterly basis. In accordance with the aforementioned requirement, attached is a listing of the District's investments as of June 30, 2008.

The District invested its cash, \$98,811,485.29, on June 30, 2008 in the County's Commingled Investments Pool. As of June 30, 2008, the current yield on the commingled investments pool was 3.57%. As a comparison for the same time period, the yield on a 90-day Treasury Bill was 1.73%; the yield on a 6-month Treasury Bill was 2.15%; and the Local Agency Investment Fund (LAIF) was 2.78%.

In addition, the proceeds from the sale of the Election of 2006 General Obligation Bonds, Series A and B were transferred from US Bank to County Treasury. As of June 30, 2008, the County Treasury held various securities totaling \$250,251,544.88 for Measure C Project Fund. The yield of the securities ranges from 3% to 7.25% with maturity date ranges from July 30, 2008 to March 15, 2012.

4. Approval of Contract Titled *State of California Department of General Services Natural Gas Services Program Gas Services Agreement*

In July 1997, the District entered into an agreement with the State of California Department of General Services Procurement Division DGS Natural Gas Program for the supply of natural gas to each of the main campus accounts. This program is designed to aggregate the natural gas requirements from a wide variety of state institutions and provide the corresponding economies of scale to individual agencies. The program is well managed and has consistently delivered natural gas at rates significantly below that of PG&E. This agreement was renewed in February 2001 and provided for automatic 12-month extensions each year unless terminated by either party. That agreement has remained in effect until the present.

Since the last renewal in February 2001, the Natural Gas Services Program has updated their Gas Services Agreement format and has requested that the District sign the agreement on the new format to replace the outdated format. The Executive Director of Facilities, Operations & Construction Management also recommends selecting the multi-year, five-year termination notice gas delivery option. The District has been satisfied with the Natural Gas Services Program's performance over the past 11 years and the five-year termination notice allows the District to receive gas deliveries from the five-year futures pool. The five-year futures pool has a dampening affect on price volatility, allowing for more predictable budgeting. The total expenditures for natural gas for FY 2007-08 were \$1,042,780.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends **approval of this agreement.**

5. Sale of Miscellaneous Surplus District Electronic Equipment

The District has approximately 20 pallets of computers, monitors, and printers, and miscellaneous electronic equipment (see attached). Educational Technology Services (ETS) has determined that the items are obsolete and of no further use to the District. De Anza College Occupational Training Institute (OTI) and the De Anza Associated Student Body (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 and other electronic items 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.

Purchasing Services Supervisor Gina Bailey recommends that the Board **make a finding that the property does not exceed \$5,000 in value and authorize the Purchasing Services Supervisor to sell the items in accordance with Education Code 81452(a).**

6. Sale of Surplus Digital (Electronic) Pianos

The District has twenty-five (25) Roland digital pianos that are over twenty years old, in poor condition, and of no further use to the District (see attached). The estimated aggregate market value is less than \$5,000.

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 call for competitive bids on PublicSurplus.com. Public Surplus is a government surplus auction system that has been developed for public agencies. Public Surplus is similar to eBay and allows anyone to register free on the website for the purposes of bidding. However, if an item sells, the District pays a seller's

fee to Public Surplus equal to 7% of the final selling price. Purchasing Services will sell the property to the highest responsive bidder. Net proceeds will be deposited into the District General Fund.

Purchasing Services Supervisor Gina Bailey recommends that the Board, in accordance with Education Code 81452(a), **make a finding that the property does not exceed \$5,000 in value and authorize the Purchasing Services Supervisor to sell the digital pianos.**

7. Changes to the 2008-09 Foothill College Curriculum

The Board is requested to approve changes made to the Foothill College curriculum during the 2008-09 year. Foothill President Judy Miner recommends **approval**.

8. Personnel Actions

Name: **Gabriel E. Buenrostro**
Position: Acting Director
College: Foothill College
Division: Student Activities
Action: **Employment**
Effective Dates: September 18, 2008 through June 26, 2009
Compensation: Column II / Step A @ \$5,545.86/month # of Months: 10

Name: **Judith Clavijo**
Position: Instructor
College: De Anza College
Division: Biological and Health Sciences
Action: **Employment Assignment Change**
Effective Dates: July 1, 2008
Comments: Assignment changed from 10 months to 11 months

Name: **Christina Espinosa-Pieb**
Position: Interim Vice President
College: De Anza College
Division: Instruction
Action: **Employment**
Effective Dates: September 1, 2008 through June 30, 2009 or contingent upon completion to fill vacancy of this position
Compensation: Range M / Step 7 @ \$13,369.50/month
Comments: 10% adjustment in accordance with Chapter III of the Administrators Handbook

Name: **Esther Halwani**
Position: Counselor
College: De Anza College
Division: Disability Support Services
Action: **Employment**
Effective Dates: September 18, 2008
Compensation: Column IV / Step A @ \$6,109.12/month # of Months: 11

Name: **Christine E. Magnin**
Position: Instructor
College: De Anza College
Division: Special Education – HOPE Program
Action: **Employment**
Effective Dates: September 18, 2008
Compensation: Column II / Step A @ \$5,545.86/month # of Months: 12

Name: **Vivie Sinou**
Position: Dean
College: Foothill College
Division: Learning Technology and Innovations
Action: **Reduction in Contract to 50%**
Effective Dates: September 1, 2008 through October 14, 2008

Name: **Vivie Sinou**
Position: Dean
College: Foothill College
Division: Learning Technology and Innovations
Action: **Resignation**
Effective Dates: October 15, 2008

Name: **Richard H. Wood**
Position: Instructor
College: De Anza College
Division: Sociology
Action: **Resignation for the Purpose of Retirement**
Effective Dates: August 28, 2008
Comments: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

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**.

BOARD BUSINESS

10. Trustee Selection and Appointment Process

Based on feedback from the Board at its August 4, 2008 meeting, a revised draft of the trustee appointment process is presented. The process has been developed in the event that there is a vacancy on the Board following the November 2008 election. The District would advertise and promote the vacancy for three weeks, with an application deadline of Monday, December 1. The Board would hold interviews on December 8 and make an appointment at the same meeting. The appointment is effective immediately; the first meeting of the five-member Board would be on January 20, 2009. Chancellor Martha Kanter recommends that the Board **approve the trustee selection and appointment process**.

BUSINESS AND FINANCE/FACILITIES

11. Adoption of 2008-09 Budget

In accordance with Title 5 Section 58301, the governing board held a public hearing on August 25, 2008 regarding the 2008-09 proposed budget of the District for the year ending June 30, 2009. The Board is now requested to officially adopt the Budget. Vice Chancellor of Business Services Andy Dunn recommends **adoption of the 2008-09 Budget**.

12. Authorization to Award Contract Pursuant to Bid 1050 — Multimedia Equipment and Installation

The Purchasing Services Department prepared bid documents and incorporated technical specifications jointly written by ETS staff and Purchasing Services in order to invite bids for a three-year contract for Classroom Multimedia Equipment and Installation. The bid was advertised on July 9 and July 15, 2008. The "Invitation to Bid" was sent to twelve (12) vendors as well as posted on "BidNet" at www.govbids.com. On July 22, 2008, Purchasing Services and ETS conducted a mandatory pre-bid conference and made site visits with attendees to typical multimedia classrooms. Six (6) representatives from four

companies attended the mandatory pre-bid conference. After the conference, Purchasing Services provided written answers to bidder inquiries by issuing a bid amendment. On August 12, 2008, Purchasing Services staff publicly opened and read the bids.

Only two (2) vendors submitted bids: Avidex Industries, LLC and SPL Integrated Solutions. However, both bids had mathematical errors (see attached). The initial grand total for equipment and installation submitted by Avidex Industries, LLC was \$572,723.33 and the grand total submitted by SPL Integrated Solution was \$578,776.24. However, after math corrections by Purchasing Service's staff, it was determined that the bid submitted by Avidex Industries, LLC was actually \$577,225.29 and the bid for SPL Integrated Solutions was \$567,594.47, resulting in SPL being the lowest bidder.

At the recommendation of District legal counsel John Shupe, District Purchasing Services teleconferenced with both bidders and informed them of the mathematical errors. Both vendors acknowledged their errors and accepted the corrected bid form sheets as true and correct. After adjusting the bid forms to reflect the unit costs submitted, the lowest bidder who submitted the lowest grand total for equipment and labor as indicated in the bid document is SPL Integrated Solutions. The actual (corrected) bid results are summarized below.

BID RESULTS

Vendor	Grand Total for Equipment & Labor
Avidex Industries, LLC	\$577,225.29
SPL Integrated Solutions	\$567,594.47

Purchases of multimedia equipment and installation will be made based upon the availability of funds using non-Measure C accounts. The total expenditures are estimated at \$600,000 per year, but may be more or less depending upon funding.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to issue purchase orders to, or otherwise execute a binding agreement with, the lowest responsible bidder, SPL Integrated Solutions, in accordance with Bid 1050 contract prices, terms, and conditions during the three-year term provided that funds are available.**

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 \$54,600.

- A.** *Title:* Revision #1 to Addendum #D-24
Vendor: Cleary Consultants, Inc.
Agreement Date: May 21, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$4,600
For: Additional professional soils engineering services for sub-grade compaction at concrete flatwork and retaining walls required for completion of the Visual and Performing Arts Center
Action: Ratification
- B.** *Title:* Budget Transfer #49
Campus: Foothill College
Project No.: 129 and 176
Project Name: Utility Lid Replacement and Minor Improvements
Amount: \$50,000
For: Re-allocation of recognized savings from Utility Lid Replacement (129) to cover anticipated and potential future project costs associated with Minor Improvements (176)
Action: Ratification

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

14. Revision #2 to Project Assignment Amendment 2B — Renovation of Multicultural Center, De Anza College

This revision includes additional compensation for the additional level of effort that is required for the Entry Element Addition to the Multicultural Center building. This Entry Element Addition will require a full set of structural and architectural drawings including details due to the further development of the design from the programming stage to the design development stage. These additional drawings and work efforts include refining the rudimentary design provided and clarifying the full height of the element, the necessary structural input and evaluations now required, the unique detailing of the expansion joins to structurally separate the existing building and the new addition, and the likely addition of a substantial foundation component and a structural steel support framework. In support of efforts in the Design Development and Construction Documents phases, additional services will be provided by the following: architectural group and their supporting structural, civil, and M/E/P engineering consultants.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve Revision #2 to PAA-2B at a cost of \$13,720 on a Time & Materials, Not to Exceed basis.**

15. Revision #2 to Project Assignment Amendment 2C — Renovation of Multicultural Center, De Anza College

This revision includes additional compensation for the additional level of effort that is required for the Entry Element Addition to the Multicultural Center building. This Entry Element Addition will require a full set of structural and architectural drawings including details due to the further development of the design from the programming stage to the design development stage. These additional drawings and work efforts include refining the rudimentary design provided and clarifying the full height of the element, the necessary structural input and evaluations now required, the unique detailing of the expansion joins to structurally separate the existing building and the new addition, and the likely addition of a substantial foundation component and a structural steel support framework. In support of Construction Administration and Close-out Phase efforts, additional services will be provided by the following: architectural group and their structural, civil, and M/E/P engineering consultants.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve Revision #2 to PAA-2C at a cost of \$2,500 on a Time & Materials, Not to Exceed basis.**

MEASURE C PROJECTS

16. Measure C Consent Calendar

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$571,807.

A. *Title:* PAA #1
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 203
Project Name: Multicultural Center
Amount: \$21,842
For: Professional commissioning services including HVAC, lighting, domestic hot water, controls systems, and other system components that meet LEED Fundamental and LEED Enhanced Commissioning requirements per LEED New Construction Version 2.2; this includes providing all required documentation, performing timely observations and start-up for specified systems, and for supporting the District’s other consultants during commissioning of this facility within their contract
Action: Ratification

B. *Title:* PAA #2
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 213
Project Name: East Cottage “Historic Renovation”
Amount: \$21,842
For: Professional commissioning services including HVAC, lighting, domestic hot water, controls systems, and other system components that meet LEED Fundamental and LEED Enhanced Commissioning requirements per LEED New Construction Version 2.2; this includes providing all required documentation, performing timely observations and start-up for specified systems, and for supporting the District’s other consultants during commissioning of this facility within their contract
Action: Ratification

- C. Title:** PAA #3
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building
Amount: \$21,842
For: Professional commissioning services including HVAC, lighting, domestic hot water, controls systems, and other system components that meet LEED Fundamental and LEED Enhanced Commissioning requirements per LEED New Construction Version 2.2; this includes providing all required documentation, performing timely observations and start-up for specified systems, and for supporting the District's other consultants during commissioning of this facility within their contract
- Action:** Ratification
- D. Title:** PAA #4
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 258
Project Name: Multicultural Center
Amount: \$21,842
For: Professional commissioning services including HVAC, lighting, domestic hot water, controls systems, and other system components that meet LEED Fundamental and LEED Enhanced Commissioning requirements per LEED New Construction Version 2.2; this includes providing all required documentation, performing timely observations and start-up for specified systems, and for supporting the District's other consultants during commissioning of this facility within their contract
- Action:** Ratification
- E. Title:** Master Agreement for Hazardous Material Consultant
Vendor: Environmental Construction Services, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: Various Projects
Project Name: Various Projects
Amount: \$0
For: Professional consulting services for the management and certification of asbestos and hazardous materials abatement for the Measure C Bond Program at De Anza College
- Action:** Ratification

- F.** *Title:* PAA #1
Vendor: Environmental Construction Services, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$5,910
For: Professional consulting services for the management and certification of asbestos and hazardous materials abatement for the demolition of the Staff House (the demolition included these services as a component of its original budget, formerly in #207; the scope and budget were previously moved into the Mediated Learning Center project #261 by Board action at the request of the College)
Action: Ratification
- G.** *Title:* PAA #2
Vendor: Environmental Construction Services
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building
Amount: \$5,210
For: Professional consulting services for the management and certification of asbestos and hazardous materials abatement
Action: Ratification
- H.** *Title:* PAA #3
Vendor: Environmental Construction Services
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 203
Project Name: Baldwin Winery Building
Amount: \$5,910
For: Professional consulting services for the management and certification of asbestos and hazardous materials abatement
Action: Ratification

- I.** *Title:* PAA #4
Vendor: Environmental Construction Services
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 213
Project Name: East Cottage “Historic Renovation”
Amount: \$3,760
For: Professional consulting services for the management and certification of asbestos and hazardous materials abatement
Action: Ratification
- J.** *Title:* Campus Surveying
Vendor: Telamon Engineering Consultants, Inc.
Agreement Date: September 7, 2008
Campus: Foothill College
Project No.: 162
Project Name: Parking & Circulation Projects
Amount: \$135,340
For: To proceed with design of Foothill College Parking and Circulation projects and campus site improvements, an accurate campus survey is needed. The survey authorized by this Agreement includes aerial photogrammetric mapping and field surveying of site features and utilities. The District solicited proposals from each of three firms selected to provide civil engineering and surveying services: Telamon Engineering Consultants, Inc., Sandis Civil Engineers Surveyors Planners, and Wilsey Ham Engineering Planning Surveying. Gilbane-Maas and the Foothill Bond Program Manager reviewed the proposals in terms of the engineers’ ability to provide the requested services, total cost, and adherence to schedule. Telamon Engineering Consultants, Inc. provided the most competitive proposal relative to the selection criteria. This Agreement authorizes the basic services described above for a fixed fee of \$119,000, and includes \$16,340 in allowances for additional utility surveying and reimbursable expenses, for a total fee of \$135,340.
Action: Ratification

K. Title: Sports Field Design Services
Vendor: Verde Design, Inc.
Agreement Date: September 7, 2008
Campus: Foothill College
Project No.: 142
Project Name: Soccer, Softball and Baseball Complex
Amount: \$303,049
For: In July 2008, the District issued RFQ #1170 for a Sports Field Designer. On August 12, 2008, four firms responded. A team from the Office of Facilities, Operations & Construction Management, Gilbane Maas and Foothill College Athletics reviewed the responses and selected Verde Design Inc. as designers of the Soccer, Softball, and Baseball Complex located on the Foothill College campus. Verde Design demonstrated excellent design ability and experience, offered local representation and received positive references. The contract agreement authorizes Verde Design Inc. to proceed with the Basic Services which include: Programming; Schematic Design; Design Development, Construction Documentation, and Construction Administration. The lump sum fee for the Basic Services is \$301,049 and a reimbursable expense allowance is included for a total of \$303,049. The allotted construction budget is \$3,345,000.

Action: Ratification

- L.** *Title:* District Civil Engineering & Surveying Pool
Vendor: Three selected vendors
Agreement Date: n/a
Campus: District-wide
Project No.: n/a
Project Name: Various Projects
Amount: n/a
For: On July 28, 2008, the District issued RFQ #1171 for Civil Engineering and Surveying Services for various Measure C Bond projects. Three firms responded with a Statement of Qualifications (SOQ): Telamon Engineering Consultants, Inc.; Sandis Civil Engineers Surveyors Planners; and Wilsey Ham Engineering Planning Surveying. District staff and Gilbane-Maas personnel reviewed the qualifications of each firm and determined that all three firms demonstrated the necessary qualifications to perform civil engineering and surveying services. The Office of Facilities, Operations & Construction Management recommends that these firms be included in a “Civil Engineering Pool” from which the District can negotiate individual agreements for specific projects, or master agreements which would then allow the District to assign projects to these firms on an as-needed basis.
- Action:* Ratification
- M.** *Title:* Professional Services
Vendor: Ralf W. Schmidtmeier
Agreement Date: July 18, 2008
Campus: Foothill College
Project No.: 161
Project Name: Fire Alarm Phase II
Amount: \$4,100
For: Provide construction professional services for Fire Alarm System Replacement Phase II; design and document for construction of a Fire Alarm pull station enclosure for use in buildings
- Action:* Ratification

N. Title: PAA #5
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 200C
Project Name: A9/PE6 HVAC Improvements
Amount: \$21,160
For: Professional commissioning services to evaluate existing conditions, provide cost estimates, and recommend a solution for the noise and thermal comfort issues of Building A9, and the thermal comfort issues for 10 offices in PE6
Action: Ratification

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

17. Amendment to Educational Information System Contract

The District signed a contract with SunGard Higher Education on March 13, 2008, which included 10,122 hours of professional consulting services spread over a three-year period. Contractually, these professional consulting services are optional and designated to be used and paid for at the discretion of the District. In addition, this contract covered a portion, but not all, of the necessary professional services required to implement the new Banner system.

Part of the Educational Information System (EIS) procurement strategy was to implement a second bidding process for these services (plus some additional areas noted below) to encourage competition from third party vendors and thereby obtain the lowest cost possible. The number of vendors having the capability to support the conversion of a proprietary vendor's system, such as Banner, is limited to a very few companies, and creating a highly competitive bidding process in this environment is difficult.

On April 21, 2008, the District issued an RFP and related amendments (RFP# 1152 EIS Project Management Services) to obtain professional implementation services and to support the following additional areas:

1. Learning Management Systems integration
2. Business Process Re-engineering
3. Additional technical support and testing
4. End user training / planning materials
5. Full-time Banner technical consultant

Two vendors responded to the proposal: Strata Information Group (SIG) and SunGard Higher Education (SunGard). Both vendors met minimum qualifications and complied with the submittal requirements. Reference checks indicated both vendors were able to provide the services specified. On June 4, 2008, an RFP review committee evaluated the proposals and made a recommendation to the EIS Core/Steering Committee. The EIS Core/Steering Committee adopted this recommendation to accept the proposal from SunGard.

As shown on the attached charts, SunGard's proposal hours are 6,371 less than the hours proposed by SIG, and SunGard's proposed costs are lower and within the overall EIS budget, which was presented to the Board on February 4, 2008.

Since the selected vendor is the one with whom the District already has a contract for acquiring Banner software, staff plans to simply amend this contract to reflect the additional hours and associated cost of \$1,036,854.

Vice Chancellor of Technology Fred Sherman recommends that the Board **approve the amendment to the original contract with Sungard EIS to reflect an additional 5,486 hours at an additional cost of \$1,036,854.**

18. Measure C Project List Revision: Central Services Budget Transfer #04, Foothill Budget Transfer #06, and De Anza Budget Transfer #07

This revision to the Measure C Project List is being presented based upon previous approval of the interest distribution process. It recognizes the actual earned interest for the fourth quarter of fiscal year 2007-08 by distributing it into the projects of the Measure C Program in the following manner:

- Central Services Budget Transfer #04 places \$107,120 of earned interest in project #499 District Program Contingency.
- Foothill Budget Transfer #06 places \$1,404,143 of interest earned in project #199 Foothill Program Contingency. There will also be a formal name change and budget increase for project #144 (Landscaping): the project will now be called Central Campus Site Improvements and will consolidate the scope of eight projects, as presented to the Board on August 4. The project budget will be supplemented with funds from Foothill Projects #129 (Mainline Irrigation – Phase II), #125 (ADA Transition Plan), #131 (Exterior Lighting), #133 (Campus Fountains), #136 (Replace Storm Drains), #137 (Tree Maintenance and Replacement) and #143 (Replace Walkways). In order to redistribute available funding for Renovation Projects, Project #104 (General Classrooms) will be augmented by projects #101 (Forum) and #122 (TV Center). Project #108 (General Classrooms) will be augmented by #101 (Forum) and #171 (Loop Road re-Alignment & Pedestrian Safety Improvements). Project # 112 (Administration Building) will be augmented by #122 (TV Center) and #171 (Loop Road re-Alignment & Pedestrian Safety Improvements).

- De Anza Budget Transfer #07 places \$1,383,877 of interest earnings into project #261 (Mediated Learning). The Mediated Learning Center Project is the largest project of the De Anza Measure C Program and will establish a state-of-the-art, environmentally sustainable building to house the Technical Resources Area, Anthropology and additional classrooms. The Multicultural Center Project #258 will receive funding and scope from projects #212 (Master landscaping (Phase I)), #210 (Asphalt Walks), #250 (ADA Transition Plan) and #235 (Repair Stone Pavers in Courtyard) to fund Landscaping, Design and Construction work on the project.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with Central Services Budget Transfer #04, Foothill Budget Transfer #06 and De Anza Budget Transfer #07.**

19. Authorization to Award Contract for Bid 1161 — Visual and Performing Arts Center Draperies and Production Lighting, De Anza College

The Visual and Performing Arts Center (VPAC) will accommodate a 400-seat auditorium, an exhibition space for the Euphrat Art Museum, and a 50-seat smart classroom. The Center will be primarily used for dance, music and movies and will also provide adequate acoustical conditions for lecture presentations by individual speakers. Bid 1161 provides for the purchase and installation of stage draperies, including the motorized track system, and a production lighting system to complete the functionality of the 400-seat auditorium. Alternate #1 includes the installation and focusing of fixtures and Alternate #2 includes additional scope of work to install specialized effects lighting. The Shalleck Collaborative, Inc. prepared the specifications.

The bid was legally advertised to contractors on July 22 and July 29, 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. Bids were publicly opened and read on August 20, 2008 in the Purchasing Services office. Four (4) contractors submitted bids, which are summarized below.

BID RESULTS

Contractor	Base Bid Proposal Amount	Alternate #1	Alternate #2	Total
Legend Theatrical	\$156,373.86	\$3,800	\$31,999.99	\$192,173.85
Musson Theatrical, Inc.	\$190,154	\$4,953	\$19,170	\$214,277
Secoa, Inc.	\$191,259	\$6,300	\$44,018	\$241,577
The Janson Industries	\$202,905	\$3,123	\$39,321	\$243,349

Legend Theatrical has completed similar installations of stage and production lighting equipment at Cosumnes Oaks High School, Valley Christian High School, Santa Rosa Junior College, and several other public agencies. Additionally, the successfully completed

a small power distribution and lighting control system last year at Foothill College. The bid price of \$192,173.85 is within the estimated budget for this project, which will be funded through Measure C.

Purchasing Services Supervisor Gina Bailey and De Anza Vice President of Finance and College Services Jeanine Hawk recommend that the Board **authorize the award of a contract pursuant to Bid 1161 to Legend Theatrical in the amount of \$192,173.85, inclusive of Alternate #1 and Alternate #2.**

20. Authorization to Award Contract for Bid 1162 — Visual and Performing Arts Center Cinema Projection Screen, De Anza College

The Visual and Performing Arts Center (VPAC) will accommodate a 400-seat auditorium, an exhibition space for the Euphrat Art Museum, and a 50-seat smart classroom. The Center will be primarily used for dance, music and movies and will also provide adequate acoustical conditions for lecture presentations by individual speakers. Bid 1162 provides for the purchase and installation of a cinema projection screen to be used for instructional purposes in both the multimedia and film courses taught in the VPAC auditorium. The Shalleck Collaborative, Inc. prepared the specifications.

The bid was legally advertised to contractors on July 22 and July 29, 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. Bids were publicly opened and read on August 20, 2008 in the Purchasing Services office. Although several interested vendors attended to job-walk for this work, only one (1) contractor submitted a bid: Secoa, Inc. Secoa, Inc. is experienced in the supply and installation of cinema production screens. The bid price of \$40,972 provided by Secoa, Inc. is well within the estimated budget for this project, which will be funded through Measure C.

Purchasing Services Supervisor Gina Bailey and De Anza Vice President of Finance and College Services Jeanine Hawk recommend that the Board **authorize the award of a contract pursuant to Bid 1162 to Secoa, Inc. in the amount of \$40,972.**

21. Authorization to Award Contract for Bid 1165-125 — Mainline Irrigation, Foothill College

This project will complete the irrigation main loop at the upper campus starting at the south of Building 5300 and ending north of Building 4200. The scope of work includes trench work, underground pipe installation, connection to existing lines, backfill and restoration of landscape and pavement in affected areas. Secondary distribution, branch irrigation and irrigation controllers are not included as part of this project. Sandis prepared the contract documents.

The bid was legally advertised to contractors on July 22 and July 29, 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. Bids were publicly opened and read on August 26, 2008 in the Purchasing Services office. Seven (7) contractors submitted bids, which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
RMT Landscape Contractors, Inc.	\$ 76,495
Rodan Builders	\$ 80,888
Lone Star Landscape, Inc.	\$ 96,900
Blossom Valley Construction	\$108,768
Kingdom Pipelines, Inc.	\$129,920
Lowery Engineering Construction, Inc.	\$142,900
D & D Pipelines, Inc.	\$219,000

The apparent low bidder, RMT Landscape Contractors, Inc., has confirmed that their bid price of \$76,495 is true and accurate for the work as specified. Furthermore, RMT Landscape Contractors, Inc. has 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. According to the references provided by the bidder, RMT Landscape Contractors, Inc. has successfully performed recent work for Oakland Unified School District, Merritt College, Canada College and City of Belmont. The Project is funded by Measure C.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid 1165-129 to RMT Landscape Contractors, Inc. in the amount of \$76,495.**

22. Authorization to Award Contract for Bid 1166 — Visual and Performing Arts Center Audiovisual Systems, De Anza College

Bid 1166 provides audiovisual equipment for the newly constructed Visual and Performing Arts Center at De Anza College. This equipment (which includes audio, video, control systems, cinema projection components, and related equipment) will provide functionality and performance of the theater sound and visual system for instructional use and performances. Measure C will fund this project.

The bid was legally advertised to contractors on July 22 and July 29, 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. Bids were publicly opened and read on August 20, 2008 in the Purchasing Services office. Three (3) contractors submitted bids, which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
Avidex Industries, LLC	\$671,915
Lloyd F. McKinney Associates, Inc.	\$828,410
SPL Integrated Solutions	\$890,000

Avidex Industries, LLC has successfully completed the audiovisual system at Haas Auditorium, University of California Berkeley and several multimedia installation projects at San Jose State University. Additionally, Avidex Industries, LLC has completed many audiovisual projects for the District, including classroom multimedia installations at the Kirsch Center for Environmental Studies and the Krause Center for Innovation. They are currently under contract with the District for web-archiving classrooms in the Kirsch Center for completion before fall quarter classes.

Purchasing Services Supervisor Gina Bailey and De Anza Vice President of Finance and College Services Jeanine Hawk recommend that the Board **authorize the award of a contract pursuant to Bid 1166 to Avidex Industries, LLC in the amount of \$671,915.**

23. Contract with Salas O’Brien Engineers, Inc. — De Anza Project #766241, Phase II S2/S6 Central Plant

The scope of work includes a comprehensive design for all trades involved in Phase II of the S2/S6 Central Plant consolidation and the expansion of S6 with a new boiler and chiller. The scope also includes the replacement or new installation of site utilities infrastructure (key utility distribution systems including heating, cooling, power, telecomm systems, video and fire alarm) based on the recently completed findings of the Campus Utility Master Plan investigation. This Contract for Services includes the remaining Design Development activities, Construction Documentation, complete project Close-out and Construction Administration activities of the legacy Engineering group, Salas O’Brien Engineers, Inc.

The Design Professional shall provide service and deliverables as described in Attachment A (Salas O’Brien “Fee Basis for Basic Services and Additional Services to provide: Utilities Extension-Phase MC-1: Design of S2/S6 plant consolidation and expansion and connectivity of campus utilities (chilled water, heating, power and voice/data/video infrastructure) to accommodate initial Measure C projects”) and additional work included in Attachment B (Salas O’Brien “Proposal for Telecommunications Engineering Services – OSP infrastructure – for the Utilities Master Plan” dated Aug. 26, 2008).

6/20/08	Attachment A - Proposal for Design of S2/S6 plant consolidation and expansion, and additional infrastructure and services	\$641,690
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8/4/08	Board approved Agreement for partial Professional Services from Attachment A for Schematic Design and Design Development (prior funding)	<\$128,338>
8/26/08	Attachment B – Proposal for Telecommunications OSP infrastructure survey, documentation and recommendations	<u>\$133,434</u>
	Total for complete Telecom survey, etc. plus complete Consultant Design Services	\$646,786

The value of this contract, including reimbursable expenses, is a not-to-exceed value

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends that the Board **approve the Agreement with Salas O'Brien Engineers, Inc. in the amount not to exceed \$646,786 including reimbursable expenses.**

MJK:jco