



BOARD OF TRUSTEES

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

October 20, 2008

Closed Session: 4:30 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

October 6, 2008

CORRESPONDENCE

INFORMATION

COMMITTEE APPOINTMENT

ACTION

- Board Representative to Santa Clara County Committee on School District Organization

PUBLIC HEARING

INFORMATION

Open Negotiations for 2008-09 between the District and Operating Engineers

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. [Technical Revision to Board Policy 9200 – Conflict of Interest \(Kanter x6104\)](#)
2. [Trustee Selection and Appointment Process \(Kanter x6104\)](#)
3. [Change #3 to Independent Contractor Agreement with Gerstein & Associates, Inc. \(Kanter x6104\)](#)
4. [Change #3 to Independent Contractor Agreement with Nancy Ragey \(Kanter x6104\)](#)
5. [Sale of Surplus Equipment \(Bailey x6165\)](#)
6. [Donation, Recycling, or Disposal of Miscellaneous Surplus District Furniture \(Bailey x6165\)](#)
7. [Sale of Miscellaneous Surplus Electronic Equipment \(Bailey x6165\)](#)
8. [Authorization to Enter into Contract with Alcatel USA Marketing, Inc. for Network Equipment Maintenance and Support \(Bailey x6165\)](#)
9. [Approval of Agreement with Salas O’Brien Engineers, Inc. for MBX \(Allen x6150\)](#)
10. [Personnel Actions as Follows: \(Novotny x6211\)](#)
 - Correction from Step 1 to Step 2 – Shawna Aced, Foothill Registrar
 - Resignation – Sean Keegan, De Anza HTCTU Training Specialist
11. [Human Resources Report \(Novotny x6211\)](#)
12. [Professional Achievement Awards \(Novotny x6211\)](#)

BUSINESS AND FINANCE/FACILITIES

13. Report on Measure C Bond Funds Short-Term Investments and Retiree Liability Investment (**Dunn x6201**) (*See Public Memo for backup*) INFORMATION

MEASURE E PROJECTS

- 14. [Measure E Consent Calendar \(Allen x6150\)](#) **ACTION**
 - A) Final Change Order #2 (Landscaping) – JJ Nguyen, Inc.
 - B) Change Order #72 (Lower Campus Complex) – S.J. Amoroso
 - C) Revision #3 to Addendum #10 – Gilbane Building Company
 - D) Change Order #11 (Visual and Performing Arts Center) – S.J. Amoroso
 - E) Change Order #12 (Visual and Performing Arts Center) – S.J. Amoroso
 - F) Change Order #13 (Visual and Performing Arts Center) – S.J. Amoroso

MEASURE C PROJECTS

- 15. [Measure C Consent Calendar \(Allen x6150\)](#) **ACTION**
 - A) Change Order #1 (Forum 5000) – CRW Industries
 - B) CEQA Schedule – Placemakers
 - C) Change Order #1 (Modular Renovation) – Ralf Schmidtmeier Architect
 - D) Agreement (Utility and Technology Infrastructure) – Salas O’Brien
 - E) Agreement (Medical Air Compressor) – Mazzetti & Associates
 - F) Contract Services (Fire Alarm Phase II) – A Step Beyond
 - G) Independent Contractor Agreement (Forum) – Weatherly Striping
 - H) Agreement (Stadium Floor) – B Bros. Construction
 - I) Independent Contractor Agreement (Building 1900) – Tri County Pest Control
 - J) Independent Contractor Agreement (Footbridge) – Harlan Associates
 - K) Independent Contractor Agreement (Central Campus) – Coastal Tree Service
 - L) Change #1 (Campus Center) – Compview
 - M) Agreement (Medical Air Compressor) – Carsten’s Yearly Analysis
- 16. [Revision #3 to Measure C Bond Project List: Change Order #2 to Agreement with CRW Industries, Inc. — Forum 5000, Foothill College \(Allen x6150\)](#) **ACTION**
- 17. [Revision #1 to Agreement with Ratcliff Architects — Foothill College Project #160, Physical Sciences and Engineering Center \(Allen x6150\)](#) **ACTION**
- 18. Rejection of Bids for Bid 1163-111 — Modular Renovation Project at Foothill College **(Bailey x6165) (See Public Memo for backup)** **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

- November 3, 2008 — Audit & Finance Committee Meeting
- November 3, 2008 — Regular Meeting
 - Environmental Compliance Annual Update
 - Risk Management Report
 - First Quarter Report
 - Quarterly Listing of District Investments
 - Presentation on De Anza Mediated Learning Center
 - Presentation on Foothill Physical Sciences and Engineering Center

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: October 14, 2008

RE: Public Session, **October 20, 2008**

COMMITTEE APPOINTMENT

- **Board Representative to Santa Clara County Committee on School District Organization**

At the December 3, 2007 meeting, Board President Bruce Swenson appointed Trustee Paul Fong to serve as the Board's representative to the Santa Clara County Committee on School District Organization. The purpose of the representative is to cast a vote on behalf of the Board for candidates who are running to fill seats on the Committee on School District Organization. An election is scheduled on November 27, 2008 to fill three seats, and ballots will be mailed in early November. In the event that Trustee Fong is elected to the State Assembly on November 4, 2008, an alternate Board representative will need to be identified.

Chancellor Martha Kanter recommends that President Swenson **appoint an alternate to serve as Board representative to the Santa Clara County Committee on School District Organization.**

PUBLIC HEARING

- **Open Negotiations for 2008-09 between the District and Operating Engineers**

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and Operating Engineers propose to open negotiations for an initial Agreement. This Public Hearing affords members of the public the opportunity to express themselves regarding this matter.

CONSENT CALENDAR

1. Technical Revision to Board Policy 9200 – Conflict of Interest

On August 25, 2008, the Board approved revisions to the District's Conflict of Interest Code which lists the designated positions required to file annual Statements of Economic Interest (Form 700). In submitting the revised policy to the County, the District learned that "Schedule F" has been removed from the Statement of Economic Interest. Since this is a purely technical correction, Board Policy 9200 is being updated to remove references to Schedule F. The revised policy must be re-submitted to the County by November 14. Chancellor Kanter recommends **approval**.

2. Trustee Selection and Appointment Process

At the October 6, 2008 meeting, the Board endorsed the removal of the sentence "The goal is to interview approximately six candidates." The final, revised Appointment Process is presented for Board approval. Chancellor Kanter recommends **approval**.

3. Change #3 to Independent Contractor Agreement with Gerstein & Associates, Inc.

The District entered into an Independent Contractor Agreement with Gerstein & Associates, Inc. on August 12, 2005 for consultant services in conjunction with the Teaching & Learning Project, a districtwide effort to study how to enrich professional development activities for full- and part-time faculty that enhance classroom teaching and improve student learning. The activities of the two consultants for the project include facilitating meetings, mapping and analyzing new and veteran faculty experiences, identifying successful professional development activities, and creating a long-term plan for the District. The agreement was extended into 2006-07 and 2007-08 (Changes #1 and #2) and, as the project nears completion, requires a third extension for 2008-09. The cumulative total cost for the past three years has been \$37,852. Change #3 is for an additional amount not to exceed \$19,000.

Chancellor Kanter recommends **approval of Change #3 to the Independent Contractor Agreement with Gerstein & Associates, Inc. for the amount not to exceed \$19,000**.

4. Change #3 to Independent Contractor Agreement with Nancy Ragey

The District entered into an Independent Contractor Agreement with Nancy Ragey on August 12, 2005 for consultant services in conjunction with the Teaching & Learning Project, a districtwide effort to study how to enrich professional development activities for full- and part-time faculty that enhance classroom teaching and improve student learning. The activities of the two consultants for the project include facilitating meetings, mapping

and analyzing new and veteran faculty experiences, identifying successful professional development activities, and creating a long-term plan for the District. The agreement was extended into 2006-07 and 2007-08 (Changes #1 and #2) and, as the project nears completion, requires a third extension for 2008-09. The cumulative total cost for the past three years has been \$37,599. Change #3 is for an additional amount not to exceed \$19,000.

Chancellor Kanter recommends **approval of Change #3 to the Independent Contractor Agreement with Nancy Ragey for the amount not to exceed \$19,000.**

5. Sale of Surplus Equipment

The District has two (2) large display cases, two (2) washers, one (1) dryer, and two (2) overstuffed chairs that are of no further use to the District (see attached). The aggregate market value is less than \$500 based upon the estimated current value.

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 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 to 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 Service Supervisor to sell the display cases, washers, dryer, and chairs.**

6. Donation, Recycling, or Disposal of Miscellaneous Surplus District Furniture

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

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

appropriate by the board, or it may be disposed of in the local public dump upon order of any employee of the district empowered for that purpose by the board.

Purchasing Services recommends donation of the surplus furniture to the Salvation Army. The Salvation Army has agreed to send a driver to pick up the items, but the driver has the right to reject any items he deems unacceptable. If the Salvation Army declines the donation, the District will attempt to donate to another tax-exempt public benefit corporation under Section 501c (3) of the Internal Revenue Service Code. Thereafter, the District will recycle or dispose of any remaining items.

Purchasing Services Supervisor Gina Bailey recommends that the Board, in accordance with Education Code 81452(c), **make a finding that the property is of insufficient value to defray the cost of a sale, and authorize the Purchasing Services Supervisor to make donations to the Salvation Army or another tax-exempt public benefit corporation and to recycle or dispose of any remaining items.**

7. Sale of Miscellaneous Surplus Electronic Equipment

The District has approximately 26 pallets of computers, monitors, printers, and miscellaneous electronic equipment. ETS departmental staff have determined that the items are obsolete and of no further use to the District. De Anza College OTI and the DASB have also found them to be unsuitable for further use. The District also has refrigerators and other electronic items that are in non-working condition or are of no further use. In accordance with the Electronic Waste Recycling Act, these items are considered electronic waste and should be sold to authorized State of California CRT material handlers, collectors and recyclers. See attached surplus forms prepared by the colleges for a list of electronic waste scheduled to be sold. The estimated aggregate market value of this electronic equipment is less than \$5,000.

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

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).**

8. Authorization to Enter into Contract with Alcatel USA Marketing, Inc. for Network Equipment Maintenance and Support

On December 3, 2007, the Board authorized a network equipment maintenance and support contract with Alcatel USA Marketing, Inc. The contract expires on December 31, 2008.

The attached Alcatel USA Marketing, Inc. quote of \$237,208.50 provides network equipment maintenance and support for a period of twelve (12) months: December 31, 2008 through December 30, 2009. The pricing is based upon Western States Contracting Alliance (WSCA) contract AR-1466. WSCA is a contracting consortium for state government departments, institutions, agencies and political subdivisions in the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming. The State of Utah awarded a contract for Alcatel maintenance services on behalf of WSCA on June 1, 2007. The contract is valid through May 31, 2010. The contract is also subject to renewal for two additional two-year terms. A copy of the contract is attached.

In accordance with the California Public Contract Code (PCC) Section 20651(a) through (d), only the governing board may authorize award of purchase orders that exceed \$72,400, and the board must award the orders to the lowest responsible bidder or reject all bids. However, in lieu of conducting a bid process, Public Contract Code (PCC) section 20652 provides that community college districts may utilize contracts that have been awarded by other public entities.

Given that Alcatel maintenance and support services are only available directly from Alcatel, if the District were to conduct a separate bid rather than using the WSCA contract, the sole qualified bidder would be Alcatel. A bid based only upon the District's current maintenance and support service requirements would be unlikely to result in lower prices than those available through the WSCA contract. WSCA contract pricing is based upon the combined volume of several states and their political subdivisions.

The Educational Technology Services (ETS) department planned to prepare specifications in order for Purchasing Services to conduct a bid to replace the Alcatel equipment in 2008. However, due to the Measure C funding delay, the bid was likewise delayed. ETS will prepare specifications in order for Purchasing Services to conduct the bid during calendar year 2009 for network equipment, maintenance and support. Meanwhile, there is a need to continue network maintenance and support on Alcatel manufactured equipment in operation throughout the District.

Vice Chancellor of Technology Fred Sherman and Purchasing Services Supervisor Gina Bailey recommend that the Board **authorize the Purchasing Services Supervisor to issue a Purchase Order in the amount of \$237,208.50 to Alcatel USA Marketing, Inc. in accordance with WSCA contract AR-1466.**

9. Approval of Agreement with Salas O'Brien Engineers, Inc. for MBX

Engineering services will be provided for monitoring-based commissioning (MBX) of: Foothill Central Plant Building 8400 and De Anza Student and Community Services Building. The scope of work is described in the following proposal dated June 24, 2008.

• Student and Community Services Building, De Anza College CCC/IOU Project #2K0702462*	\$ 71,700
• Central Plant, Building 8400, at Foothill College CCC/IOU Project #2K0702458*	\$ 93,350
	<hr/>
Total Fee from Fund 76 Energy Efficiency Program	\$ 165,050

* In addition to reduced operating costs for these utility plants, rebate incentives on the order of \$90,000 will be provided under California Community Colleges Energy Efficiency Partnership Program upon completion of the work.

Executive Director, Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Agreement with Salas O'Brien Engineers, Inc. in the amount of \$165,050.**

10. Personnel Actions

Name: **Shawna Aced**
Position: Registrar
College: Foothill College
Division: Counseling and Student Services
Action: **Correction from Step 1 to Step 2 from the September 25, 2008 Board**
Effective Date: August 1, 2008 *# of Months:* 12
Compensation: Level G, Step 2 @ \$7,431.41 per month

Name: **Sean Keegan**
Position: Training Specialist
College: De Anza College
Division: High Tech Center Training Unit of CA Community Colleges (HTCTU)
Action: **Resignation**
Effective Dates: November 21, 2008

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

11. 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**.

12. Professional Achievement Awards

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

BUSINESS AND FINANCE/FACILITIES

13. Report on Measure C Bond Funds Short-Term Investments and Retiree Liability Investment

Vice Chancellor of Business Services Andy Dunn and John Sheldon of Morgan Stanley will provide an update on the status of investments of Measure C bond issuances Series A and B. Vice Chancellor Dunn will also provide an update from the County on the status of District funds invested through the Joint Powers Authority for the retiree medical benefit liability.

MEASURE E PROJECTS

14. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$281,003.

A. *Title:* Final Change Order #2
Vendor: JJ Nguyen, Inc.
Agreement Date: May 29, 2008
Campus: De Anza College
Project No.: 237
Project Name: Master Landscaping Phase I
Amount: \$499
For: Construction changes including additional irrigation and irrigation line repair, additional drainage, added decomposed granite at walkways, and various credits for scope removed from the contract. The original contract completion date September 19, 2008 is unaltered by this Change Order.

The total change orders to date represent 6.25% against the original contract amount. The funding is included in the current budget.

Action: Ratification

B. *Title:* Change Order #72
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$28,186
For: Miscellaneous mechanical, electrical and architectural changes at Buildings 8100 and 8400 and installation of pressure reducing fire water valves at Buildings 7100 and 7500.

This change order plus all previous change orders represents 9.18% above the base contract amount. The funding for this change is within the current budget.

Action: Ratification

C. *Title:* Revision #3 to Addendum #10
Vendor: Gilbane Building Company
Agreement Date: April 4, 2000
Project Name: Measure E Bond Program
Amount: \$200,142
For: Measure E construction management services.
Action: Approval

D. *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: \$24,914
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 2.9% against the original contract amount. The funding is included in the current budget.
Action: Ratification

E. *Title:* Change Order #12
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: \$7,701
For: Provide revised concrete site walls, additional sprinkler heads inside the building, and demolition of unforeseen buried site concrete 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 3.0% against the original contract amount. The funding is included in the current budget.
Action: Ratification

- F. Title:** Change Order #13
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: \$19,561
For: Provide additional mechanical and plumbing work required for connection of building hydronic system to campus plant. The original contract completion date of September 21, 2008 is unaltered by this Change Order.
- The total change orders to date represent 3.1% against the original contract amount. The funding is included in the current budget.
- Action:** Ratification

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

MEASURE C PROJECTS

15. Measure C Consent Calendar

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$200,224.

- A. Title:** Change Order #1
Vendor: CRW Industries, Inc.
Agreement Date: October 7, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000 Renovation
Amount: \$36,914
For: Multiple abatement, mechanical, and site work changes.
- This change order represents 1.45% above the base contract amount. The funding for this change is available within the current budget.
- Action:** Ratification

- B.** *Title:* CEQA Schedule
Vendor: Placemakers
Agreement Date: March 6, 2008
Campus: De Anza College
Project No.: 272
Project Name: Environmental Impact Reports
Amount: 0
For: This item provides the final calendar for processing of the Mitigated Negative Declaration for the East Cottage and Baldwin Winery Historical Renovations.
Action: Information
- C.** *Title:* Change Order #1
Vendor: Ralf Schmidtmeier Architect
Agreement Date: October 7, 2008
Campus: Foothill College
Project No.: 111
Project Name: Modular Renovation
Amount: \$4,175
For: Professional services to provide a revised scope to reduce the cost of the Modular Renovation project, to expand swing space and construct management offices. This is a change to the original contract. The funding is included in the current budget.
Action: Ratification
- D.** *Title:* Agreement for Professional Services
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: October 21, 2008
Campus: Foothill College
Project No.: 135
Project Name: Utility and Technology Infrastructure
Amount: \$124,000
For: A condition assessment of the campus' electrical, chilled water, heating hot water and gas utilities. The report will evaluate the campus' existing capacity and recommend future utility infrastructure repairs and upgrades based on the planned renovations under Measure C. The funding is included in the current budget.
Action: Approval

- E.** *Title:* Agreement for Professional Services
Vendor: Mazzetti & Associates
Agreement Date: September 9, 2008
Campus: Foothill College
Project No.: 123C
Project Name: Medical Air Compressor
Amount: \$12,500
For: Professional services to provide Construction Administration and Construction Design documentation for the installment of a new code-compliant medical air compressor in the Boiler/Electrical room of Building 5200 – to service the Respiratory Therapy classroom in Building 5300
Action: Ratification
- F.** *Title:* Contracted Services
Vendor: A Step Beyond
Agreement Date: September 18, 2008
Campus: Foothill College
Project No.: 161
Project Name: Fire Alarm Phase II
Amount: \$560
For: Contracted services to move Fire Alarm device/equipment from room 5912 to storage facility for future Fire Alarm Phase II project
Action: Ratification
- G.** *Title:* Independent Contractor Agreement
Vendor: Weatherly Striping Company, Inc.
Agreement Date: August 13, 2008
Campus: Foothill College
Project No.: 766101
Project Name: Forum
Amount: \$775
For: Blackout existing “STAFF” at nine locations; re-strip 17 existing white stall lanes yellow; paint 17 “STAFF” stencils in yellow
Action: Ratification

- H.** *Title:* Agreement for Construction Services
Vendor: B Bros Construction, Inc.
Agreement Date: August 19, 2008
Campus: Foothill College
Project No.: 766100D
Project Name: Repair Stadium Floor Boards
Amount: \$14,950
For: Provide all equipment, labor, taxes and material to replace approximately 2,150 LF of stadium bleacher floorboard.
Action: Ratification
- I.** *Title:* Independent Contractor Agreement
Vendor: Tri County Pest Control, Inc.
Agreement Date: August 21, 2008
Campus: Foothill College
Project No.: 766100A
Project Name: Building 1900 Glulam Beam Repair
Amount: \$600
For: Provide drywood termite treatment on Glulam Beams at Building 1900
Action: Ratification
- J.** *Title:* Independent Contractor Agreement
Vendor: Harlan Associates, Inc.
Agreement Date: August 19, 2008
Campus: Foothill College
Project No.: 123E
Project Name: Footbridge IPE Wood Repair
Amount: \$2,500
For: Contracted services for visual inspection, samples analysis and consultation services for existing stained IPE wood guard rails and building siding finishes
Action: Ratification
- K.** *Title:* Independent Contractor Agreement
Vendor: Coastal Tree Service
Agreement Date: June 10, 2008
Campus: Foothill College
Project No.: 766144
Project Name: Central Campus Site Improvements
Amount: \$1,700
For: Emergency tree service for trees near footbridge
Action: Ratification

- L.** *Title:* Change #1 to Independent Contractor Agreement
Vendor: Compview
Agreement Date: September 9, 2008
Campus: Foothill College
Project No.: 153
Project Name: Campus Center (Projection Screen Repair)
Amount: \$950
For: Contracted services to remove wrinkles from the cafeteria projector screen
Action: Ratification
- M.** *Title:* Agreement for Professional Services
Vendor: Carsten's Yearly Analysis
Agreement Date: May 12, 2008
Campus: Foothill College
Project No.: 123C
Project Name: Medical Air Compressor
Amount: \$600
For: Professional services to provide consulting and inspection for medical air compressor installation
Action: Ratification

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

16. Revision #3 to Measure C Bond Project List: Chance Order #2 to Agreement with CRW Industries, Inc. — Forum 5000, Foothill College

Upon demolition of some of the equipment and asbestos containing building material in Forum 5000 at Foothill College, access to previously inaccessible duct revealed significant dust/debris, failing acoustic lining as well as failing joints and supports. Replacing the duct has been determined to be the most cost effective solution and will provide a complete renovation.

The cost for Change Order #2 is \$90,202. The scope of work includes the removal and replacement of all remaining HVAC ducts that were to remain. This change order plus all previous change orders represent 5.02% above the base contract amount. The funding for this change is available within the current project budget (0766100).

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve Revision #3 to the Measure C Bond Project List and Change Order #2 to the Agreement with CRW Industries in the amount of \$90,202.**

17. Revision #1 to Agreement with Ratcliff Architects — Foothill College Project #160, Physical Sciences and Engineering Center

Ratcliff Architects was selected by the District to provide design services for Measure C Project #160, Foothill College Physical Sciences and Engineering Center (North Slope Science Building). Ratcliff is currently under contract to complete schematic design services only.

The basic services added by this Revision include design development, preparation of construction documents, bidding and construction administration services through project closeout, and LEED documentation for the Physical Sciences and Engineering Center and Parking Lot 4. The total added fee comes to \$4,458,909, including a \$20,000 budget for reimbursable expenses and a \$79,000 budget for optional additional services. The total amount of this agreement, including the original scope, is now \$5,304,049.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve Revision #1 to the Agreement with Ratcliff Architects for the additional amount of \$4,458,909.**

18. Rejection of Bids for Bid 1163-111 — Modular Renovation Project at Foothill College

The contract would convert modular buildings 5998 and 5960 into office space for construction and program management and would restore building 5940 into classroom use. The work would also renovate the modular restrooms to be ADA compliant.

Ralf Schmidtmeier Architect prepared the specifications for this project. A complete set of all bid documents is on file in the Purchasing Services Department. Measure C funds the project, and the construction budget is \$102,000.

The bid was legally advertised to contractors on August 20 and August 27, 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 23, 2008 in the Purchasing Services office. Six (6) contractors submitted bids, the results of which are below:

BID RESULTS

Contractor	Base Bid Proposal Amount
A Step Beyond	\$ 139,999
Coast Side Associates	\$ 193,631
Rodan Builders, Inc.	\$ 198,300
CRW Industries, Inc.	\$ 270,208
John Plane Construction, Inc.	\$ 287,900
ESR Construction	\$ 293,720

Public Contract Code section 20651 requires that all bids for construction work be accompanied by bidder's security in the form of cash, a cashier's check, or a bidders bond executed by an admitted surety insurer, made payable to the community college district. The bid submitted by the apparent lowest bidder, A Step Beyond, did not include the properly required bidders security, nor did it acknowledge receipt of the bid amendments issued during the course of bidding, therefore making its bid non-responsive. Furthermore, all bids received far exceeded the construction budget for the project. Therefore, it is the consensus of the Measure C team, including Purchasing Services, Bond Program Management, and Gilbane/Maas, that the District should reject all bids and advertise a new call for bids. Before calling for new bids, the bond program management team will work with the architect to revise the scope of work to realign it more within the construction budget.

Purchasing Services Supervisor Gina Bailey recommends that the Board **reject all bids received pursuant to Bid Number 1163-111.**

MJK:jco