



# BOARD OF TRUSTEES

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

**January 20, 2009**

Hinson Campus Center  
**De Anza College**  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014

*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.*

Study Session: 1:30 p.m.  
Conference Room B  
Closed Session: 4:30 p.m.  
Don Bautista Room  
Reception: 5:30 p.m.  
Conference Room B

**Public Session: 6:00 p.m.**  
**Conference Room B**

## AGENDA

### Regular Meeting

#### Public Session — 1:30 p.m.

#### CALL TO ORDER & ROLL CALL

#### BOARD STUDY SESSION

- |  |                    |
|--|--------------------|
| 1. <b>Educational Master Plan 2010-2020 (Kanter x6104 / Barr x6178)</b>    | <b>INFORMATION</b> |
| A. Opportunities and Challenges in Educating Foothill and De Anza Students |                    |
| B. Enrollment Patterns for Student Access and Success                      |                    |
| C) Development of Master Plan 2010-2020                                    |                    |
| 2. <b>Budget Update (Dunn x6201)</b>                                       | <b>INFORMATION</b> |
| A. State and Community College Budget Update for 2008-09 and 2009-10       |                    |
| B. Foothill-De Anza Budget for 2008-09 and 2009-10                         |                    |
| 3. <b>Measure E and Measure C Bond Program Update (Allen x6150)</b>        | <b>INFORMATION</b> |
| A. Measure E and C Mid-Year Update   |                    |
| • Presentation: De Anza Mediated Learning Center Schematic Design          |                    |
| B. Sustainability Policy and Plans   |                    |
| 4. <b>Legislative Principles (Kanter x6104)</b>                            | <b>INFORMATION</b> |
| 5. <b>Mid-Year Review of Board Priorities for 2008-09 (Kanter x6104)</b>   | <b>INFORMATION</b> |
| 6. <b>Board Protocol (Kanter x6104) (See Public Memo for backup)</b>       | <b>INFORMATION</b> |

#### ADJOURN TO CLOSED SESSION

#### Closed Session — 4:30 p.m.

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: Foothill-De Anza Community College District v.  
Anshen + Allen (AAA No. 74 110 00250 07)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: West Bay Builders v. Foothill-De Anza Community College District

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny

Employee Organizations: All Represented and Unrepresented Groups

PUBLIC EMPLOYEE EVALUATION

Position Title: Chancellor

**Reception — 5:30 p.m.**

RECEPTION WELCOMING TRUSTEE PEARL CHENG

**Public Session — 6:00 p.m.**

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

**INFORMATION**

APPROVAL OF MINUTES

**ACTION**

December 1, 2008

December 3, 2008

December 8, 2008

January 8, 2009

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**

- 7. [Resolution Honoring Gay and Bill Krause \(Kanter x6104\)](#)
- 8. [New Board Policy 3260 – Electronic Information Security \(second reading\) \(Sherman x6120\)](#)
- 9. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
- 10. [Ratification of B Warrants and Wire Transfers Greater Than \\$5,000 for November and December 2008 \(Dunn x6201\)](#)
- 11. [Resolution Authorizing Child Care Agreement #CIMS-8636 \(Dunn x6201\)](#)
- 12. [Independent Contractor Agreement with Professional Personnel Leasing – Robert Griffin \(Murphy x8706\)](#)

13. [Academic and Facility Agreement with Pacific Graduate School of Psychology \(Mummert x7394\)](#)
14. [Award of Contract for Bid 1191 — Selection of Education Authorized Resellers for Adobe CLP Products \(Bailey x6165\)](#)
15. [Personnel Actions as Follows: \(Novotny x6211\)](#)
  - Employment – Christina Espinosa-Pieb, De Anza Vice President
  - Resignation – Jeanine Hawk, De Anza Vice President
  - Extend Employment Contract – Dorene Novotny, Central Services Vice Chancellor (*See Public Memo for backup*)
  - Extend Acting Assignment – Rowena Tomaneng, De Anza Dean
  - Employment – Katie L. Townsend-Merino, Foothill Vice President
16. [Human Resources Report \(Novotny x6211\)](#)

MEASURE E PROJECTS

17. [Measure E Consent Calendar \(Allen x6150\)](#) **ACTION**
  - A) Change Order #16 (Visual and Performing Arts Center) – S.J. Amoroso Construction
  - B) Change Order #3, Unilateral (Master Landscaping Phase I) – JJ Nguyen
  - C) Change Order #4, Unilateral (Master Landscaping Phase I) – JJ Nguyen
  - D) De Anza Budget Transfer #69
18. [Change Order #15 to Agreement with S.J. Amoroso Construction — De Anza Project #765-209, Visual and Performing Arts Center \(Allen x6150\)](#) **ACTION**

MEASURE C PROJECTS

19. [Measure C Consent Calendar \(Allen x6150\)](#) **ACTION**
  - A) Revision #2 (Physical Sciences and Engineering Center) – Ratcliff Architects
  - B) Change Order #1 (Fire Alarm Phase II) – Rosendin Electric
  - C) Change Order #4 (Forum 5000) – CRW Industries
  - D) PAA #F01 (KCI) – Enovity
  - E) PAA #F01 and Master Agreement (Utility Lids, Phase II) – Sandis
  - F) PAA #D04 (Flint Center Parking Garage) – Allana Buick & Bers
  - G) Change Order #3 (Visual and Performing Arts Center) – Avidex
20. [Schematic Design for De Anza Mediated Learning Center \(Hawk x8976 / Allen x6150\) \(See Public Memo for backup\)](#) **ACTION**
21. [Award of Contract for Bid Document 1176 — Forum 5000 Seating, Foothill College \(Bailey x6165\)](#) **ACTION**

- 22. Measure C Project List Revision — DA Budget Transfer #11 and De Anza Project(s) Name Change (Allen x6150) **ACTION**
- 23. List of General Contractors Pre-Qualified to Bid on Three Measure C Projects at De Anza College (Bailey x6165) **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

**INFORMATION**

February 4, 2009 — Regular meeting  
Presentation: Open Educational Resources  
Professional Development Leaves 2009-10  
2009-10 Board Legislative Goals (first reading)

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: January 13, 2009

RE: Public Session, **January 20, 2009**

### BOARD STUDY SESSION

#### 1. **Educational Master Plan 2010-2020**

This Board workshop begins with a brief overview of the District's educational master plan in light of the state's fiscal crisis. Given the District's commitment to increase access to college and the success of students with a priority to close the achievement gap, four overarching goals guide this work:

- **Opportunity:** Provide greater access for students from diverse backgrounds and cultures seeking higher education
- **Quality:** Increase student success by maintaining high standards and closing the performance gaps
- **Accountability:** Ensure fiscal stability, planned growth and the wise and careful use of district's resources
- **Sustainability:** Preserve the learning environment and enhance the excellence of the district for future generations

The District's student enrollment data analysis provides the Board, faculty, staff and the community with information about the ways in which the colleges provide access to the quality programs and services offered. Student persistence, retention and success data also affects the District's enrollment data analysis and is regularly monitored by institutional research. It is important to note that the District's enrollment data drives 97% of the general fund revenue apportioned by the state. Enrollment is critical to the academic success of students as well as the fiscal health and sustainability of the District's learning environment.

Chancellor Martha Kanter and Executive Director of Institutional Research Bob Barr will provide the Board with a summary of the District's latest enrollment report, illustrating the types of classes and course-taking patterns of Foothill and De Anza students to date. Enrollment is capped by the state and the District only receives 0.68% in growth funding

despite years in which growth exceeds the cap which has been the case over the past several years. In the past three years, growth initiative funds made possible by one-time equalization funding from the state were available to serve more students and increase their success. However, due to the state budget crisis, these funds have been used to cushion impending budget reductions in order to avoid personnel reductions to minimize the impact on student access and success.

## **2. Budget Update**

The state budget was signed into law almost three months into the new fiscal year. As it was based upon a set of revenue and expense estimates that dated from the May Revise, an imbalance appeared almost immediately. In early November the Governor declared a fiscal emergency, triggering a special session of the Legislature to address the state's current-year budget problem. For the community colleges, the governor proposed a \$332.2 million in current-year reductions. The major components include elimination of the 0.68% COLA for apportionments (\$39.8 million) and a \$292.4 million reduction to apportionments. Had this proposal been signed into law, the net result of this mid-year budget reduction proposal would have amounted to an approximately \$8 million reduction for Foothill-De Anza.

On December 31, a summary version of the Governor's 2009-10 fiscal year Budget Proposal was released. This came as a surprise, as January 10 is the standard date. The early release was driven by the state's serious fiscal condition which, in the opinion of the Department of Finance, necessitated that the Governor's budget plan be made available as soon as possible. The Governor identified the budget shortfall at \$41.6 billion over the next 18 months.

For the California Community Colleges, in a significant change of events, the midyear cut would be limited to elimination of the 0.68% COLA which totaled \$39.8 million. Further, the Governor proposes a new deferral of community college funds, pushing \$230 million in apportionment payments from January and February until July. The administration also proposes another deferral that would take effect in the budget year, deferring \$200 million from July until October.

For the 2009-10 fiscal year, the Governor proposes funding Proposition 98 at a level that would essentially maintain program spending at 2008-09 levels. For the community colleges, this translates into an augmentation of \$185.2 million to support 3% enrollment growth (36,000 FTES), no COLA (the administration estimates the COLA at 5.2% which would take \$322.9 million to fund), suspension of all mandate payments (\$4 million), and a proposed statutory change to reduce or eliminate the uncertainty districts face with regard to property tax revenue.

Attached to this agenda are two multi-year summaries addressing a "best" and "worst" case scenario. The worst case is a reflection of the estimated impacts from the Special Session

of the legislature which included a nearly \$300 million mid-year cut to the community college system. The best case reflects the content of the Governor's January Budget Proposal which significantly limits the impacts to the community colleges. Business Services will provide an overview of this information at the Board meeting and a full packet of handouts will be made available.

A) State and Community College System Budget Update

- 2008-09 Mid-Year Corrections
- 2009-10 Governor's Budget Proposal – Initial Analysis

B) Foothill-De Anza Budget Update 2008-09 and 2009-10

- Operating Deficit
- Impact of State Mid-Year Cut
- Estimated Ending Fund Balance
- Potential Solutions (One-Time and On-Going)
- Process to Implement
- Multi-Year Outlook
- College Update and Enrollment Discussion

**3. Measure E and Measure C Bond Program Update**

Attached is a collection of key information regarding the Measure E and Measure C Bond Program. From the attached detailed information, the following topics will be highlighted for discussion. Included in the discussion will be a presentation on the schematic design for the De Anza Mediated Learning Center, which the Board will be asked to approve in a separate item later on the agenda.

**1) Measure E & C Mid-Year Update**

- a) Measure E
  - i) Summary Progress
    - (1) Foothill
    - (2) De Anza
    - (3) District
  - ii) Discussion; Claims Avoidance Lessons Learned
- b) Measure C
  - i) De Anza Mediated Learning Center Schematic Design
  - ii) Foothill Physical Sciences & Engineering Center
  - iii) PSA Update
  - iv) Project / Construction Management Operational Review

## **2) Sustainability Policy & Plans**

- a) Board Policy Overview
- b) Long Range Goals
- c) De Anza College Plan Highlights
- d) Foothill College Plan Highlights

## **4. Legislative Principles**

Each year, the Board of Trustees approves its legislative goals for the District. These goals are used for advocacy purposes with the legislature both locally and at the state level. In February 2005, Foothill-De Anza's legislative principles (attached) were adopted to be used as a foundation for establishing the District's legislative goals in that and subsequent years (the Board reviewed these principles at its January 22, 2008 meeting). These principles are provided to the Board for its review as a precursor to the information and action items that the Board will receive in February to advance the District's legislative goals following the release of the governor's proposed budget for 2009-10. The Board is invited to discuss legislative interests they may have to benefit the District that will be incorporated into the first reading of the 2009-10 legislative goals in February.

## **5. Mid-Year Review of Board Priorities for 2008-09**

At its meeting of August 4, 2008, the Board endorsed the attached list, "Board Priorities for 2008-09," which includes the following:

- Close the Achievement Gap  
Further strengthen the bridge to college from high school  
Increase student retention and success, especially for underrepresented students
- Meet Students' Educational Needs  
Increase growth while maintaining productivity  
(Increase FTES from 0-2% with 535 productivity)
- Ensure Adequate On- and Off-Campus Facilities  
Finish Measure E  
Implement Measure C
- Implement the District's Environmental Sustainability Plan
- Balance Revenue and Expenses  
Reduce structural imbalance  
Achieve financially responsible compensation settlements

- Develop the District's Executive Leadership Team

This discussion will provide the opportunity for the Board to review its priorities.

## **6. Board Protocol**

The Board will have the opportunity to discuss how it wishes to conduct its business, reviewing such matters as how to handle questions the trustees have about agenda items, meeting efficiency, visits to campus, how to handle complaints, etc. Below is an excerpt from the Board minutes of January 22, 2008 at which the Board discussed protocol:

“President Swenson asked for comments from the Board regarding how it conducts its business. Trustee Bechtel expressed support for the existing protocol, which includes having the Board president act as the media spokesperson for the Board, alerting the college presidents when present on campus, and alerting staff prior to the Board meeting if there is a question about an item on the agenda. Trustee Plotkin noted that these protocols worked well while he served as Board president. No changes were made to Board protocol.”

## CONSENT CALENDAR

### **7. Resolution Honoring Gay and Bill Krause**

In celebration of the tenth anniversary of the Krause Center for Innovation (KCI) at Foothill College, a resolution has been prepared honoring KCI Executive Director Gay Krause and her husband Bill Krause who together founded the KCI and have been instrumental in its success.

Chancellor Martha Kanter recommends that the Board **approve Resolution #2009-02 In Celebration of the Tenth Anniversary of the Krause Center for Innovation at Foothill College.**

### **8. New Board Policy 3260 – Electronic Information Security**

A new Board policy on Electronic Information Security was presented to the Board for a first reading on December 1, 2008. No changes or comments were made at that time. The policy is now submitted for approval.

Vice Chancellor of Technology Fred Sherman recommends that the Board **approve Board Policy 3260, Electronic Information Security.**

**9. 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.**

**10. Ratification of B Warrants and Wire Transfers Greater Than \$5,000 for November and December 2008**

Attached for Board ratification are B Warrants and Wire Transfers greater than \$5,000 for November and December 2008. A complete listing of all B Warrants and Wire Transfers is available for public viewing in the Chancellor's Office. Vice Chancellor of Business Services Andy Dunn recommends **ratification.**

**11. Resolution Authorizing Child Care Agreement #CIMS-8636**

This resolution authorizes the District to enter into a contract with the California Department of Education for the purpose of providing child care and development services for contract #CIMS-8636 for a maximum reimbursable amount of \$1,000 for fiscal year 2008-09.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve Resolution #2009-01 for Child Care Contract #CIMS-8636.**

**12. Independent Contractor Agreement with Professional Personnel Leasing – Robert Griffin**

Board approval is requested for an Independent Contractor Agreement with Professional Personnel Leasing for the services of Robert Griffin from February 1, 2009 through June 30, 2009, with compensation of \$16,110 in monthly payments, not to exceed \$82,000. This is an extension of the agreement for Dr. Griffin which expired in mid-December 2008. Dr. Griffin will provide leadership in the delivery of Student Services, development of Student Services Student Learning Outcomes and program review instruments, and development of an annual college-wide Open House; act as lead coordinator for services provided by National Consortium for Academics and Sports; and provide leadership in college activities and projects assigned by the President of De Anza College.

De Anza President Brian Murphy recommends that the Board **approve the Independent Contractor Agreement with Professional Personnel Leasing for Robert Griffin in the amount not to exceed \$82,000.**

**13. Academic and Facility Agreement with Pacific Graduate School of Psychology**

Attached is an agreement between the District and the Pacific Graduate School of Psychology (PGSP) that allows PGSP to begin a bachelor's degree program in Business Psychology in Fall 2009 at Foothill College. PGSP currently offers a similar program at De Anza College.

Foothill Dean of Business and Social Sciences John Mummert recommends that the Board **approve the agreement.**

**14. Award of Contract for Bid 1191 — Selection of Education Authorized Resellers for Adobe CLP Products**

On December 1, 2008, the Board authorized the District's two-year membership renewal of the Adobe Open Options CLP Volume Licensing Program with Adobe Systems Inc. The CLP 4.5 Education membership provides the highest discount level available to the District for all orders placed during the program term. However, Adobe does not sell its products directly, which requires the District to purchase software licenses and media from an Adobe Authorized Education Reseller.

Purchasing Services staff, in cooperation with Educational Technology Services staff, prepared bid documents and specifications for the selection of an Authorized Education Reseller for Adobe CLP 4.5 Education software licenses and media. The specifications were written based upon the current needs of various departments within the District. Additionally, the specifications required bidders to submit firm pricing for two years on the complete Adobe software product line. The initial purchase may vary slightly from the bid price and the District has the ability to make future purchases of Adobe products at the stated prices with the awarded Authorized Education Reseller through the term of its Adobe CLP 4.5 Education membership.

Bid #1191 was advertised in the San Jose Post Record on November 14 and November 21, 2008. Additionally, the bid documents were sent to three (3) vendors and posted on "BidNet" at [www.govbids.com](http://www.govbids.com). The deadline to submit bids was December 16, 2008. Four (4) Adobe Authorized Education Resellers submitted bids.

<b>ADOBE AUTHORIZED EDUCATION RESELLER</b>	<b>BID PRICE*</b>
<b>Computer Intelligence Association</b>	<b>\$100,588.17</b>
En Pointe Technologies Sales Inc.	\$104,853.68
CCT Technologies (dba ComputerLand of Silicon Valley)	\$108,376.00
SchoolWorld	\$106,168.55

\*plus applicable sales tax

The lowest responsible, responsive bidder is Computer Intelligence Association based upon the bid specifications. The various departments within the District will fund the purchases.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract and issue purchase orders to Computer Intelligence Association pursuant to Bid #1191.**

**15. Personnel Actions as Follows:**

*Name:* **Christina Espinosa-Pieb**  
*Position:* Vice President  
*College:* De Anza  
*Division:* Instruction  
*Action:* **Employment**  
*Effective Dates:* December 9, 2008 through December 8, 2009  
*Compensation:* Level M, Step 7 @ \$13,369.50 per month

*Name:* **Jeanine Hawk**  
*Position:* Vice President  
*College:* De Anza College  
*Division:* Educational Resources and College Operations  
*Action:* **Resignation**  
*Effective Dates:* January 21, 2009

*Name:* **Dorene Novotny**  
*Position:* Vice Chancellor  
*College:* Central Services  
*Division:* Human Resources and Equal Opportunity  
*Action:* **Extend Employment Contract**  
*Effective Date:* February 11, 2009 through February 10, 2010

*Name:* **Rowena Tomaneng**  
*Position:* Acting Dean  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Extend Acting Assignment**  
*Effective Date:* January 2, 2009 through June 30, 2009

*Name:* **Katie L. Townsend-Merino**  
*Position:* Vice President  
*College:* Foothill College  
*Division:* Instruction and Institutional Research  
*Action:* **Employment**  
*Effective Dates:* January 12, 2009 through January 11, 2010  
*Compensation:* Level M, Step 2 @ \$11,098.71 per month

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**; concerning the personnel action for Vice Chancellor Novotny, Chancellor Martha Kanter recommends **approval**.

## 16. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, new positions, promotions, reassignments, reclassifications, separations, 39 month re-employment, permanent contract changes, professional growth awards, service recognition awards and longevity awards.

## MEASURE E PROJECTS

### 17. Measure E Consent Calendar

The aggregate amount for these items is \$24,946.45.

- A.** *Title:* Change Order #16  
*Vendor:* SJ 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:* \$80,417  
*For:* Provide electrical revisions and additions to the light dimming and switching systems. Provide structural support for museum cabinetry and for internal radius walls. Provide custom access panels and smoke-hatch operation devices. The contract completion date of December 31, 2008 is unaltered by this change order.
- The total Change Orders to date represent 5.11% against the original contract amount. The funding is included in the current budget.
- Action:* Ratification

- B. Title:** Change Order #3 – Unilateral  
*Vendor:* JJ Nguyen, Inc.  
*Agreement Date:* May 29, 2008  
*Campus:* De Anza College  
*Project No.:* 765-237  
*Project Name:* Master Landscaping Phase I  
*Amount:* (\$44,470.55)  
*For:* Unilateral deductive change order for damage to 600-pair telecom cable. Includes cable repair, two short-circuited Novar Lingo EMS controllers damaged due to low voltage cable cut, and District personnel time (\$35,576.44); 25% of cost (\$8,894.11) is being withheld for legal expenses. Substantial but unsuccessful efforts to pursue damage recovery through JJ Nguyen's insurance carrier were attempted by the District Director of Risk Management. JJ Nguyen refused to sign this deductive change order. District legal counsel advised that the District pursue a unilateral change order to recover damage costs from JJ Nguyen. The original contract completion date of September 19, 2008 is unaltered by this change order.
- The total Change Orders to date represent less than 1% against the original contract amount. The funding is included in the current budget.
- Action:* Ratification

**C. Title:** Change Order #4 – Unilateral  
**Vendor:** JJ Nguyen, Inc.  
**Agreement Date:** May 29, 2008  
**Campus:** De Anza College  
**Project No.:** 765-237  
**Project Name:** Master Landscaping Phase I  
**Amount:** (\$11,000)  
**For:** Unilateral deductive change order to remove remaining one-year scheduled maintenance from JJ Nguyen’s contract for non-performance. Multiple requests to have JJ Nguyen complete scheduled maintenance work were made by both the Construction Manager and the De Anza College Grounds Supervisor. JJ Nguyen was non-responsive. The District has requested that the scheduled maintenance be removed from JJ Nguyen’s contract. JJ Nguyen refused to sign this deductive change order. District legal counsel advised that the District pursue a unilateral change order to recover scheduled maintenance costs from JJ Nguyen. The original contract completion date of September 19, 2008 is unaltered by this change order.

The total change orders to date represent less than 1% against the original contract amount. The funding is included in the current budget.

**Action:** Ratification

**D. Title:** De Anza Budget Transfer #69  
**Campus:** De Anza College  
**For:** Budget Transfer DA #69 realizes a new funding source to the program and transfers funds from that source to existing projects. It also recognizes a single new project and includes a program-contingency-to-project transfer to fund the new project. Additionally, it revises the official title of project #765-278 from “Master Landscaping Phase II (Design Only)” to “Master Landscaping Phase II.” These actions reflect a joint effort by De Anza College, the District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at the college.

**Action:** Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen and De Anza Director of Bond Program Management Tom Armstrong recommend that the Board **approve/ratify Measure E consent items A-D.**

**18. Change Order #15 to the Agreement with S. J. Amoroso Construction Co., Inc. — De Anza Measure E Project #765-209, Visual and Performing Arts Center**

Change Order #15 includes a negotiated agreement to revise the original contract schedule, and alters the original contract completion date of this project from September 21, 2008 to December 31, 2008. It also includes agreement to the terms of a Memorandum of Understanding (dated 1/07/09) settling all of S. J. Amoroso's previous and current requests for time extension and extended general conditions, through the revised completion date, for this project. The value of this change order is \$90,000. The total change orders to date (including Change Order #15) will amount to \$642,392, which equals 4.5% of the original contract amount.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve Change Order #15 to the Prime Contract Agreement with S. J. Amoroso Construction Co., Inc.**

MEASURE C PROJECTS

**19. Measure C Consent Calendar**

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$241,694.95.

<b>A. Title:</b>	Professional Services – Revision #2
<i>Vendor:</i>	Ratcliff Architects
<i>Agreement Date:</i>	January 21, 2009
<i>Campus:</i>	Foothill College
<i>Project No.:</i>	160
<i>Project Name:</i>	Physical Sciences & Engineering Center
<i>Amount:</i>	\$133,980
<i>For:</i>	The basic services added by Revision #2 includes \$24,750 for LEED documentation fees for the Civil and Mechanical Electrical Engineer not included in the original scope, \$109,230 for additional fixture furnishing and equipment design, procurement, and construction administration services
<i>Action:</i>	Ratification

- B.** *Title:* Change Order #1  
*Vendor:* Rosendin Electric  
*Agreement Date:* January 6, 2009  
*Campus:* Foothill College  
*Project No.:* 161  
*Project Name:* Fire Alarm Phase II  
*Amount:* (\$37,150)  
*For:* Credit for substitution of approximately 25 thousand feet of campus-wide inside-building plenum-rated wiring (in EMT conduit) to new devices with Armored (MC) Cable; field condition change to provide Christy Box rework on outside cable connections from building 2900 to D120  
*Action:* Ratification
- C.** *Title:* Change Order #4  
*Vendor:* CRW Industries, Inc.  
*Agreement Date:* January 6, 2009  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000 Renovation  
*Amount:* \$73,050  
*For:* Site work changes to address underground field conditions for the hydronic piping and required trench, a structural upgrade to address a field condition of sagging glulam beams, architectural-directed electrical panel upgrade, whiteboard upgrades, and owner-directed additional insulation to assist with office acoustics.  
  
This change order represents 2.89% above the base contract amount. The funding for this change is within the current budget.  
*Action:* Ratification
- D.** *Title:* Project Assignment Amendment (PAA) #F01  
*Vendor:* Enovity, Inc.  
*Agreement Date:* January 20, 2009  
*Campus:* Foothill College  
*Project No.:* 100E  
*Project Name:* Krause Center for Innovation – HVAC Upgrades  
*Amount:* \$19,750  
*For:* Commissioning and engineering services to study existing heating, ventilation and air conditioning conditions for all spaces within the building, and preparation of conceptual design and cost estimates to resolve comfort, noise, and poor air quality issues  
*Action:* Approval

- E. Title:** Master Agreement and Project Authorization Amendment (PAA) #F01  
*Vendor:* Sandis  
*Agreement Date:* December 15, 2008  
*Campus:* Foothill College  
*Project No.:* 130A  
*Project Name:* Utility Lids – Phase II  
*Amount:* \$18,150  
*For:* Professional design services to replace the utility lids for the 1000 series buildings on the Foothill Campus; services include survey, design, bid phase, and construction management services for Phase 5 of the original Utility Lids Project begun under Measure E. PAA F01 is accompanied by a Master Agreement, which allows ongoing services by Sandis on various Measure C Projects at Foothill and De Anza campuses.  
*Action:* Ratification
- F. Title:** Project Authorization Amendment PAA #D04  
*Vendor:* Allana Buick & Bers  
*Agreement Date:* December 15, 2009  
*Campus:* De Anza College  
*Project No.:* 239  
*Project Name:* Refinish Exterior of Flint Center Parking Garage  
*Amount:* \$19,815  
*For:* Investigate and update the existing report, dated August 29, 2003 to include new conditions assessment with updated findings and a new estimate. The updated report will identify structural and architectural concrete spall repair, coatings, guard rail cables, wood guard rail repairs, joint sealants, slurry coat of flexible pavement, water ponding, skylights, stucco repairs, and striping of all levels. The purpose of the updated report is to develop a basis of design and a new estimate to refinish the exterior of the Flint Center Parking Garage.  
*Action:* Ratification

- G. Title:** Change Order #3  
**Vendor:** Avidex Industries, Inc.  
**Agreement Date:** September 30, 2008  
**Campus:** De Anza College  
**Project No.:** Visual and Performing Arts Center (VPAC) – Group II  
**Project Name:** Audiovisual Systems  
**Amount:** \$14,099.95  
**For:** Construction changes include replacement of three Cinema Screen Loudspeakers with a different model more suitable for the location and the screen truss conditions, and installation of a Digital Snake audio system to support the mid-house sound control location which was not able to be installed due to a VPAC General Contractor issue (costs to be recovered from VPAC contractor). Contract completion date of December 15, 2008 was extended 14 calendar days to December 29, 2008 as non-compensable time.
- The total Change Orders to date represent 3.21% 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 C consent items A-G.**

## **20. Schematic Design for De Anza Mediated Learning Center**

Presentation of the schematic design for the De Anza Mediated Learning Center is scheduled for the Board Study Session on January 20, 2009 preceding the Board's regular business. At this time, the Board is asked to approved that schematic design. De Anza Vice President of Finance and College Services Jeanine Hawk and Executive Director of Facilities, Operations and Construction Management Charles Allen recommend that the Board **authorize Ratcliff Architects to proceed with design development and construction documents to complete the design of the De Anza Mediated Learning Center.**

## **21. Award of Contract for Bid Document 1176 — Forum 5000 Seating, Foothill College**

Bid 1176 provides for the purchase of lecture hall classroom seating for the Forum 5000 Building at Foothill College, 129 seats each for Room 5001 and 217 seats each for Room 5015. The seating is required to complete the Forum 5000 building renovation project.

The bid was legally advertised in the San Jose Post-Record on November 14 and November 21, 2008. The "Invitation to Bid" was sent to six (6) vendors and was also posted on

“BidNet” at [www.govbids.com](http://www.govbids.com). Bids were publicly opened and read on December 10, 2008 in the Purchasing Services office. Two (2) vendors submitted bids, the results of which are summarized below:

#### BID RESULTS

Vendor	Base Bid Proposal Amount
American Seating Company	143,743.99
Contract Office Group	157,994.66

The bid price of \$143,743.99 submitted by American Seating Company is within the estimated budget and is funded through Measure C.

Purchasing Services Supervisor, Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract to American Seating Company pursuant to Bid Document 1176 in the amount of \$143,743.99.**

#### 22. Measure C Project List Revision – DA Budget Transfer #11 and De-Anza Project(s) Name Change

De Anza Budget Transfer #11 is associated with: 1) combining budget and scope for Project #205 (Seminar Building) with Project #258 (Multicultural Center) to create Project #205 (Seminar & Multicultural Center), 2) combining Project #203 (Baldwin Winery Building) with Project #213 (East Cottage “Historic Renovation”) to create Project #203 (Baldwin Winery & East Cottage), and 3) adding funds to Project #203 from Project #220 (Landscaping Phase II).

##### **Seminar Building and Multicultural Center**

The project documents (drawings and specifications) for Project #205 (Seminar Building) and Project #258 (Multicultural Center) are currently combined and will fall under a single bid package to be awarded to a single contractor. The design team, as well as the commissioning agency, is the same for both projects. Combining the individual project scope and budgets already dedicated to these projects will eliminate potential multiple transfers between these projects during construction.

##### **Baldwin Winery Building and East Cottage “Historic Renovation”**

The project documents (drawings and specifications) for Project #203 (Baldwin Winery Building) and Project #213 (East Cottage “Historic Renovation”) is currently combined and will fall under a single bid package to be awarded to a single contractor. The design team, as well as the commissioning agency, is the same for both projects. In addition, during structural investigating and testing, the design team determined that the foundation and structural framing of the East Cottage was significantly undersized and will need additional reinforcement. Based on the structural analysis and revised construction estimate, an additional \$249,648 will need to be added to the project. That amount will be transferred from Project #220 (Landscaping Phase II). Combining the individual project scope and

budgets already dedicated to these projects and adding monies will eliminate potential multiple transfers between these projects during construction.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with De Anza Budget Transfer #11 as well as the De Anza projects Name Change.**

**23. List of General Contractors Pre-Qualified to Bid on Three Measure C Projects at De Anza College**

On October 6, 2008, the Board authorized the implementation of a procedure that pre-qualifies General Contractors to bid on three Measure C projects at De Anza College: Project #205 (Seminar Building), Project #255 (Auto Technology), and Project #258 (Multicultural Center).

On October 15 and 22, 2008, Purchasing Services advertised the Request for Pre-Qualification (RFQ 1177) in the San Jose Post Record and on Bidnet. Twelve (12) contractors submitted the completed questionnaire to the District by the November 14, 2008 due date. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and De Anza's bond director Tom Armstrong evaluated the responses and determined that two (2) of the twelve General Contractors did not meet the minimum requirements of the pre-qualification questionnaire. Therefore, Purchasing Services issued letters to both Calstate Construction, Inc. and Silicon Valley Builders (see attached) notifying them that they did not meet the minimum requirements of the pre-qualification questionnaire.

**SUMMARY OF RESULTS**

<b>CONTRACTOR</b>	<b>PRE-QUALIFIED</b>
RC Benson & Sons, Inc.	Yes
CRW Industries, Inc.	Yes
Calstate Construction, Inc.	No
James R. Griffin, Inc.	Yes
Larry S. Kent, Inc., DBA Kent Construction	Yes
Kinetics Mechanical Service	Yes
Midstate Construction Corporation	Yes
John Plane Construction, Inc.	Yes
Roek Construction, A California Corporation	Yes
Silicon Valley Builders	No
Swenson & Associates	Yes
Zolman Construction and Development, Inc.	Yes

The Board can chose to either 1) accept the list of ten (10) General Contractors who met all of the pre-qualification requirements as the only prime contractors who are “pre-qualified” to bid on the three De Anza projects, or 2) cancel the pre-qualification procedure for such projects.

Purchasing Services Supervisor Gina Bailey recommends that the Board **1) determine that Calstate Construction, Inc. and Silicon Valley Builders are not pre-qualified, and 2) accept the list of ten (10) General Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on the following De Anza projects: Project #205 (Seminar Building), Project #255 (Auto Technology) and Project #258 (Multicultural Center).**

MJK:jo