



# BOARD OF TRUSTEES

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

**November 3, 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: 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.

#### CONFERENCE WITH LABOR NEGOTIATOR

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

#### Public Session

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

APPROVAL OF MINUTES

[October 20, 2008](#)

CORRESPONDENCE

AUDIT & FINANCE COMMITTEE REPORT

FOUNDATION BOARD REPORT

PUBLIC HEARING

**INFORMATION  
ACTION**

**INFORMATION  
INFORMATION  
INFORMATION  
INFORMATION**

[Contract Extension of the Agreement between the District and SEIU Local  
521](#)

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. [Authorization to Purchase Network Equipment Pursuant to State of California Calnet II Contracts \(Bailey x6165\)](#)
3. Consulting Services for Information Security Audit (Sherman x6120) (*See Public Memo for backup*)
4. [Authorization to Award Three-Year Contract for Printing and Mailing of Foothill College Schedule of Classes Pursuant to Bid 1156 \(Bailey x6165\)](#)
5. [Transfer of Pipe Fitters and Steam Fitters Apprenticeship Program to Foothill College \(Galope x7070\)](#)
6. [Personnel Actions as Follows: \(Novotny x6211\)](#)
  - Extension of Employment Contract – Charles Allen, Central Services Executive Director (*See Public Memo for backup*)
  - Extension of Employment Contract – Lester A. Lyons, Central Services Associate Director (*See Public Memo for backup*)
  - Employment – Eloise Orrell, Foothill Dean
  - Extension of Employment Contract – Chien Shih, Central Services Director (*See Public Memo for backup*)
  - Employment – Rowena Tomaneng, Acting Dean
7. [Human Resources Report \(Novotny x6211\)](#)

MEASURE C PROJECTS

8. Foothill College Physical Sciences and Engineering Center – Schematic Design Review (Allen x6150) **ACTION**

BOARD BUSINESS

9. [Draft Statement of Board Values on the Selection of Textbooks and Learning Materials \(Kanter x6104\)](#) **INFORMATION**

BUSINESS AND FINANCE/FACILITIES

10. Annual Risk Management Report (Kelly x6131) (*See Public Memo for backup*) **INFORMATION**

11. Environmental Compliance Annual Update (**Voss x6146**) (*See Public Memo for backup*) **INFORMATION**
12. 2008-09 First Quarter Report (**Dunn x6201**) **INFORMATION**
13. Resolutions To Adopt Budget Revisions and Transfers (**Dunn x6201**) **ACTION**
14. NASA Research Park and University Associates Limited Liability Corporation (**Dunn x6201**) **ACTION**

MEASURE E PROJECTS

15. Measure E Consent Calendar (**Allen x6150**) **ACTION**
  - A) PAA #D7 (Science Center HVAC) – Salas O’Brien
  - B) Revision #1 (Master Landscaping) – Callander Associates
  - C) Budget Transfer #67 – De Anza College
  - D) Change #1 (Science Center) – Peter Gray Scott

MEASURE C PROJECTS

16. Measure C Consent Calendar (**Allen x6150**) **ACTION**
  - A) Change Order #1 (Audiovisual System) – Avidex Industries
  - B) Revision #1 to PAA #1B (Seminar) – Noll & Tam Architects
  - C) Revision #1 to PAA #2A (Multicultural Center) – Noll & Tam Architects
  - D) Revision #3 to PAA #2B (Multicultural Center) – Noll & Tam Architects
  - E) Revision #2 to PAA #2C (Multicultural Center) – Noll & Tam Architects
  - F) Agreement (Visual & Performing Arts Center) – Thorburn Associates
  - G) Revision #1 (Bond Program) – Gilbane-Maas
  - H) Agreement (P.E.) – Bill Gould Design Art & Architecture
  - I) Agreement (Pools) – Arch Pac Aquatics
17. Notice of Intent to Adopt a Mitigated Negative Declaration for the East Cottage and Baldwin Winery Building Rehabilitation Projects Proposed for De Anza College (**Hawk x8976**) **ACTION**
18. Authorization to Award Contract Pursuant to Bid 1169-162B — Roundabout and Parking Lot 8 Improvements, Foothill College (**Bailey x6165**) **ACTION**
19. Pre-Qualification of Prospective Bidders for Measure C Historical Renovation Projects at De Anza College (**Bailey x6165**) **ACTION**
20. Pre-Qualification of Prospective Bidders for Measure C Projects at De Anza College (**Bailey x6165**) **ACTION**
21. Measure C Bond Project List Revision — Foothill Budget Transfer #08, De Anza Budget Transfer #09 and Foothill Project Name Change (**Allen x6150**) **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

**INFORMATION**

- December 1, 2008 — Regular meeting
  - Holiday Reception
  - Organizational Meeting
  - Financing Organization Meeting
  - Draft Statement of Board Values on the Selection of Textbooks and Learning Materials
  - Presentation on De Anza Mediated Learning Center
  - Quarterly Listing of District Investments
  - Presentation of Annual Audit Report
  - Appointments to Citizens' Bond Oversight Committee
  - Delegation of Authority Resolutions
  - Resolution Authorizing Separate Bank Accounts
- December 8, 2008 — Special meeting
  - Trustee Appointment

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 28, 2008  
RE: Public Session, **November 3, 2008**

PUBLIC HEARING

• **Contract Extension of the Agreement between the District and SEIU Local 521**

SEIU Local 521 requests a contract extension to October 31, 2009 on the Agreement, which is set to expire on October 31, 2008. SEIU Local 521 agrees to continue working under the current contract dated November 1, 2005 through October 31, 2008, meaning all current negotiated language under the contract between the Board of Trustees of the Foothill-De Anza Community College District and Local 521 Service Employees International Union for Unit 1 will be effective through October 31, 2009.

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. Authorization to Purchase Network Equipment Pursuant to State of California Calnet II Contracts**

Educational Technology Services (ETS) and Purchasing Services departments will conduct a competitive bidding process during calendar year 2009 to procure network equipment, maintenance and support for replacing the network infrastructure at all campus locations. In the meantime, the District has an immediate need to acquire additional network

equipment to support the increased network traffic demands of the De Anza Advanced Technology Center (ATC). During the summer, ETS and ATC technical support staff refurbished equipment in the ATC with 400 new computers and several new servers that have higher performance but also have greater demands for network throughput. The existing network has not exhibited sufficient capacity to support the network throughput needs of the new equipment. The proposed purchase of network equipment will provide the additional network capacity needed to support the ATC.

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.

ETS and Purchasing Services recommend that the Board authorize the purchase of network equipment and services from AT&T Global Services pursuant to the competitively bid State of California Department of Technology CALNET II contracts. Use of the CALNET II contracts will allow the District to meet the immediate need to upgrade the network equipment at the ATC. The CALNET II contracts with AT&T Global Services commenced on January 30, 2007 and have five-year terms subject to extension by the State of California for up to two additional one-year periods. Additional information about the CALNET II contracts is available at <http://www.calnet.ca.gov>.

The purchase is estimated at \$137,000 based on the attached quote from AT&T, although the final product mix and price may vary slightly.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to issue purchase orders for network equipment at the De Anza Advanced Technology Center to AT&T Global Services pursuant to the State of California CALNET II contracts.**

### **3. Consulting Services for Information Security Audit**

On September 17, 2008, the District issued a Request for Proposal (RFP #1174 – Consulting Services for Conducting an Information Security Audit) to obtain professional services to accomplish the following objectives:

1. Review and assess the current Foothill-De Anza policies, processes, and practices regarding the use, dissemination and administration of regulated data (financial, student information, human resource, health, and payment card information);
2. Present recommendations for mitigating security and compliance risks and improving the reviewed policies, processes, and practices in conjunction with the new Banner Educational Information System (EIS) implementation;

3. Assess current practices and provide recommendations related to the control and management of possible campus software copyright infringement;
4. Audit the current policies and procedures which grant access to security sensitive applications and recommend best practices to mitigate risks uncovered during the audit.

Three vendors responded to the proposal: Strata Information Group (SIG), Moran Technology Consulting and eFortresses. On October 15, 2008, an RFP review committee evaluated the proposals and scored the proposals based on the scoring criteria detailed in the RFP document:

CRITERIA	WEIGHT
Experience with information security and higher education	20%
Experience with Banner EIS security	20%
Meet proposal requirements	30%
Value (proposal cost vs. actual deliverables)	20%
Relevance of reference and sample reports provided	10%

Based on the final score from the committee, the rank orders of the selection are: (1) Strata Information Group (SIG), (2) Moran Technology Consulting, and (3) eFortresses.

VENDOR	FINAL SCORE	PROPOSAL BID AMOUNT*
Strata Information Group (SIG)	66	\$66,000
Moran Technology Consulting	58.5	\$59,000
eFortresses	30	\$138,250

- Final price to be negotiated for no more than \$60,000

Vice Chancellor of Technology Fred Sherman recommends that the Board **authorize the Vice Chancellor of Technology and the Director of Information Technology and Operations to negotiate and enter into a contract with Strata Information Group (SIG) for a cost not to exceed \$60,000.**

**4. Authorization to Award Three-Year Contract for Printing and Mailing of Foothill College Schedule of Classes Pursuant to Bid 1156**

At its meeting of June 16, 2008, the Board authorized award of a three-year contract to VQS Enterprises, Inc. pursuant to Bid 1156, Three-Year Contract for Printing and Mailing of Foothill College Schedule of Classes.

After informing VQS Enterprises, Inc. (VQS) that the Board of Trustees authorized award of the contract, VQS contacted Purchasing Services to clarify if paper price increases were allowed year to year for the term of the contract. Purchasing Services staff informed VQS that price increases would not be allowed, citing Section 1. General Requirements, ¶1.08 Prices of the bid document, which reads, “All prices contained herein shall be net with all

discounts and allowances, if any, deducted from the bidder's list prices. Prices shall be firm for the contract period." VQS then sent a letter to Purchasing Services requesting the District to accept a formal withdrawal of its bid, stating that they did not make allowances for price increases in their bid (see attached letter).

Due to the need to expeditiously print the Fall Schedule of Classes, Purchasing Services issued a one-time purchase order, which was below the formal bid limit, to the second lowest bidder, Folger Graphics. The printing of the Schedule of Classes by Folger Graphics was professional and very acceptable to the Foothill Marketing Department. The Folger Graphics bid was \$146,897.01 per year versus the VQS bid price of \$114,582.63. Furthermore, Folger Graphics has confirmed that they would honor their bid prices for a three-year contract should the Board award a contract to them.

Upon the advise of legal counsel John Shupe, Purchasing Services informed VQS of its intent to award a contract to the second lowest bidder based upon the reasons stated in its June 24, 2008 letter. Therefore, Purchasing and Marketing staff recommend that the Board award the contract to Folger Graphics. Funding will be from the Foothill College Marketing, Public Relations, and Design Services budget, fund number 14-1049.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a three-year contract for printing and mailing of the Foothill Schedule of Classes pursuant to Bid 1156 to Folger Graphics.**

##### **5. Transfer of Pipe Fitters and Steam Fitters Apprenticeship Program to Foothill College**

The Foothill College Apprenticeship Program prepares students for careers in the various construction trades throughout the Bay Area. The Plumbing and Pipe Trades is one of several trades that has been an excellent career choice for many students who aspire to become Residential Plumbers; Commercial Plumbers; Heating, Ventilation & A/C Mechanics; and Commercial Steamfitters. After passing the State Certified Exam, they become a certified journeyman and earn a State License.

Foothill College seeks Board approval for the transfer of the San Mateo County Plumber's and Steamfitters Union over to Foothill College. This will include 203 new students attending 200 hours each per year. This engagement will bring in an additional \$205,000 per year of Montoya funds to the Apprenticeship Program. The Foothill Curriculum approval process has been completed. At the state level, this Plumbing and Steam Fitting Program currently exists and has already been approved under TOP Code 952.30.

Previously, the College of San Mateo served the San Mateo County Plumber's and Steamfitters Union. Since their relationship had dissolved last fiscal year, there is no Local Education Agency (LEA) associated with them at this time. All correspondence between the parties concerned acknowledge support for the transition from the College of San

Mateo to Foothill College (see attached). The California Community Colleges Chancellor's Office has already responded and is supportive of the transfer to Foothill. However, prior to authorizing this transfer, the State Chancellor's Office requires approval from the Board.

Foothill President Judy Miner recommends **approval**.

## 6. Personnel Actions

*Name:* **Charles Allen**  
*Position:* Executive Director  
*College:* Central Services  
*Division:* Facilities, Operations and Construction Management  
*Action:* **Extend Employment Contract**  
*Effective Date:* December 11, 2008 through June 30, 2009

*Name:* **Lester A. Lyons**  
*Position:* Associate Director  
*College:* Central Services  
*Division:* Facilities, Operations and Construction Management  
*Action:* **Extend Employment Contract**  
*Effective Date:* December 5, 2008 through June 30, 2009

*Name:* **Eloise Orrell**  
*Position:* Dean  
*College:* Foothill College  
*Division:* Biological and Health Sciences  
*Action:* **Employment**  
*Effective Date:* January 1, 2009  
*Compensation:* Level J, Step 3 @ \$10,321.18 per month

*Name:* **Chien Shih**  
*Position:* Director  
*College:* Central Services  
*Division:* Information Systems and Operations  
*Action:* **Extend Employment Contract**  
*Effective Date:* November 27, 2008 through June 30, 2009

*Name:* **Rowena Tomaneng**  
*Position:* Acting Dean  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Employment**  
*Effective Date:* November 1, 2008 through December 31, 2008  
*Compensation:* Level K, Step 2 @ \$10,293.31 per month

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

## **7. 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**.

## MEASURE C PROJECTS

### **8. Foothill College Physical Sciences and Engineering Center – Schematic Design Review**

Ratcliff architects, in close coordination with District and Foothill College staff and faculty, has completed Programming and Schematic Design phases of the Physical Sciences and Engineering Center (PSEC), originally known as the North Slope Sciences Building, Measure C Project 160.

The proposed design includes three closely-spaced buildings: Classroom, Lab and Commons, surrounding a new courtyard. The design preserves the architectural integrity of the campus by featuring existing site planning patterns and building typology: the plan is reminiscent of existing buildings organized around an open space or academic quad. Furthermore, the new buildings maintain continuity with the campus by using similar roof forms and materials. The existing one-story scale is also maintained, with the two-story Lab building nestled into the hillside to reduce its visible mass. The project has a goal of LEED Silver. The scope of the project will include improvements to Parking Lot 4 to ensure its integration with the design of the building complex.

The design process has been inclusive and collaborative, involving college users, particularly Physical, Sciences, Math and Engineering faculty, at every step with hands-on workshops, planning sessions and presentations, with the goal of building consensus on the design. Programming workshops included site tours of other new science facilities; studying site options; conducting departmental interviews and determining departmental adjacencies; review of various laboratory/classroom layouts and furniture concepts; and review of cost/program model scenarios. The Programming phase concluded with a formal Program Document that describes siting, massing and conceptual design strategies; with its detailed space descriptions, it serves as an important reference guide for all subsequent phases of design.

The Schematic Design phase continued to be inclusive in nature. Ratcliff conducted neighborhood meetings to solicit input and engaged college faculty and staff in an Eco-Charette to review sustainable strategies, as well as a design/ image exercise to discern design preferences for various aspects of the new facility. This phase advanced the programmed building design strategies and addressed site issues, including Loop Road safety concerns and the integration of Parking Lot 4, resulting in the proposed design.

Cost estimates prepared during these design phases indicated that additional funding would be needed to support the program needs. A bond list revision and budget transfer is proposed to augment the budget and to merge Project 126 (Lot 4) and Project 160 (North Slope Science Building) into a renamed Physical Sciences and Engineering Center project. The consolidated construction budget will be \$41,800,000, with an overall project program budget of \$60,015,002.

A copy of the documents is available for public viewing in the Chancellor's Office.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **authorize Ratcliff Architects to proceed with design development and construction documents to complete the design of the Physical Sciences and Engineering Center.**

## BOARD BUSINESS

### **9. Draft Statement of Board Values on the Selection of Textbooks and Learning Materials**

Since 2005, a variety of issues regarding the publication and selection of textbooks and learning materials for community colleges have been the topics of wide-ranging discussions at Foothill-De Anza, the state and nationally. Following the Spring 2005 publication by The Academic Senate for California Community Colleges of Textbook Issues: Economic Pressures and Academic Values, Foothill-De Anza and other community colleges in the state drew their attention to the policies and procedures related to textbook selection, pricing and affordability.

On November 5, 2007, following months of consultation with the Academic Senates and negotiations between the District and the Faculty Association, the Board reviewed proposed revisions to Board Policy 4185, Publication of Instructional Materials. The Board sought to address the policy and procedural issues related to the creation, use and sale of instructional materials that meet legal regulations and further clarify intellectual property, copyright and remuneration issues. The Board concluded that the proposed revisions did not clearly address the Board's values and interests in 1) supporting the academic freedom of faculty who wish to publish textbooks and course materials and receive appropriate compensation for their intellectual property, and 2) protecting students

from excessive textbook costs, emphasizing the goal that students should be able to obtain high quality textbooks at the least cost. The Board emphasized its support for academic integrity in textbook selection and its fiduciary responsibility to assure that textbook costs are appropriate and in legal compliance, especially in cases where faculty publish their own textbooks and materials, set the prices and sell them directly to students. At that meeting, it was noted that faculty do not agree on a common set of statements and oversight processes and the meeting concluded with a plan for a study session to be held in the spring that encouraged the participation of faculty, students and the administration.

On February 4, 2008, the Board held a study session on “Publication and Use of Instructional Materials” to better understand the range of choices available to faculty in regard to publishing and using instructional materials in and outside of the District, copyright issues, new developments in open educational resources, publishing industry trends and textbook pricing. At that meeting, the Board, faculty and students affirmed that the choice of textbooks for a particular class or set of courses is an area of primacy for faculty. Concerns focused on textbook pricing and affordability for students, and the assurance that methods such as peer review are supported by the Academic Senates on the campuses to select high quality textbooks and avoid even the appearance of a conflict of interest in cases where faculty publish and then require their self-authored books to be used in their classes. The Board expressed interest in supporting incentives for the colleges to increase the affordability and availability of high quality textbooks at the lowest possible cost.

From February through May, 2008, Academic Senate leaders and the administration worked on new language to incorporate information provided at the Board study session that would then be reviewed by the District and the Faculty Association with the ultimate goal of revising Board Policy 4185 with improved language.

This fall, Chancellor Kanter and the District’s new Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny reviewed minutes, references and transcripts related to the community college textbooks and instructional materials from the Academic Senates, Faculty Association, Academic and Professional Matters Committee, the State Academic Senate, and State Auditor’s Report on the affordability of textbooks. In September 2008, they prepared a draft that could serve as a statement of the Board’s values in regard to textbook selection and use. The Chancellor and Vice Chancellor distributed the draft to the Board, the Academic Senates, the Faculty Association, the Academic and Professional Matters Committee and the administration and requested feedback on the proposed statement. The draft statement is offered as an information item for the Board’s consideration to reflect its values and to form the basis for a Board resolution regarding textbook selection and use in Foothill and De Anza classes.

## BUSINESS AND FINANCE/FACILITIES

### **10. Annual Risk Management Report**

Director of Risk Management Marsha Kelly will present the annual report on Risk Management activities during the previous year, including insurance, training and claims.

### **11. Environmental Compliance Annual Update**

Each year the Board is provided an update regarding the District's waste management program and environmental compliance with Santa Clara County's Department of Environmental Health (DEH) directives. Foothill-De Anza Director of Environmental Health & Safety Mona Voss will provide an update, focusing on the following key areas:

- Interface with the Agency (DEH) on issues
- Inspection and findings throughout the past year
- Closure process and accomplishments
- Areas of continued focus

### **12. 2008-09 First Quarter Report**

Presented to the Board for information is the 2008-09 First Quarter Report.

### **13. Resolutions to Adopt Budget Revisions and Transfers**

Presented to the Board for adoption are the 2008-09 first quarter budget revisions and transfers. Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve Resolution #2008-17 (Budget Revisions) and Resolution #2008-18 (Budget Transfers).**

### **14. NASA Research Park and University Associates Limited Liability Corporation**

The District, in conjunction with Carnegie Mellon University, Santa Clara University and the University of California at Santa Cruz (UCSC) — collectively referred to as the University Associates — entered into a Letter of Intent (LOI) in March 2008 expressing their intention to pursue a joint development of approximately 70 acres of surplus land in the NASA Research Park (NRP) at Moffett Field. At the July 7, 2008 meeting of the Board, authority was granted to the Chancellor or designee to enter into a Limited Liability Corporation (LLC) with UCSC and sign the Memorandum of Understanding with the University Associates upon its completion.

Planning for the development of the NASA Research Park with the University Associates is continuing at a rapid pace with a key deadline of December 31, 2008 approaching. Attached is an update based on the latest University Associates meeting at Santa Clara University on October 3, 2008. The District at this time needs to appoint official representatives (currently anticipated to be two) to the LLC.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **authorize the Chancellor to appoint District Representatives (currently anticipated to be two representatives) to the University Associates LLC as established by UCSC.**

## MEASURE E PROJECTS

### 15. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$26,936.

- A.** *Title:* PAA #D7, Revision #6  
*Vendor:* Salas O'Brien Engineers  
*Agreement Date:* March 15, 2004  
*Campus:* De Anza College  
*Project No.:* 276  
*Project Name:* Science Center HVAC  
*Amount:* \$7,930  
*For:* Engineered fire sprinkler drawings as required by DSA for project certification  
*Action:* Ratification
- B.** *Title:* Revision #1 to Standard Form of Agreement  
*Vendor:* Callander Associates Landscape Architecture, Inc.  
*Agreement Date:* September 19, 2005  
*Campus:* De Anza College  
*Project No.:* 237  
*Project Name:* Master Landscaping Phase I  
*Amount:* \$1,306  
*For:* Additional professional services to provide design changes to the irrigation main line, irrigation lateral lines, and planting plans for Buildings E3 and S7 due to discovered shallow utility conflicts; this revision corresponds to Callander Associates Landscape Architecture's Additional Services Authorization #02 dated July 10, 2008  
*Action:* Ratification

- C. Title:** Budget Transfer #67  
**Campus:** De Anza College  
**For:** Budget Transfer DA #67 recognizes three new projects and includes Program Contingency to Project Transfers to fund these projects which reflect a joint effort by De Anza, the District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza  
**Action:** Ratification
- D. Title:** Change #1 to Independent Contractor Agreement (PO #H979720)  
**Vendor:** Peter Gray Scott  
**Agreement Date:** October 1, 2007  
**Campus:** De Anza College  
**Project No.:** 202  
**Project Name:** Science Center  
**Amount:** \$17,700  
**For:** Expert witness services for litigation on De Anza Science Center  
**Action:** Ratification

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

## 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 \$474,201.46.

**A. Title:** Change Order #1  
**Vendor:** Avidex Industries, Inc.  
**Agreement Date:** September 30, 2008  
**Campus:** De Anza College  
**Project No.:** VPAC – Group II  
**Project Name:** Audiovisual Systems  
**Amount:** \$17,533.46  
**For:** Construction changes include additional Projection Room Equipment, providing three (3) center speakers to the Auditorium sound package, revisions to the teaching lecterns for revised equipment layout, deletion of two (2) reverse running kits for the projectors, and deletion of two (2) laser disk players. A no cost time extension is also included in this change order. The contractor is given the time extension without compensation of any kind due to site access and procurement lead time issues. The original contract completion date of December 1, 2008 is extended to December 15, 2008 by this Change Order as a “no cost” time extension.

The total change orders to date represent 2.54% against the original contract amount. The funding is included in the current budget.

**Action:** Ratification

**B. Title:** Revision #1 to PAA #1B to Master Agreement  
**Vendor:** Noll & Tam Architects  
**Agreement Date:** May 6, 2008  
**Campus:** De Anza College  
**Project No.:** 205  
**Project Name:** Seminar Building  
**Amount:** \$6,272  
**For:** Adjustment to the architect’s basic services fees for schematic design/design development and construction documents based on the revised estimated construction budget

**Action:** Ratification

**C. Title:** Revision #1 to PAA #2A to Master Agreement  
**Vendor:** Noll & Tam Architects  
**Agreement Date:** January 8, 2008  
**Campus:** De Anza College  
**Project No.:** 258  
**Project Name:** Multicultural Center  
**Amount:** \$9,020  
**For:** Additional pre-design and programming services for the increased landscape and site scope of work

**Action:** Ratification

- D.** *Title:* Revision #3 to PAA #2B to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 258  
*Project Name:* Multicultural Center  
*Amount:* \$16,801  
*For:* Additional schematic design/design development (SD/DD) and construct documents services for the increased landscape and site scope of work  
*Action:* Ratification
- E.** *Title:* Revision #2 to PAA #2C to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 258  
*Project Name:* Multicultural Center  
*Amount:* \$4,235  
*For:* Additional bidding and construction administration services for the increased landscape and site scope of work  
*Action:* Ratification
- F.** *Title:* Agreement for Design Professional Services  
*Vendor:* Thorburn Associates, Inc.  
*Agreement Date:* September 5, 2008  
*Campus:* De Anza College  
*Project No.:* VPAC – Group II  
*Project Name:* Audiovisual Construction Administration  
*Amount:* \$17,280  
*For:* Design Professional Services that include Construction Administration of the audiovisual design provided by Thorburn Associates, Inc. through the Architect of Record for the Visual & Performing Arts Center. The audiovisual components are being installed by the Audiovisual Contractor and this Professional Services Agreement provides for Thorburn Associates to provide RFI and Submittal reviews, audiovisual system installation validation, final system testing oversight, and closeout review of the Audiovisual Contractor’s work.  
*Action:* Ratification

- G.** *Title:* Revision #1 to 2008-09 Agreement for Services  
*Vendor:* Gilbane-Maas  
*Agreement Date:* July 7, 2008  
*Project Name:* Measure C Bond Program  
*Amount:* \$307,328  
*For:* Measure C program and construction management services  
*Action:* Approval
- H.** *Title:* Professional Service Agreement  
*Vendor:* Bill Gould Design Art & Architecture  
*Agreement Date:* November 4, 2008  
*Campus:* De Anza College and Foothill College  
*Project No.:* 766-226A and 766-123D  
*Project Name:* De Anza: PE and Campus Center Floor Refinishes  
Foothill: PE Gym Floor Finishes  
*Amount:* \$21,260  
*For:* The De Anza College Campus will receive 1) refinishing of the main gymnasium, PE21, 2) refinishing of PE13, 3) sand and finish of PE14, 4) volleyball game and spinning dot game lines and refinish of PE15, 5) refinish of main dining hall in campus center, CC234, 6) sand and finish of corridor and conference rooms in the campus center, CC251, CC227, CC228, CC253, and 7) refinish of Bautista Room, CC256; the Foothill College campus will receive 1) refinishing of the auxiliary gymnasium (2501), and 2) sanding, game lines, finish, two volleyball post floor inserts, new electrical/communication box, and door seals for the main gymnasium (2601)  
*Action:* Approval

- I.** *Title:* Professional Service Agreement  
*Vendor:* Arch Pac Aquatics, Inc.  
*Agreement Date:* November 4, 2008  
*Campus:* De Anza College and Foothill College  
*Project No.:* 766-200B and 766-100C  
*Project Name:* De Anza: Pool Chlorination System  
Foothill: Pool Plaster and Chemical Feed System  
*Amount:* \$74,472  
*For:* The De Anza College Campus will receive a replacement automated chemical feed system for the Pool Complex, and in addition to design services, the Design Professional will provide bid phase, construction administration, construction monitoring, and training services; the Foothill College campus will receive 1) new plaster, tile, and hardware for the pool vessel, 2) replacement of the automated fill system to maintain optimum water level, and 3) replacement of the automated chemical feed system, and in addition to design services, the Design Professional will provide bid phase, construction administration, construction monitoring, and training services  
*Action:* Approval

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

**17. Notice of Intent to Adopt a Mitigated Negative Declaration for the East Cottage and Baldwin Winery Building Rehabilitation Projects Proposed for De Anza College**

The consultant, Placemakers, was requested to prepare a California Environmental Quality Act (CEQA) study for the East Cottage and Baldwin Winery building projects on the De Anza College campus. These two projects are currently being designed for historical renovations necessary to support the college programs intended to occupy the renovated buildings. The extent of renovations will retain historical features and components while upgrading these buildings structurally, providing for ADA accessibility, and by providing up-to-date mechanical, electrical, plumbing, and interior and exterior finishes.

The scope of the CEQA study included a complete assessment including public input and review to address both projects. This level of review was necessary to ensure that the historical resources component of the East Cottage and old Baldwin Winery (former Bookstore) were adequately reviewed as they relate to historical renovation plans for these facilities.

On May 13, 2008, a public meeting took place at the Kirsch Center for Environmental Studies regarding the findings of the Draft Initial Study developed by Placemakers. An

Administrative Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program has been prepared for these facilities and is attached hereto for reference.

De Anza Vice President of Finance and Educational Resources Jeanine Hawk and Executive Director of Facilities, Operations and Construction Management Charles Allen recommend that the Board **approve this Mitigated Negative Declaration of the East Cottage and Baldwin Winery building projects.**

**18. Authorization to Award Contract Pursuant to Bid 1169-162B — Roundabout and Parking Lot 8 Improvements, Foothill College**

This project provides for new curbs, traffic markings, and signage at the Foothill College traffic roundabout and Parking Lot 8. The modifications are intended to improve traffic flow, wayfinding, and safety at the entry to the college. The project includes work required by the Santa Clara County Fire Marshal Department. Sandis prepared the contract documents.

The bid was legally advertised to contractors on September 12, 19, 30, and October 7, 2008. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges and posted on Bid Net. Bids were publicly opened and read on October 21, 2008 in the Purchasing Services Office. Seven (7) contractors submitted bids, the results of which are summarized below:

**BID RESULTS**

<b>Contractor</b>	<b>Base Bid Proposal Amount</b>
<b>Joseph J. Albanese, Inc.</b>	<b>\$53,700</b>
Rodan Builders, Inc.	\$56,100
El Camino Paving, Inc.	\$60,985
Guerra Construction Group	\$87,197
Sposeto Engineering, Inc.	\$87,950
C.F. Archibald Paving, Inc.	\$104,800
Kingdom Pipelines, Inc.	\$108,720

The lowest responsive and responsible bidder is Joseph J. Albanese, Inc. at the base bid amount of \$53,700. Joseph J. Albanese, Inc., and its subcontractor have 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. Joseph J. Albanese, Inc., has successfully completed several projects for the District including Foothill Parking Lot 5 and De Anza College Campus Entries project.

The project is funded by Measure C funds. The construction estimate is \$39,000. According to Foothill Director of Bond Program Art Heinrich, the bids exceeded the construction estimate due to increases in the scope of work required by the fire marshal that were amended during the bid process.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid 1169-162B to Joseph J. Albanese, Inc. in the amount of \$53,700.**

**19. Pre-Qualification of Prospective Bidders for Measure C Historical Renovation 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 pre-qualification rating prior to the closing time for receipt of bids.

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

De Anza College

- Project #203 – Old Baldwin Winery
- Project #213 – East Cottage

A draft of the pre-qualification document is attached. The Purchasing Department will report the pre-qualification results to the Board 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 these listed projects.

This 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.**

## 20. Pre-Qualification of 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 pre-qualification rating prior to the closing time for receipt of bids.

A team comprised of individuals from District Facilities and De Anza Construction Management has concluded that prime contractors on the Measure C project listed below should be pre-qualified to ensure the financial stability of the contractors and promote safety, quality, timeliness, and cost effectiveness in the construction of District projects.

### De Anza College:

Project #241 – S2-S6 Phase II – Utility Master Plan Phase I

A draft of the pre-qualification document is attached. The Purchasing Department will report the pre-qualification results to the Board 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 these listed projects.

This 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 project in accordance with Public Contract Code Section 20101.**

## 21. Measure C Bond Project List Revision — Foothill Budget Transfer #08, De Anza Budget Transfer #09 and Foothill Project Name Change

Foothill Budget Transfer #08 consolidates the budgets of two projects and supplements the budget for Project #160 (formerly North Slope Science Building, renamed Physical Sciences and Engineering Center) with funds from Project #162 (Parking and Circulation) and Project #171 (Loop Road Realignment). In addition, the project budget is augmented by \$3,350,000 from #199 (Foothill Program Contingency). These funds were placed in

contingency from interest earnings in previous budget transfers and amount to approximately one-third of anticipated interest earnings.

The Physical Sciences and Engineering Center is the largest project in the Foothill Measure C program, and will provide state-of-the-art chemistry, physics, and multipurpose laboratories, nine new classrooms, faculty offices, and supporting spaces, as well as complete renovation of Parking Lot 4.

De Anza Budget Transfer #09 provides a budget augmentation for repairs and upgrades to the exterior window wall system, tile roof, interior and exterior finishes, and CM locks. Based on the recent Design Development phase project estimate, Project #205 (Seminar Building) requires a budget augmentation to meet the project requirements as defined for Measure C. Funds are being transferred from the appropriate Measure C maintenance project budgets for the work intended.

To address the funding requirements, the following funding reallocations are proposed from Projects #225, #226, #227 and #236 to Project #205 (Seminar Building) to meet budget requirements for the Seminar scope of work:

- Reallocation of funding from Project 225 (Campus Wide Electronic Locks) to Project 205 (Seminar Building) to provide electronic locking mechanisms for the Seminar Building renovation project
- Reallocation of funding from Project 226 (Campus Wide Replacement/Repair of Interior and Exterior Finishes) to Project 205 (Seminar Building) to meet budget requirements for repair and refinish of the Seminar Building exterior associated with exterior door and window changes and from the reconfiguration of interior spaces
- Reallocation of funding from Project 227 (Window Replacement Campus Wide) to Project 205 (Seminar Building) to supplement prior funding of the Seminar Building window replacements
- Reallocation of funding from Project 236 (Repair Tile Roof) to Project 205 (Seminar Building) to supplement prior funding of tile roof work for this project.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with Foothill Budget Transfer #8 and De Anza Budget Transfer #9.**

MJK:jco