



BOARD OF TRUSTEES

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

October 6, 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

September 8, 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

1. Ratification of Contracts and Agreements **(Dunn x6201)**
2. Ratification of B Warrants Greater Than \$5,000 for July and August 2008 and Wire Transfers Greater Than \$5,000 for June and July 2008 **(Dunn x6201)**
3. Contract with Blackboard Connect, Inc. **(Dunn x6201)**
4. Contracts with Tom Gaskins, LLC and Sun Microsystems for NASA World Wind Conversion **(Criddle 650-604-4183)**
5. Personnel Actions as Follows: **(Novotny x6211)**
 - Acting Appointment – Mark Anderson, Foothill Dean
 - Reclassify Position to Associate Vice President, Instruction – De Anza Dean
 - Acting Appointment – Lydia Hearn, De Anza Dean
 - Stipend for Additional Duties – Lydia Hearn, De Anza Dean
 - Acting Appointment – Lydia Hearn, De Anza Associate Vice President
 - Reclassify Position to Associate Vice President, College Operations – Donna Jones-Dulin, De Anza Director
 - Employment – Jeffrey Schinske, De Anza Instructor
6. Human Resources Report **(Novotny x6211)**

BOARD BUSINESS

7. Mid-Term Accreditation Reports **(Miner x7201 / Murphy x8705)** **ACTION**
8. Trustee Selection and Appointment Process **(Kanter x6104)** **INFORMATION**

BUSINESS AND FINANCE/FACILITIES

9. Budget Update **(Dunn x6201)** *(See Public Memo for backup)* **INFORMATION**

MEASURE E PROJECTS

10. **Measure E Consent Calendar (Allen x6150)** **ACTION**
- A) Budget Transfer #66 – De Anza
 - B) Change Order #11 (Visual and Performing Arts Center) – S.J. Amoroso
 - C) Agreement for Program Management Services – Gilbane Company
 - D) Change Order #11 (Stadium) – O.C. Jones and Sons
 - E) Change Order #1 (Science Center) – Steven Michael Redmond

MEASURE C PROJECTS

11. **Measure C Consent Calendar (Allen x6150)** **ACTION**
- A) PAA #1 (old Baldwin Winery) – Enovity
 - B) PAA #2 (East Cottage) – Enovity
 - C) Agreement for Services (Pools) – Arch, Inc.
 - D) Revision #1 to PAA #2B (East Cottage) – Architectural Resources Group
 - E) PAA #5 (Scheduled Maintenance) – Environmental Construction Services
 - F) Agreement for Services (Roundabout and Lot 8) – Cleary Consultants
 - G) Agreement for Services (Lower Campus Fire Access) – Cleary Consultants
 - H) Agreement for Services (Forum 5000) – Consolidated Engineering Labs
 - I) Agreement for Services (Central Campus) – WRNS Studio
 - J) Agreement for Services (Parking and Circulation) – WRNS Studio
 - K) Agreement for Services (Forum 5000) – J&M Termite Control
 - L) Revision #6 (District EIR) – Christopher A Joseph & Associates
 - M) Task #3 (Mountain View Center Feasibility Study) – tBP Architecture
 - N) Transfer Construction Component from Measure E to Measure C (Auto Technology) – Spencer & Associates
 - O) Master Agreement for Services (various) – Allana Buick & Bers
 - P) PAA #2 (Tile Roof Repairs) – Allana Buick & Bers
 - Q) PAA #3 (PE Quad) – Allana Buick & Bers
12. Agreement with Underwriters for Measure C **(Dunn x6201)** **ACTION**
(See Public Memo for backup)
13. **Measure C Project List Revision with Foothill Budget Transfer #07, De Anza Budget Transfer #08 and De Anza Project #241 Name Change (Allen x6150)** **ACTION**
14. **Authorization to Award Contract Pursuant to Bid 1131-161 — Fire Alarm System Replacement Phase II, Foothill College (Bailey x6165)** **ACTION**
15. **Authorization to Award Contract Pursuant to Bid 1160 — Visual and Performing Arts Center Orchestra Shell, De Anza College (Bailey x6165)** **ACTION**
16. **Authorization to Award Contract Pursuant to Bid 1167 — Multimedia Equipment and Installation (Bailey x6165)** **ACTION**

- 17. Authorization to Award Contract Pursuant to Bid 1168 — Lower Campus Fire Access Road Extension, Foothill College (Bailey x6165) **ACTION**
- 18. Recommendation to Pre-Qualify Prospective Bidders for Measure C Projects at De Anza College (Bailey x6165) **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

October 20, 2008 — Regular meeting

PAA Awards

Draft Statement on Selection of Textbooks and Learning Materials

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 30, 2008
RE: Public Session, **October 6, 2008**

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 B Warrants Greater Than \$5,000 for July and August and Wire 2008 Transfers Greater Than \$5,000 for July and July 2008

Presented to the Board for ratification are the B Warrants greater than \$5,000 for the months of July and August 2008 and the Wire Transfers greater than \$5,000 for the months of June and July 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. Contract with Blackboard Connect, Inc.

The Foundation for the California Community Colleges (FCCC) negotiates special pricing for products and services on behalf of California community colleges. The District has the opportunity to purchase a service agreement from Blackboard Connect, Inc. (a wholly-owned subsidiary of Blackboard, Inc and f/k/a The NTI Group, Inc.) for the mass communication service Connect ED.

This service provides District-initiated mass notification to students, faculty and staff in the event of an emergency affecting part of or the entire District. Notification will be to phones (home, work, cell), by text messages to text-enabled devices, by email, and by

message to TTY/TDD receiving devices. Connect ED is one element in the District's Mass Communications Plan that was presented to the Board on June 2, 2008.

The agreement negotiated by The Foundation for California Community Colleges with Blackboard Connect, Inc. allows the District to purchase this mass communication service at a substantially reduced price. It provides a 15% reduction in the service price and renews annually.

The charge for the 2008-09 contract is \$74,750. The cost is based on \$1.70 per head. The head count is based on both the student headcount at census for the Fall 2007 quarter and the full- and part-time faculty and staff for the same time period, and includes a 2% growth factor. The purchase is through the Foundation for California Community Colleges so there is no need to participate in a formal bid process. Legal counsel for the District, John Shupe, has reviewed the contract. Implementation is expected to be accomplished around the first of the year.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve the purchase of the mass notification service from Blackboard Connect, Inc. in the amount of \$74,750.**

4. Contracts with Tom Gaskins, LLC and Sun Microsystems for NASA World Wind Conversion

Renewal of the Agreement with Tom Gaskins, LLC., a software engineer, is to continue work on the conversion of NASA World Wind to the Java platform, thereby making it universal for any computer. NASA World Wind is a visualization framework for satellite imagery, 3-D geometry, and virtually arbitrary data in the context of a planetary body such as Earth, Moon or Mars. NASA World Wind is competitive with the popular Google Earth application and in fact pre-dates Google Earth.

The past year's collaboration has resulted in a world-class prototype of the NASA World Wind Java system. The architecture of the system is sound and significantly more general than the earlier ".NET" version of World Wind. The performance of the system is on par with or greater than any other known virtual globe implementation. It is designed for extensibility by developers and for integration into other applications. World Wind Java has been seeded to multiple early access sites and applications have been built which embed World Wind into larger systems with excellent results.

The budget for this project is \$70,000, which is comprised of \$66,500 for Tom Gaskins, LLC and \$3,500 for Foothill-De Anza administrative fees. The payment of fees will be in collaboration with Sun Microsystems, Inc. The timeframe for completion of the project is one year, with reports/evaluations conducted at the six-month and one-year marks.

The Principal investigators (for the District, it is Foothill-De Anza NASA Training Program Director Vicky Criddle) will evaluate the progress of the work after six months to consider renewing and expanding the scope of the collaboration to areas such as internships and incorporating the World Wind application into the GIS, Geology, Geography or CIS curricula at Foothill and De Anza Colleges.

Foothill Director of the Foothill-De Anza NASA Training Program Vicky Criddle recommends that the Board **approve the contract with Sun Microsystems and the contract with Tom Gaskins, LLC.**

5. Personnel Actions

Name: **Mark Anderson**
Position: Division Dean
College: Foothill
Division: Fine Arts and Communications
Action: **Acting Appointment**
Effective Dates: September 9, 2008 through December 31, 2008
Compensation: Level J Step 4 @ \$10,837.32/month

Position: Dean, Academic Services
College: De Anza
Division: Instruction
Action: **Reclassify Position to Associate Vice President, Instruction to reflect increased responsibilities**
Effective Dates: November 1, 2008
Compensation: Level K Step 8 @ \$12,524.59/month
Comments: In accordance with Chapter VI and XI of the Administrators Handbook

Name: **Lydia Hearn**
Position: Dean
College: De Anza
Division: Academic Services
Action: **Acting Appointment**
Effective Dates: October 1, 2008 through October 31, 2008
Compensation: Level J Step 1 @ \$9,361.89/month

Name: **Lydia Hearn**
Position: Dean
College: De Anza
Division: Academic Services
Action: **Stipend for Additional Duties**
Effective Dates: October 1, 2008 through October 31, 2008
Compensation: \$931.42

Name: **Lydia Hearn**
Position: Associate Vice President
College: De Anza
Division: Instruction
Action: **Acting Appointment**
Effective Dates: November 1, 2008 through June 30, 2009
Compensation: Level K Step 2 @ \$10,293.31/month

Name: **Donna Jones-Dulin**
Position: Director, College Services
College: De Anza
Division: College Services
Action: **Reclassify Position to Associate Vice President, College Operations to reflect increased responsibilities**
Effective Dates: November 1, 2008
Compensation: Level K Step 8 @ \$12,524.59/month
Comments: In accordance with Chapter VI and XI of the Administrators Handbook

Name: **Jeffrey Schinske**
Position: Faculty
College: De Anza
Division: Biological, Health and Environmental Sciences
Action: **Employment**
Effective Dates: January 5, 2009 # of Months: 10
Compensation: Column III Step C @ \$6,391.18/month

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

6. 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

7. Mid-Term Accreditation Reports

The Accrediting Commission for Community and Junior Colleges requires that colleges prepare either a regular Midterm Report or a Focused Midterm Report in the third year following the evaluation team visit. The Focused Midterm Report is required whenever the Commission requests that the report focus on specific recommendations. The institution is expected to provide narrative information and analysis regarding 1) each of the recommendations of the evaluation team demonstrating significant progress on those recommendations that were the subject of the focus as detailed in the Commission Action Letter, 2) the areas in the planning agenda of the college's self study, and 3) updates on substantive change approvals or pending proposals.

The accreditation team visits for De Anza College and Foothill College were held in 2005, and the Commission at that time requested a Focused Midterm Report for each college to be completed in 2008. Those reports are presented for Board approval as required by the Commission in the case of a Focused Midterm Report. Since Foothill opted in its Self Study to follow a thematic format and De Anza opted for a traditional standards format, information in each Midterm Report is organized accordingly.

De Anza President Brian Murphy and Foothill President Judy Miner recommend that the Board **approve the Focused Midterm Report for their respective colleges**.

8. Trustee Selection and Appointment Process

At the August 25, 2008 meeting, the Board made several changes and then approved the revised trustee selection and appointment process to be used in the event of a vacancy on the Board following the November 4, 2008 election. The final, revised process as approved by the Board is presented for information.

BUSINESS AND FINANCE/FACILITIES

9. Budget Update

Vice Chancellor of Business Services Andy Dunn will provide an update on 2008-09 budget projections based on the recently signed state budget and the impact on multi-year projections.

MEASURE E PROJECTS

10. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$92,713.

- A. Title:** Budget Transfer #66
Campus: De Anza College
For: Includes Project-to-Project and Project-to-Program Contingency Transfers which 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
Action: Ratification
- B. Title:** Change Order #11
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 29, 2007
Campus: De Anza College
Project No.: 765-209
Project Name: Visual and Performing Arts Center
Amount: \$47,713
For: Provide additional metal stud framing, revised mechanical, electrical and plumbing utilities, stainless steel finish at exterior railing, and accessible shower seats as described by backup documentation. The original contract completion date of September 21, 2008 is unaltered by this change order.

The total change orders to date represent 3.09% against the original contract amount. The funding is included in the current budget.
Action: Ratification
- C. Title:** Professional Services
Vendor: Gilbane Building Company
Agreement Date: July 7, 2008
Campus: Foothill College
Project No.: Revision #2 to Addendum #10
Project Name: Measure E; Program Management Services
Amount: \$40,000
For: This revision adds a \$40,000 contingency for the contractor and A/E claims support on the Lower Campus Complex and Campus Center projects at Foothill College; funding is included in the current budget
Action: Ratification

- D.** *Title:* Change Order #11
Vendor: O. C. Jones and Sons, Inc.
Agreement Date: November 22, 2004
Campus: Foothill College
Project No.: 120
Project Name: Stadium Renovation
Amount: (\$17,000)
For: Credit for work considered unacceptable by the District related to the practice field adjacent to the Stadium: a negotiated settlement that resolves the final outstanding issue with this contract
Action: Ratification
- E.** *Title:* Change Order #1 to PO #H877570
Vendor: Steven Michael Redmond
Agreement Date: October 1, 2007
Campus: District and De Anza College
Project No.: 202
Project Name: Science Center
Amount: \$22,000
For: Extend services as a consultant to the De Anza Science Center legal matters between the District and Anshen + Allen
Action: Ratification

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

MEASURE C PROJECTS

11. Measure C Consent Calendar

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$1,056,301.45.

- A.** *Title:* PAA #1
Vendor: Enovity, Inc.
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 203
Project Name: Baldwin Winery Building
Amount: \$28,536
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: \$18,287
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:** Agreement for Professional Services
Vendor: Arch, Inc.
Agreement Date: August 25, 2008
Campus: De Anza College and Foothill College
Project No.: 100C and 200B
Project Name: 100C – Pool Plaster & Chemical Feed Systems
200B – Pool Chlorination Systems
Amount: \$8,000 (\$5,500 for Project 100C and \$2,500 for Project 200B)
For: Professional Services to sample and analyze source water and pool water to determine and recommend optimal pool sanitation, oxidation, and ph control for the existing pools at De Anza and Foothill Colleges, as well as analyze potential waterproofing replacement systems and cost associated with potential solutions for Foothill College pool
Action: Ratification
- D. Title:** Revision #1 to PAA #2B – PO #G979221
Vendor: Architectural Resources Group (ARG)
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 766-213
Project Name: East Cottage Renovation
Amount: \$44,726
For: Additional Design Services for ARG to provide DSA-required work:
1) structural materials testing, documentation, and engineering as detailed in Degenkolb’s proposal dated 8/14/08 and memorandum dated 8/01/08;
2) “Materials Testing Program” to DSA for review & approval; 3) all testing laboratories & sub-consultants; and 4) detailed structural framing and connection drawings for DSA submission
Action: Ratification
- E. Title:** PAA #5
Vendor: Environmental Construction Services
Agreement Date: September 8, 2008
Campus: De Anza College
Project No.: 200
Project Name: Scheduled Maintenance
Amount: \$16,275
For: Professional Consulting Services to update and consolidate asbestos-containing materials records for De Anza College by using data from the existing databases, files, and prior site inspections within a single spreadsheet and provide a electronic and hard copies of drawings and specifications used for previous building renovations
Action: Ratification

- F.** *Title:* Agreement for Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: September 22, 2008
Campus: Foothill College
Project No.: 162B
Project Name: Roundabout and Parking Lot 8 Improvement
Amount: \$3,200
For: Provide soil-engineering services during construction; the funding is included in the current budget
Action: Ratification
- G.** *Title:* Agreement for Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: September 13, 2008
Campus: Foothill College
Project No.: 162A
Project Name: Lower Campus Fire Access Road Extension
Amount: \$4,000
For: Provide soil-engineering services during construction; the funding is included in the current budget
Action: Ratification
- H.** *Title:* Agreement for Professional Services
Vendor: Consolidated Engineering Laboratories
Agreement Date: August 13, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000 Renovation
Amount: \$4,032.45
For: Provide construction testing services
Action: Ratification
- I.** *Title:* Agreement for Professional Services
Vendor: WRNS Studio, LLP
Agreement Date: October 7, 2008
Campus: Foothill College
Project No.: Master Agreement & Project #144
Project Name: Central Campus Site Improvements
Amount: \$383,525
For: Master Agreement for design services with WRNS Studio, LLP (Architect), and Project Authorization Agreement (PAA) number F-WRNS-1A for Pre-Design and Conceptual Design Services for project 144 Central Campus Site Improvements; the funding is included in the current Project 144 budget
Action: Approval

- J.** *Title:* Agreement for Professional Services
Vendor: WRNS Studio, LLP
Agreement Date: October 7, 2008
Campus: Foothill College
Project No.: 162
Project Name: Parking & Circulation
Amount: \$356,415
For: Project Authorization Agreement (PAA) number F-WRNS-2A for Pre-Design and Conceptual Design Services related to parking and circulation; the funding is included in the current budget
Action: Approval
- K.** *Title:* Agreement for Professional Services
Vendor: J & M Termite Control
Agreement Date: September 19, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000 Renovation
Amount: \$150
For: Provide termite inspection services
Action: Ratification
- L.** *Title:* Revision #6 to Standard Form of Agreement (PO #G774030)
Vendor: Christopher A. Joseph & Associates
Agreement Date: March 6, 2007
Campus: Foothill College and De Anza College
Project No.: 766801
Project Name: Foothill-De Anza Community College District EIR
Amount: \$43,835
For: Prepare an Initial Study (IS) or Initial Study/Mitigated Negative Declaration (IS/MND) for 189 Bernardo Street property following the CEQA Checklist Guidelines. The IS or IS/MND (along with a Notice of Intent to Adopt an IS or IS/MND[NOI]) will be circulated for a 30-day review period and any comments received on it would be responded to in a Final IS or IS/MND. A notice of Determination (NOD) will be circulated to the same parties as above (and the Final IS or IS/MND if revisions have been made) prior to certification of the IS or IS/MND and approval of the project.
Action: Ratification

- M. Title:** Task #3 – Agreement for Services – Property Acquisition
Vendor: tBP/Architecture, Inc.
Agreement Date: October 15, 2007
Campus: District
Project No.: 801
Project Name: Mountain View Center Feasibility Study
Amount: \$65,000
For: Professional services for programming and planning for future development to support a Mountain View Center, with the addition of Task #3 to the Agreement for Services for condition assessment, cost estimate, and consultation for development
Action: Ratification
- N. Title:** Transfer Construction Component from Measure E to Measure C
Vendor: Spencer & Associates
Campus: De Anza College
Project No.: 255
Project Name: Auto Technology
Amount: N/A
For: Transfer of scope of services within Purchase Order #H774151 for Measure E to Measure C. Auto Technology was designed in Measure E (Project 270) to be constructed in Measure C (Project 255). The construction component of Spencer Associate’s contract was originally committed to Measure E; however, these construction administration services which are associated with construction activity planned and funded with Measure C are more appropriately funded by Measure C. Note: this is an information item only and does not affect the De Anza College Measure C Budget.
Action: Ratification
- O. Title:** Master Agreement for Professional Consulting Services
Vendor: Allana Buick & Bers, Inc.
Agreement Date: October 6, 2008
Campus: De Anza College
Project No.: Various Measure C Projects
Project Name: Various Measure C Projects
Amount: \$0
For: This Master Agreement contract is for Professional Consulting Services for the design, bidding assistance, construction oversight, and project close-out for roofing and waterproofing projects for the Measure C Bond Program at De Anza College; 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 of Trustee meetings for review
Action: Approval

- P. Title:** PAA #2
Vendor: Allana Buick & Bers, Inc.
Agreement Date: October 6, 2008
Campus: De Anza College
Project No.: 766-236B
Project Name: Tile Roof Repairs – Phase II: PE1, PE2, & PE6
Amount: \$70,345
For: Provide Professional Services to investigate and prepare Design Documents, Procurement Phase, Construction Administration, and Construction Monitoring services for replacement and repairs to the existing tile roofs for PE1, PE2 and PE6 Buildings — additional scope of work includes the following: 1) concrete parapet and flat roof repairs for PE1 and PE2; 2) wood rail/sunscreen repairs on PE1 and PE 2; and 3) parapet stucco and cap flashing replacement on PE6
Action: Approval
- Q. Title:** PAA #3
Vendor: Allana Buick & Bers, Inc.
Agreement Date: October 6, 2008
Campus: De Anza College
Project No.: 766-204
Project Name: PE Quad Breezeway
Amount: \$9,975
For: Provide Professional Services to perform a survey and produce basis of design documents, and construction estimate that includes: on-site survey of canopy roofs, deteriorated exposed framing members of canopy roofs and trellises, and termite damage to exposed framing members of structures at the PE Quad buildings PE1, PE2, PE 4, PE5 and PE 6
Action: Approval

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

12. Agreement with Underwriters for Measure C

In 2006 the District developed and issued a Request For Proposals (RFP #1048) to firms active in community college bond financing in order to seat an underwriter(s) for the Measure C bond program. Six firms responded to this solicitation. A committee consisting of the Vice Chancellor of Business Services, Controller and Financial Advisor performed the initial screening and recommended five firms for interview and further consideration by the Audit & Finance Committee. From these interviews a recommendation was advanced to the Board of Trustees to authorize an agreement with Morgan Stanley & Company, Inc.

(Morgan Stanley) and UBS Securities LLC (UBS) to serve as Co-Senior Managers for the Series A bond issuance. At its meeting of June 5, 2006, the Board approved this recommendation.

The District recently learned that UBS has opted out of the bond financing business and that the District's contact from that firm, Jim Roth, Managing Director, along with a number of other former UBS bankers, has joined Piper Jaffray & Company. In response to this turn of events, the range of options discussed with legal counsel John Shupe included 1) staying with one banking firm; 2) entering into a qualification-based selection process by issuing a Request for Qualifications (RFQ) to identify and secure a second banker; or 3) selecting a firm and directly entering into negotiations. If the District desires to acquire a second banker, legal counsel has advised that the District follow the qualifications-based selection process outlined above.

Morgan Stanley was the lead underwriter on the first issuance and, as such, incurred the fees for the management costs to prepare to issue the bonds. The decision to use Morgan Stanley as the lead underwriter on Series A and B was determined as part of the underwriting agreement with UBS at the inception of the bond issuance process. The administrative and managerial costs incurred by Morgan Stanley were more than anyone anticipated due to the complexity of issuing the bonds while the lawsuit was pending. Once the bonds went to market, Morgan Stanley and UBS split the book of business evenly with each firm responsible for selling (and earning commissions) on 50% of the bonds. It was expected that UBS would take the lead as underwriter on the next issuance of bonds as part of the original agreement between UBS and Morgan Stanley. If the District were to seek a co-underwriter, a reasonable expectation would be that they take the lead on the next issuance but that they would do so in partnership with Morgan-Stanley and evenly split the bonds to be sold.

Some of the factors to consider in determining to use one underwriter or two are:

- Morgan Stanley has a long working relationship with the District and performed admirably on the last issuance in a very complicated transaction. Their firm could move quickly and easily when the District is ready to issue the next series.
- If the Board continued to feel that a critical public purpose was being met by continuing with co-underwriters, staff would initiate that process by following the same procedures as before. It is expected that the process would take about 3 months and would include the involvement of the Audit & Finance Committee to interview new firms to be co-underwriters with Morgan Stanley. A recommendation from the Audit & Finance committee would then be forwarded to the Board.
- The interests of the District would be well served by either of these options. It is an unusual situation to interview firms to come into a transaction as a co-underwriter when the lead underwriter has already been chosen, but there is reasonable confidence that firms would be willing to do this in this competitive market.

This discussion was held at the August 25, 2008 meeting of the Audit/Finance Committee, and the Committee advised that the District continue the Measure C Bond Program with Morgan Stanley as its sole underwriter.

Vice Chancellor of Business Services Andy Dunn, upon the advice of the Audit & Finance Committee, recommends that the Board **continue the Measure C bond Program with Morgan Stanley as its sole underwriter.**

13. Measure C Project List Revisions with Foothill Budget Transfer #07, De Anza Budget Transfer #08 and De Anza Project #241 Name Change

Foothill Project #161 (Fire Alarm System Replacement Phase II) requires augmentation to award a contract for this high priority project. De Anza Project #241 (Phase II – S-2 & S-6 Central Plant) is being changed to package additional site utilities scope and funding to provide infrastructure improvement to support currently existing and new facilities campuswide.

Foothill Budget Transfer #07 recognizes the actual construction bid received for Fire Alarm System Replacement Phase II (Project 161), which exceeds the current budget allocation for this project. Bids received were higher than the construction budget due to current market conditions for this type of work and the difficulty of construction in occupied, existing buildings. The budget for Project 161 has been augmented by \$77,590 from State Scheduled Maintenance matching funds, and \$1,050,000 from Measure C Project 100 (Scheduled Maintenance) funds (by Budget Transfer #07).

De Anza Budget Transfer #08 addresses the following:

- The July 2008 Utility Master Plan (UMP) identified repair and replacement of electrical, heating, and cooling infrastructure needed to support existing and proposed new facilities campuswide.
- To accomplish this additional work, existing Project 241 (Phase II – S-2 and S-6 Central Plant) scope of work requires significant upgrades to electrical, heating, and cooling infrastructure which is currently available and budgeted in Project 200 (Scheduled Maintenance).
- The project will be funded by transferring budgets from Measure C Projects 242 (L5 Central Plant) and 200 (Scheduled Maintenance) into Project 241, as noted below.
- Project 242 (L5 Central Plant) will be used to fund the 241 project due to budget constraints in years one (1) through five (5) of 200 Scheduled Maintenance's first five year allocation.
- Based on the UMP, the scope of work for 242 L5 Central Plant is reduced and can be deferred. It will be funded by 200 Schedule Maintenance in years six (6) through ten (10).

De Anza Project Name Change addresses the following:

- Project 241 (Phase II – S-2 and S-6 Central Plant) will be renamed to “S2-S6 Phase II – Utility Master Plan Phase I,” which more appropriately describes the revised project and more closely aligns the project name with the scope of the work.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision along with Foothill Budget Transfer #07 and De Anza Budget Transfer #08.**

14. Authorization to Award Contract Pursuant to Bid 1131-161 — Fire Alarm System Replacement Phase II, Foothill College

This project will upgrade the campus-wide fire alarm and monitoring system to be compliant with current codes as required by the Division of the State Architect. Phase I of the project was constructed under Measure E. Completion of the system has been identified by the Campus and the District as one of the highest Measure C priorities. Energy Resource Associates prepared the documents.

The bid was legally advertised to contractors on July 25 and August 1, 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 September 11, 2008 in the Purchasing Services office. Three (3) contractors submitted bids, the results of which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
Rosendin Electric	\$ 959,140
Radiant Electric, Inc.	\$ 1,146,000
Cupertino Electric, Inc.	\$ 2,822,000

The apparent low bidder, Rosendin Electric, has confirmed that their bid price of \$959,140 is true and accurate for the work as specified. Furthermore, Rosendin Electric 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.

Bids received were higher than the construction budget due to current market conditions for this type of work and the difficulty of construction in occupied, existing buildings. Therefore, the project budget has been augmented by \$77,590 from State Scheduled

Maintenance matching funds and \$1,050,000 from Measure C Project 100 Scheduled Maintenance funds (by Budget Transfer #07).

According to the references provided by the bidder, Rosendin Electric has successfully performed recent work for Stanford University, University of California San Francisco, and Oakland School for the Arts.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid 1131-161 in the amount of \$959,140 to Rosendin Electric.**

15. Authorization to Award Contract Pursuant to Bid 1160 — Visual and Performing Arts Center Orchestra Shell, 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 75-seat smart classroom. The Center will be primarily used for dance, music and movies but will also provide adequate acoustical conditions for lecture presentations by individual speakers. Bid 1160 provides for the purchase and installation of an orchestra shell for instruction and performances by the Music Department of the Creative Arts Division.

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, the results of which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
CK Wegner, Inc.	\$121,400.00
Wenger Corporation	\$128,243.18
Secoa, Inc.	\$145,264.00
Stagecraft Industries, Inc.	\$202,905.00

CK Wegner, Inc. recently completed the successful installations of orchestra shell projects at Aptos High School, Modesto Junior College, and Music Academy of the West in Santa Barbara. The bid price of \$121,400 submitted by CK Wegner, Inc. is within the estimated budget for this project and is funded through Measure C.

Purchasing Services Supervisor Gina Bailey and De Anza Vice President of Education Resources and College Operations Jeanine Hawk recommend that the Board **authorize the Purchasing Services Supervisor to award a contract in the amount of \$121,400 to CK Wegner, Inc.**

16. Authorization to Award Contract Pursuant to Bid 1167 — Multimedia Equipment and Installation

The District Purchasing Services Department prepared bid documents and incorporated technical specifications jointly written with ETS staff in order to invite bids for a three-year contract to purchase multimedia equipment and installations as required using Measure C funds. The bid document required bidders and their listed subcontractors to enter into the Project Stabilization/Construction Careers Program Agreement (PSA) between the District and the Santa Clara and San Benito Counties Building and Construction Trades Council.

The bid was advertised on August 6, 2008 and August 12, 2008. The “Invitation to Bid” was sent to twelve (12) vendors as well as posted on “BidNet” at www.govbids.com. On August 18, 2008, Purchasing Services and ETS conducted a mandatory pre-bid conference and made site visits with attendees to typical multimedia classrooms. Representatives from four (4) companies attended the mandatory pre-bid conference. On September 9, 2008, Purchasing Services staff publicly opened and read bids.

Only one vendor submitted a bid, SPL Integrated Solutions. The grand total for typical equipment and labor cost submitted by SPL Integrated Solutions is \$566,927.14. Furthermore, SPL Integrated Solutions has signed and submitted the PSA with their bid.

The Board awarded Bid 1050 for Multimedia Equipment and Installation for Non-Measure C to SPL Integrated Solutions on September 8, 2008. The pricing for equipment and labor rates submitted for Bid 1167 was equal to or better than the prices received on Bid 1050.

Purchases of multimedia equipment and installation will be made based upon the availability of funds in 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 contract prices, terms, and conditions of Bid 1167 during the three-year term provided that funds are available.**

17. Authorization to Award Contract Pursuant to Bid 1168 — Lower Campus Fire Access Road Extension, Foothill College

The scope of work includes demolition of the existing temporary fire access road and installation of new pavement at the upper campus starting at the South of Building 1900 and end at the North of Building 1600.

The bid was legally advertised to contractors on August 22 and August 29, 2008. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges and advertised in the Daily Pacific Builder. Bids were publicly opened and read on September 17, 2008 in the Purchasing Services office. Four (4) contractors submitted bids, the results of which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
Kingdom Pipelines, Inc.	\$ 67,210
Rodan Builders, Inc.	\$ 69,870
Joseph J. Albanese, Inc.	\$ 86,600
Lowery Engineering Construction, Inc.	\$148,300

The apparent low bidder, Kingdom Pipelines Inc., has confirmed that their bid price of \$67,210 is true and accurate for the work as specified. Furthermore, Kingdom Pipelines, 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, Kingdom Pipelines, Inc. has successfully performed recent work for City of Brisbane and City of Palo Alto.

The construction estimate was \$33,339. Some of the contributing factors for the increase in the bid price versus the engineer’s estimate are as follows: 1) added utilities infrastructure for future campus’ water fountain project at Building 1500, 2) incidental material cost increases due to demand and market fluctuation, such as asphalt, PVC pipe etc., 3) project being small in size and requiring additional coordination and supervision due to its location on campus, 4) requirement for contractor to maintain a temporary access road to Lower Campus Complex in case of an emergency at all times. This construction is part of Measure C Project 162, Parking and Circulation. Funding is available within the current project budget for this work.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid 1168 in the amount of \$67,210 to Kingdom Pipelines, Inc.**

18. Recommendation to Pre-Qualify Prospective Bidders for Measure C Projects at De Anza College

Public Contract Code section 20101 allows community college districts to require licensed contractors to “pre-qualify” for the right to bid on public works projects. The purpose of pre-qualification is to ensure that all prospective bidders have the appropriate construction experience and financial capacity to perform the work. The laws require that community college districts: (1) use a standardized questionnaire and financial statement, (2) adopt and

apply a uniform system of rating bidders based on objective criteria, and (3) establish a process that allows prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.

The De Anza College Facilities and Construction Management team has concluded that prime contractors on the three Measure C projects listed below should be pre-qualified to ensure the financial stability of the contractors and to promote safety, quality, timeliness, and cost effectiveness in the construction of the projects. Those projects are:

De Anza College:

- Project # 205 – Seminar Building
- Project #255 – Auto Technology
- Project #258 – Multicultural Center

A draft of the pre-qualification documents is attached. The Purchasing Department will report the pre-qualification results to the Board of Trustees at a future meeting. At that time, the Board can choose to either:

1. Accept the list of Prime Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid on the listed projects, OR
2. Cancel the pre-qualification procedure for Prime Contractors for any such project.

The pre-qualification of contractors shall be valid for one year if accepted by the Board.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the pre-qualification procedure for the listed Measure C projects in accordance with Public Contract Code section 20101.**

MJK:jco