



BOARD OF TRUSTEES

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

February 2, 2009

Closed Session: 5:00 p.m.
Chancellor's Office

Public Session: 6:00 p.m.
District Board Room

*For information and disability access to materials, call 650-949-6100.
Requests for accommodation should be made no later than one business day
prior to meeting. Meetings are held in a location accessible to the disabled.*

*Members of the public who wish to comment on items or address the Board may do so
by completing a request form prior to the start of the meeting and are limited to five minutes each.*

AGENDA

Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session

CONFERENCE WITH 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

- December 1, 2008
- December 3, 2008
- December 8, 2008
- January 8, 2009
- January 20, 2009

CORRESPONDENCE

INFORMATION

FOUNDATION BOARD REPORT

INFORMATION

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

The Board does not take action or respond to items not on the agenda.

- Public
- Students
- Staff
- Board

APPROVAL OF CONSENT CALENDAR

ACTION

1. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
2. [Non-Resident Tuition Rate for 2009-10 \(Dunn x6201\)](#)
3. [Award of Contract Pursuant to Bid 1188 — Provide Collocation Site Disaster Recovery Services for EIS Hardware \(Bailey x6165\)](#)

4. [Authorization to Purchase and Install Flow Cytometry Equipment and Software Pursuant to Bid 1190](#) **(Bailey x6165)**
5. [Sale of Miscellaneous Surplus E-Waste Equipment](#) **(Bailey x6165)**
6. [Approval of New Foothill Transfer Studies Certificate Options](#) **(Miner x7201)**
7. [Personnel Actions as Follows:](#) **(Novotny x6211)**
 Resignation for Purpose of Retirement – Behrouz A. Forouzan,
 De Anza Instructor
 Interim Assignment – Letha Jeanpierre, De Anza Interim Vice President
8. [Human Resources Report](#) **(Novotny x6211)**

BOARD BUSINESS

9. [Summer Board Study Sessions](#) **(Kanter x6104)** *(See Public Memo for backup)* **ACTION**
10. [California Community College Trustees – Nomination](#) **(Kanter x6104)** **INFORMATION or ACTION**
11. [Legislative Goals 2009-10](#) *(first reading)* **(Kanter x6104)** **INFORMATION**

PERSONNEL

12. [Professional Development Leaves for 2009-10](#) **(Novotny x6211)** **ACTION**

INSTRUCTION AND CURRICULUM

13. [Presentation: Open Educational Resources](#) **(Baker x7749)** **INFORMATION**
14. [Annual “Accountability for Reporting for Community Colleges” Report](#) **(Barr x6178)** **ACTION**

BUSINESS AND FINANCE/FACILITIES

15. [Citizens’ Bond Oversight Committee Annual Report](#) **(Dunn x6201)** **ACTION**
16. [Budget Update](#) **(Dunn x6201)** *(See Public Memo for backup)* **INFORMATION**
17. [Update on Sustainability Policy and Plans](#) **(Allen x6150)** **INFORMATION**

MEASURE E PROJECTS

- 18. **Measure E Consent Calendar (Allen x6150)** **ACTION**
 - A) Change Order #17 (VPAC) – S.J. Amoroso Construction
 - B) Revision #31 (ADA Improvements) – Sandis
 - C) Extension of Agreement – Quali-Con Enterprises
 - D) Change Order #73 (Lower Campus Complex) – S.J. Amoroso Construction
 - E) Revision #1 (Campus Center Litigation) – IKON Office Solutions

MEASURE C PROJECTS

- 19. **Measure C Consent Calendar (Allen x6150)** **ACTION**
 - A) PAA #2 (PSEC) – Cogent Energy
 - B) PAA #F02 (Forum 5000) – Enovity
 - C) Change Order #1 (Roundabout/Lot 8) – Joseph J. Albanese
 - D) Revision #3 (PSEC) – Ratcliff Architects
 - E) Agreement (PSEC) – RGA Environmental
 - F) Revision #7 (EIR) – Christopher A. Joseph
 - G) Agreement (Auto Tech) – MJO Earthscience Services
 - H) Revision #3 (Center Feasibility Study) – tBP/Architecture
 - I) Revision #33 (Bond Program) – Gilbane/Maas

- 20. Cancellation of Pre-Qualification Process for Two Measure C Historical Renovation Projects at De Anza College (RFQ 1180) **(Bailey x6165)** *(See Public Memo for backup)* **ACTION**

- 21. **Measure C Project List Revision — Foothill Budget Transfer #10 (Allen x6150)** **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

- March 2, 2009 — Regular meeting
 - Board Policy 4185/Values Statement on Textbooks
 - Quarterly Listing of District Investments
 - Second Quarter Report
 - Approval of Faculty Tenure
 - 2009-10 Legislative Goals (second reading)
 - Administrator Contracts
 - Annual Self-Assessment Report
- March 9, 2009 — Regular meeting (confirmed)

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 27, 2009
RE: Public Session, **February 2, 2009**

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. Non-Resident Tuition Rate for 2009-10

Education Code Section 76140 requires each district to establish its non-resident tuition for the subsequent fiscal year by February 1. The non-resident tuition fee is composed of two parts: the tuition fee and an assessment for capital outlay. For 2008-09, the base rate was set at the district rate of \$115. The capital outlay rate was set at \$8 for a total of \$123 (applicable to students who are both citizens and residents of a foreign country).

For 2009-10, the statewide rate is \$126 per unit compared to the district rate of \$122 as per the calculation on the attached worksheet. Under these circumstances the District has three options:

1. Set the rate at the statewide average of \$126 (plus capital)
2. Set the rate to equal the rate of a contiguous district (plus capital), which has to be at least as high as the statewide rate
3. Set the rate at the district rate of \$122 (plus capital)

Upon analysis of these options, and in discussion with program managers of the international student program, it is recommended that the base rate be set at \$122 for 2009-10. The capital outlay rate could be set as high as \$20 per unit as noted on the attached worksheet, but staff recommends keeping this rate same as in 2008-09: i.e., \$8.

In summary, the rate for students who are both citizens and residents of a foreign country would be \$122 base rate plus \$8 capital rate for a total of \$130 per unit, representing a \$7 per unit increase over the 2008-09 rate.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve the rate of \$122 per quarter unit for non-resident students and the capital outlay rate of \$8 per quarter unit for foreign students for the 2009-10 fiscal year.**

3. Award of Contract Pursuant to Bid 1188 — Provide Collocation site Disaster Recovery Services for EIS Hardware

To provide timely restoration of automated data processing and functionality of the Educational Information System (EIS) during and after a disaster (e.g., earthquake, fire, flood), it is necessary to establish a remote collocation site where backup system hardware and software will be maintained and operated. To establish a collocation site, the District must contract with a commercial hosting facility and procure associated services, which will ensure continued operations of the backup system.

A study by Educational Technology Services (ETS) staff and consultant Teledata determined minimum essential requirements for establishing and operating the collocation site. Purchasing Services staff, in cooperation with ETS staff, prepared bid documents/specifications to procure collocation site disaster recovery services for the EIS system. The Invitation To Bid document (Bid 1188) requested bids for hosting space in an off-site, remote location to house District back-up servers and data equipment. The bid specifications also required the vendor to provide network connectivity to the CENIC (Corporation for Education Network Initiatives) network for cost-efficient data transfer to the District. Other services provided by the vendor at the remote site will include operational support to monitor and back up the remote site equipment so critical application services can be restored quickly in the event of a disaster.

Bid 1188 was advertised in the San Jose Post Record on November 14 and November 21, 2008. Additionally, the bid documents were sent to seven (7) vendors and posted on "BidNet" at www.govbids.com. One bidder, Abtech Support, submitted a bid response. SunGard Higher Education had previously submitted an unsolicited proposal for similar collocation services at an estimated cost of \$500,000 per annum. SunGard's proposal did not include CENIC connectivity, however. An analysis of the Abtech Support response is attached.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Vice Chancellor of Technology to enter into a contract, pursuant to Bid 1188 – Provide Collocation Site Disaster Recovery Services for EIS Hardware, with Abtech Support in the amount not to exceed \$361,349.70.**

4. Authorization to Purchase and Install Flow Cytometry Equipment and Software Pursuant to Bid 1190

Invitation to Bid 1190 called for bids to purchase and install flow cytometry equipment and software for the Foothill Biotechnology program. The bid opportunity was legally advertised in the San Jose Post Record on November 18 and November 25, 2008. The Invitation to Bid was distributed to vendors and advertised online at BidNet at www.govbids.com. Purchasing Services staff publicly opened and read the bids on December 11, 2008. The District received three bids, the results of which are summarized below:

Company	Bid Total
Accuri Cytometers, Inc.	\$35,200*
BD Biosciences	\$103,896
Beckman Coulter, Inc.	\$51,059.36*

*Non-responsive

As provided in the instructions, the lowest bidder is defined as the responsive and responsible bidder whose bid conforms to the requirements of the Invitation to Bid. The District reserves the right to permit exceptions to, or deviations from, the specifications if the item substantially meets or exceeds the bid specifications. The bid document stipulates that when the items do not comply with the bid specification, bidders must supply a detailed description of variance, feature-by-feature, furnished with their bid. Bidders unable or unwilling to comply with the requirements shall be considered non-responsive and shall not be considered for award.

Foothill Biology Instructor Karen Erickson and Purchasing Services Staff evaluated the bid responses from Accuri Cytometers, Inc. and Beckman Coulter, Inc. For each vendor, it was concluded that the proposed products substantially deviate from the bid specifications and are not equal in features and functions to the specifications. Purchasing Services notified both vendors by fax and mail of the District's intent to reject their bids as non-responsive (see attached letters dated January 15, 2009).

The flow cytometry equipment and software will be purchased with the State of California Capital Outlay Life Science's Building Equipment funds that must be expended by May 15, 2009. The total amount budgeted by Foothill College for this purchase is \$118,000. The bid price of \$103,896 submitted by BD Biosciences includes delivery, installation, training, and all applicable sales tax.

Purchasing Services Supervisor Gina Bailey recommends that the Board **reject the bids from Accuri Cytometers, Inc. and Beckman Coulter, Inc. as non-responsive and award a contract to BD Biosciences in the amount of \$103,896, pursuant to the prices, terms, and conditions in Bid 1190.**

5. Sale of Miscellaneous Surplus E-Waste Equipment

The District has approximately 8 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 DASB have also found them to be unsuitable for further use. The District also has 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 the 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 post a notice on BidNet and 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).**

6. Approval of New Foothill Transfer Studies Certificate Options

The objective of the Transfer Studies certificates is to notate and reward the completion of general education requirements for transfer using either the Intersegmental General Education Transfer Curriculum or the California State University General Education Curriculum. Completing these breadth requirements improves the chances for transfer admission to the California State University and the University of California. Completion of one of these patterns will fulfill the lower division general education requirements for the University of California or California State University system as well as some independent and out-of-state institutions. Transfer is one of the four primary missions of Foothill College. These certificates will increase the completion rate and promote success for the college's transfer student population.

Foothill President Judy Miner recommends that the Board **approve the new Transfer Studies Certificate options.**

7. Personnel Actions

Name: **Behrouz A. Forouzan**
Position: Instructor
College: De Anza
Division: Computer Information Systems
Action: **Resignation for the Purpose of Retirement**
Effective Dates: June 26, 2009
Compensation: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

Name: **Letha Jeanpierre**
Position: Interim Vice President
College: De Anza
Division: Educational Resources and College Operations
Action: **Interim Assignment**
Effective Dates: February 3, 2009 through June 30, 2009
Compensation: 10% increase to \$13,770.05 per month in accordance with the Administrative Handbook, Chapter III

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

8. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, promotions, permanent contract changes, reclassifications, resignations, retirements, leaves of absence, professional growth awards, service recognition awards and longevity awards for classified staff, part-time faculty and short-term and temporary employees. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

BOARD BUSINESS

9. Summer Board Study Sessions

In accordance with past practice, the Board is currently scheduled to hold two afternoon study sessions during the summer: on July 6 and August 3. A regular meeting for routine Board business is also scheduled at 6:00 p.m. on both dates. It has been proposed that the Board hold only one study session in the summer, on August 3, for which the following items would be scheduled:

- Board Self-Evaluation
- Chancellor Evaluation (closed session)
- Foothill-De Anza Annual Report
- 2009-10 Strategic Planning
- Semi-Annual Measure C Progress Report

If the Board concurs with this recommendation, the July and August schedule of meetings would be amended as follows:

Monday, July 6	Regular Board meeting, 6:00 p.m.
Monday, August 3	Board Study Session, approximately 1:00 p.m. Regular Board meeting, 6:00 p.m.
Monday, August 31	Regular Board meeting, 6:00 p.m.

Chancellor Martha Kanter recommends that the Board **change the Board calendar to eliminate the study session on July 6 and hold only a regular Board meeting on that date.**

10. California Community College Trustees – Nomination

The twenty-one member California Community College Trustees (CCCT) board meets five times a year, providing leadership and direction statewide to ensure a strong voice for locally elected governing board members. From January 1 through February 15, nominations for membership on the board will be accepted in the office of the Community College League of California. Each nominee must be a local community college district trustee, other than the student trustee, and must have consented to be nominated. Nominations are to be made by a member district board of trustees. Each district may nominate only members of its board, and only one trustee per district may serve. The election of members of the CCCT board will take place between March 10 and April 25. There are three vacancies this year, with three incumbents eligible to run for re-election. Newly elected members will assume their responsibilities and commence their three-year term at the conclusion of the annual conference on May 3, 2009.

This agenda item will provide the opportunity for any member of the Foothill-De Anza Board to consider serving on the CCCT board. If so, the Board must officially take action at this meeting to nominate that individual. The nomination form, along with the nominee's Biographic Sketch Form and Statement of Candidacy, must be postmarked no later than February 15. If the Board wishes to nominate a trustee, the Board should do so at this time.

11. Legislative Goals 2009-10

Each year, the Board establishes the legislative priorities for the District in accordance with its Board-adopted legislative principles (reviewed by the Board on January 20, 2009). This draft document is the first reading of the goals that will be adopted for use in advocating the Board's priorities to the legislature and the public in preparing for the 2009-10 fiscal year. The District affirms its continued commitment to the California Master Plan for Higher Education and its dedication to student access, equity, affordability and success.

This is the first reading of this year's proposed goals that have been presented to the District Legislative Committee and Chancellor's Advisory Council. Following the first reading, the goals will come back to the Board for adoption at its March 2, 2009 meeting.

HUMAN RESOURCES

12. Professional Development Leaves for 2009-10

Board approval is requested for Professional Development Leaves for the 2009-10 Academic Year. The Professional Development Leave Committee received 25 applications requesting a total of 74 quarters of leave. One application was withdrawn by the employee and three applications are pending receipt of additional information and may be forwarded to the Board at a later date. A total of 21 applications are being forwarded to the Board for approval.

According to the terms of the Agreement with the Faculty Association, 107 quarters of leave (including 15 carryover quarters from 2008-09) are available for 2009-10. At this time, the Professional Development Leave committee requests that 63 quarters be awarded to the 21 faculty members recommended by the Committee. It is the responsibility of each faculty member to complete the plan for the leave as outlined in the application.

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny and the Professional Development Leave Committee recommend **approval**.

INSTRUCTION AND CURRICULUM

13. Presentation: Open Educational Resources

Dean of Foothill Global Access Judy Baker will give a presentation to update the Board on the District's efforts regarding Open Educational Resources (OER) and the work of the California Community Colleges OER Consortium, focusing on progress to date and plans for the year ahead.

14. Annual “Accountability for Reporting for Community Colleges” Report

AB 1417 requires all California community college boards of trustees to annually review and officially accept performance measurement data for their colleges that is included in the “Accountability for Reporting for Community Colleges” (ARCC) Report. The Report, which the State Chancellor’s Office provides to the state legislature, contains performance measurement both for individual colleges and system-wide in seven key areas:

- 1) Student progress and achievement in terms of degrees/certificates earned and transfer to four-year institutions;
- 2) Percent of students who earned at least 30 units;
- 3) Student persistence rate;
- 4) Student progress and achievement in credit vocational courses and programs;
- 5) Successful course completion rate for credit Basic Skills courses;
- 6) Improvement rate for Basic Skills courses; and
- 7) Improvement rate for credit ESL courses.

The purpose of the Report is to encourage colleges to improve their student success-related outcomes over time. Executive Director of Institutional Research and Planning Bob Barr will present the 2008 ARCC Report for Foothill College and De Anza College.

Executive Director of Institutional Research and Planning Bob Barr recommends that the Board **accept the 2008 “Accountability for Reporting for Community Colleges” report for Foothill and De Anza.**

BUSINESS AND FINANCE/FACILITIES

15. Citizens’ Bond Oversight Committee Annual Report

The District was successful at the election on June 6, 2006 in obtaining authorization from the District's voters to issue up to \$490,800,000 aggregate principal amount of the District's general obligation bonds (“Measure C”). The election was conducted under Proposition 39, which was chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000. Among the accountability requirements the District must comply with is the establishment of a Citizens' Bond Oversight Committee whose duties and responsibilities are set forth in bylaws (available on the Measure C website: <http://www.measurec.fhda.edu/>.) Among the duties established in the bylaws is the development of an Annual Report which shall be presented to the Board of Trustees in public session. The report is required to address the following:

- A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and,
- A summary of the Committee's proceedings and activities for the preceding year.

Vice Chancellor of Business Services Andy Dunn recommends the Board **accept the report as presented by Mr. Dexter Dawes, Chair of the Citizens' Bond Oversight Committee.**

16. Budget Update

The state controller announced in January that, in order to preserve cash for critical activities and other payments required by law, he will begin delaying, by 30 days, payments to all other programs funded by the state's General Fund if adequate cash solutions are not in place by the beginning of February. Without a budget deal addressing the state's \$40 billion-and-growing shortfall, shortly after February 1, the state will have insufficient cash to meet expenditures each month until April's personal income tax revenues come in. The District is analyzing cash flow impacts and while cash flow is anticipated to be secure through the summer the situation continues to evolve. The District will continue analyzing the impacts of proposed deferrals and their associated cash impacts.

At the federal level, progress continues on the federal economic stimulus package, which is widely assumed to include assistance to states to maintain expenditures in education and social services, and has provided renewed hope that a budget deal can be reached in the near term.

Regarding state budget matters, there is a question whether Democrats will agree to a hard spending cap in return for support by Republicans of tax increases. The spending cap, and potentially other elements of the proposed budget package including securitization of the Lottery, would be placed before the voters in a special election this spring.

Although the Governor's January Budget Proposal treats the community college system far more favorably than the proposal that emerged from the Fall Special Session, in the context of a \$41 billion state budget shortfall is it hard to imagine the community colleges, or any group for that matter, being largely held harmless. For this reason, the District continues to pursue a "bracketed approach" to budget planning, encompassing what is estimated would constitute best and worst case scenarios. Under the worst case outcome, and in addition to the District's internal operating deficit, the state would impose a mid-year cut of \$8 million which would recur in the 2009-10 fiscal year. The best case scenario reflects the Governor's Budget Proposal which reflects the effects of apportionment deferrals but no mid-year cut.

17. Update on Sustainability Policy and Plans

Executive Director of Facilities, Operations and Construction Management Charles Allen will provide an update on the District's collective efforts to implement Board Policy 3214, which addresses the commitment to environmentally sustainable practices and was revised by the Board on June 16, 2008. The items to be addressed are:

Sustainability Policy & Plans

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

MEASURE E PROJECTS

18. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$147,426.

- A.** *Title:* Change Order #17
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: \$83,380
For: Provide back boxes for audiovisual equipment, electrical revisions to dressing room makeup lighting, Euphrat Museum wall framing revisions, roof structural beam waterproofing, projection screen installation coordination with Group-II contractors, and revised grading / layout for AC paving and curb/gutter. The Contract Completion date of December 31, 2008 is unaltered by this Change Order.

The total Change Orders to date represent 5.89% against the original Contract amount. The funding is included in the current budget.
Action: Ratification

- B. Title:** Revision #1 to PAA #D14 (PO #M979729)
Vendor: Sandis
Agreement Date: May 28, 2002
Campus: De Anza College
Project No.: 765-280
Project Name: ADA Asphalt Walkway Improvements
Amount: \$27,300
For: Provide design and engineering services for program validation and the design development necessary to develop the ADA barrier removal criteria for the De Anza campus and define areas to be addressed in an ADA Transition Plan. The scope will include: development of project through coordination meetings with client team including the identification of necessary ADA compliant exterior pedestrian pathways, provide options for achieving ADA compliance on all required routes, review options for developing the ADA path-of-travel plan, perform an initial topographical survey, develop 100% design development documents, and provide an engineer's estimate for the Design Development Phase.
Action: Approval
- C. Title:** Extension of Agreement for Services (PO #H876434)
Vendor: Quali-Con Enterprises
Agreement Date: June 4, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual and Performing Arts Center
Amount: \$0
For: Extend inspection services through June 30, 2009 for the purposes of completing and closing out Project 209 (Visual and Performing Arts Center). The State requires the use of qualified building inspectors on all construction projects.
Action: Approval

- D. Title:** Change Order #73
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$26,746
For: Settlement cost for miscellaneous site work changes.
- This change order plus all previous change orders represents 9.20% above the base contract amount. The funding for this change is within the current budget.
- Action:** Ratification
- E. Title:** Revision #1 to PO #H980057
Vendor: IKON Office Solutions
Agreement Date: October 21, 2008
Campus: District & Foothill College
Project Name: Foothill Campus Center Litigation
Amount: \$10,000
For: Revision #1 increases PO #H980057 by \$10,000 to a new total of \$29,500 for scanning services in the preparation of documents for litigation. The contract date is also being extended to June 30, 2009.
- Action:** Approval

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

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 \$395,444.

- A. Title:** Project Assignment Amendment #2
Vendor: Cogent Energy, Inc.
Agreement Date: February 3, 2009
Campus: Foothill College
Project No.: 160
Project Name: Physical Sciences & Engineering Center
Amount: \$170,400
For: Professional Commissioning Services to confirm proper functioning of all major mechanical, electrical and plumbing systems, and as required to meet LEED Fundamental and LEED Enhanced commissioning requirements. The scope of services includes providing all required documentation, performing timely observations and support for specified systems, and supporting the District's other consultants during the commissioning effort.
Action: Ratification
- B. Title:** PAA #F02 – Forum 5000 Commissioning
Vendor: Enovity Inc.
Agreement Date: January 21, 2009
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000 Renovation
Amount: \$36,360
For: Commission of HVAC systems including: supply and return, exhaust, passive and mechanical systems; and lighting and lighting control systems
Action: Ratification
- C. Title:** Change Order #1
Vendor: Joseph J. Albanese, Inc.
Agreement Date: November 19, 2008
Campus: Foothill College
Project No.: 162B Parking and Circulation
Project Name: Roundabout and Parking Lot 8 Improvement
Amount: \$1,754
For: Sign and striping revisions to direct traffic flow through the Roundabout and Parking Lot 8.

This change order represents 4% above the base contract amount. The funding for this change is within the current budget.
Action: Ratification

- D.** *Title:* Professional Services – Revision #3
Vendor: Ratcliff Architects
Agreement Date: February 3, 2009
Campus: Foothill College
Project No.: 160
Project Name: Physical Sciences & Engineering Center
Amount: \$85,710
For: The basic services added by this revision include \$72,360 for design and construction administration services for extending and connecting a number of utilities from the project site to the main campus utility corridor not included in the original scope; \$4,605 for additional coordination between the Soccer and Softball Fields finish grades; and \$8,745 for incorporating new aerial and topographic data into the civil project drawings, for a total added fee of \$85,710
Action: Approval
- E.** *Title:* Professional Services
Vendor: RGA Environmental
Agreement Date: January 7, 2009
Campus: Foothill College
Project No.: 160
Project Name: Physical Sciences & Engineering Center
Amount: \$19,500
For: Professional services to classify approximately 620 chemicals proposed for use in the Physical Sciences and Engineering Center, in order to determine Building Code requirements
Action: Ratification

F. Title: Revision #7 to PO #G774030
Vendor: Christopher A. Joseph
Agreement Date: March 6, 2007
Campus: Foothill College
Project No.: 766172
Project Name: Environmental Impact Report (EIR)
Amount: \$4,000
For: Christopher A. Joseph to provide the following actions in response to correspondence from Caltrans letter dated December 23, 2008.

Traffic Forecasting:

Comment to Response CT-9

Provide a traffic impact analysis under 2030 Cumulative plus Project Conditions for Caltrans review regarding the interchange of El Monte Road and I-280.

Summarize PM Cumulative plus Project, Project Only Traffic in Table I

Summarize PM traffic under Project Only and 2030 Cumulative plus Project Conditions for ease of review in a summary format.

Highway Operations:

Comment to Response CT-3

Provide an analysis of the queuing to determine the impacts to I-280 for Caltrans review and comment.

Action: Approval

G. Title: Contract for Services
Vendor: MJO Earthscience Services, Inc.
Agreement Date: December 9, 2008
Campus: De Anza College
Project No.: 766255
Project Name: Auto Technology – Sump Closure
Amount: \$52,720
For: Develop work plan for sump closure, conduct preliminary sampling of soils and laboratory analyses, complete the demolition of in-ground concrete sumps along with the excavation and removal of sump concrete materials, demolition and removal of dynamometer, confirmation soil sampling for regulatory clearance of sumps, dynamometer and piping including soils and laboratory analyses, management of regulatory oversight, compilation of all data and the preparation and presentation of a final report (contract has been signed by Andy Dunn, Vice Chancellor of Business Services)

Action: Ratification

- H.** *Title:* Revision #3 to PO #G876098 for Modification of Task #3
Vendor: tBP/Architecture, Inc.
Agreement Date: October 15, 2007
Campus: District
Project No.: 801
Project Name: Mountain View Center Feasibility Study
Amount: \$25,000
For: Revision #3 modifies Task #3 in the amount of \$25,000 to a new total of \$90,000 for condition assessment, cost estimate, and consultation services for property acquisition to the Agreement for Services. Additional effort was necessary to complete the property condition assessment in accordance with the planned scope of services. The initial estimate was established with the understanding that the authorized amount may need to be increased depending upon the analysis required after the consultant was allowed full access to the property.
Action: Approval
- I.** *Title:* Revision #2 to 08-09 Agreement for Services
Vendor: Gilbane-Maas
Agreement Date: July 7, 2008
Project Name: Measure C Bond Program
Amount: \$0
For: Measure C Program and Construction Management Services:
• Implement electronic approval process for Measure C accounts payable.
• 6-month extension of Project Accountant Position from January through June, 2009.
• 1-month extension of Move Coordinator Position from the end of January to the end of February, 2009.
Action: Ratification

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

20. Cancellation of Pre-Qualification Process for Two Measure C Historical Renovation Projects at De Anza College (RFQ 1180)

On November 3, 2008, the Board of Trustees authorized the implementation of a procedure to pre-qualify general contractors to bid on the Baldwin Winery and East Cottages projects at De Anza College. At that time, it was stated that the Purchasing Services Department would report back to the Board and recommend that they either accept a list of pre-qualified contractors for those projects or cancel the process in its entirety.

On November 14 and November 21, 2008, Purchasing Services advertised the Request for Prequalification, RFQ 1180, in the San Jose Post Record as well as posted it on “BidNet” at www.govbids.com. Nine (9) contractors submitted the completed questionnaire to the District by due date.

Upon review of the responses, Purchasing Services staff and De Anza Director of Bond Program Management Tom Armstrong determined that the contractors do not meet the requirements of the pre-qualification questionnaire as published. Purchasing Services recommends that the pre-qualification for these projects be canceled given that the construction schedule does not provide adequate time to re-advertise a revised pre-qualification procedure.

Purchasing Services Supervisor Gina Bailey recommends that the Board **cancel the pre-qualification procedure for RFQ 1180, thus opening the competition for properly licensed general contractors to bid on the two historical renovation projects.**

21. Measure C Project List Revision — Foothill Budget Transfer #10

Foothill Budget Transfer #10 recognizes savings from Project 117 (Renovate Existing Footbridge), which has been completed. This transfer re-allocates \$56,992 in cost savings from Project 117 to Project 123 (Campus Wide Bldg. System & Infrastructure Repairs/Upgrades).

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with Foothill Budget Transfer #10.**

MJK:jco