



BOARD OF TRUSTEES

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

April 6, 2009

Closed Session: 4:45 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.*

REVISED AGENDA

Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session

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)

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 EMPLOYMENT

Title: Interim Chancellor

Public Session

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

INFORMATION

APPROVAL OF MINUTES

ACTION

March 2, 2009

March 12, 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

BOARD BUSINESS

- Process for Appointment of Interim Chancellor

INFORMATION

APPROVAL OF CONSENT CALENDAR

ACTION

1. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
2. [Ratification of B Warrants and Wire Transfers Greater Than \\$5,000 for January and February 2009 \(Dunn x6201\)](#)
3. [Approval of Contracts for Celebrity Forum \(Dunn x6201\)](#)
4. [Contract for ETUDES NG Hosting and Technical Services and ETUDES Alliance Membership \(Miner x7200\)](#)
5. [Agreement with Cupertino Union School District for Extended Year Summer Program 2009 \(Dunn x6201\)](#)
6. Authorization of CENIC as Additional Vendor for Billing Purpose Only, Pursuant to Bid 1188 (Provide Collocation Site Disaster Recovery Services for EIS Hardware) **(Sherman x6120)** *(See Public Memo for backup)*
7. [Renewal of Symantec Norton Antivirus Software License \(Sherman x6201\)](#)
8. [Contract with Altura Communication Solutions for Telephone System Maintenance \(Sherman x6201\)](#)
9. [Sale of Miscellaneous Surplus Electronic Equipment \(Bailey x6165\)](#)
10. [Sale of Miscellaneous Surplus Personal Property \(Bailey x6165\)](#) *(See Public Memo for backup)*
11. [Personnel Actions as Follows: \(Novotny x6211\)](#)
 - Employment/65% Position – Martha Carlson, Foothill Internship Coordinator **(See Public Memo for backup)**
 - Employment – Gaeir L. Dietrich, De Anza HTCTU Instructor *(See Public Memo for backup)*
 - Resignation for the Purpose of Retirement under Article 19 – Zena Gray, De Anza Faculty
 - Employment – Michael J. “Jayme” Johnson, De Anza HTCTU Instructor *(See Public Memo for backup)*
 - Acting Assignment – Jack Lynch, De Anza Acting Division Dean
 - Employment/65% Position – Kelly Ann Masegian, Foothill Internship Coordinator *(See Public Memo for backup)*
 - Employment – Steven J. McGriff, Foothill Teacher-in-Residence *(See Public Memo for backup)*
 - Employment – Ellen Willis Miller, De Anza Director *(See Public Memo for backup)*
 - Resignation – Marshall Sperbeck, Foothill Faculty
 - Resignation for the Purpose of Retirement under Article 19 – Edwina Stoll, De Anza Faculty
 - Transfer in Accordance with Article 13 – Maristella Huerta Tapia, De

Foothill phone numbers are 650-949-xxxx — De Anza phone numbers are 408-864-xxxx

Anza Faculty
33% Load Reduction per Article 18 – Sandi Watkins, Foothill Faculty
Reassignment – Timothy Woods, Foothill Dean

- 12. [Human Resources Report](#) (Novotny x6211)
- 13. [Professional Development Leave Reports](#) (Novotny x6211)

BOARD BUSINESS

- 14. Foothill-De Anza Colleges Foundation Annual Report: “Education Matters” (Fox x6149) (See *Public Memo for backup*) **INFORMATION**
- 15. [CCCT Board Election](#) (Kanter x6104) **ACTION**
- 16. [Board Policy 3115 – Reserves](#) (*second reading*) (Dunn x6201) **ACTION**
- 17. [Update Regarding Board Policy 4185 and Values Statement on Textbooks](#) (Kanter x6149, Davison x7196) **INFORMATION**
- 18. [Annual Review of Board Policy 9110.1 – Number of Student Trustees; Term of Office; Rights](#) (*first reading*) (Kanter x6149) **INFORMATION**

BUSINESS AND FINANCE/FACILITIES

- 19. Budget Update (Dunn x6201) (See *Public Memo for backup*) **INFORMATION**
- 20. [NASA Research Park Update](#) (Dunn x6201) **INFORMATION**

MEASURE E PROJECTS

- 21. [Measure E Consent Calendar](#) (Allen x6150) **ACTION**
 - A) Master Agreement – Joni L. Janecki & Associates, Inc.

MEASURE C PROJECTS

- 22. [Measure C Consent Calendar](#) (Allen x6150) **ACTION**
 - A) Agreement (Auto Technology) – HP Inspections
 - B) Agreement (Landscaping) – Joni L. Janecki & Associates
 - C) Agreement (Landscaping) – Miller Company Landscape Architects
 - D) PAA #D01 (CDC Playground) – Miller Company Landscape Architects
 - E) Agreement (Auto Technology) – Quali-Con Enterprises
 - F) Revision #1 to Agreement (Auto Technology) – MJO Earthscience Services
 - G) Independent Contractor Agreement (Auto Technology) – Cleary Consultants
 - H) Campus-Wide Utility Record Drawings – Sandis Civil Engineers

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| 23. Award of Contract Pursuant to Bid Document 1193-111 — Modular Renovation Project, Foothill College (Bailey x6165) | ACTION |
| 24. List of General Engineering Contractors Pre-Qualified to Bid on De Anza Project #261 — Mediated Learning Center Civil Site Preparation (Bailey x6165) | ACTION |
| 25. List of General Engineering Contractors Pre-Qualified to Bid on De Anza Project #241 — S2-S6 Phase II, Utility Master Plan Phase I (Bailey x6165) | ACTION |
| 26. Measure C Project List Revision with Foothill Budget Transfer #12 and Foothill Project Name Change (Allen x6150) | ACTION |

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

May 4, 2009 — Regular meeting
Presentation: Student Learning Outcomes
Resolution Recognizing Classified Staff Week
ASB Budgets
Student Trustee Board Policy 9110.1 (second reading)
Board Policy 4185 and Values Statement on Textbooks

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: March 31, 2009

RE: Public Session — **April 6, 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 Dunn recommends **ratification of the contracts and agreements as presented.**

2. Ratification of B Warrants and Wire Transfers Greater Than \$5,000 for January and February 2009

Attached for Board ratification are B Warrants and Wire Transfers greater than \$5,000 for January and February 2009. 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.**

3. Approval of Contracts for Celebrity Forum

The Celebrity Forum Speaker Series has been a hallmark of Foothill College for many years. The series is an important community event for the entire Bay Area and draws thousands of people each year to the Flint Center to attend these sold-out presentations. From its founding in 1968, the series has been completely self-supporting and has never used District or college funds for its operation, being financed solely through ticket sales. Furthermore, the series helps subsidize the Flint Center. The series has always been a financial success for the District and has contributed valuable discretionary dollars to the colleges to support their strained budgets.

Each spring, the contracts for the Celebrity Forum Speaker Series are submitted to the Board, including both contracts that are below the threshold of \$20,000 (which can be

signed by appropriate administrative staff prior to Board approval) and contracts that exceed that limit. A summary of the contracts for the 2009-10 series is attached.

Vice Chancellor of Business Services Andy Dunn recommends **approval**.

4. Contract for ETUDES NG Hosting and Technical Services and ETUDES Alliance Membership

This contract is for the continued Level 7 services hosting and technical services of ETUDES NG for July 1, 2009 through June 30, 2010 at Foothill College by the ETUDES Alliance Project as well as “Sys Admin Support and Account/Site Management Production Equipment Services/Maintenance,” ETUDES Alliance membership fees, and “Project Collaboration Sites – Hosting and Related Services.” These services are necessary for offering distance learning courses at Foothill College. The amount of the contract is not to exceed \$103,875, plus expenses not to exceed \$5,000.

Dean of Foothill Global Access Judy Baker recommends that the Board **approve the contract for ETUDES NG hosting and technical services in the amount not to exceed \$103,875 plus expenses not to exceed \$5,000.**

5. Agreement with Cupertino Union School District for Extended Year Summer Program 2009

De Anza College Community Education has offered fee-based, not-for-credit enrichment classes for grades 1-10 to the community for the past 20+ years. The Extended Year Summer Enrichment Program is a partnership between Community Education and the Cupertino Union School District to lease classrooms, gymnasiums, etc. Attached is the Letter of Agreement with the Cupertino Union School District for summer 2009 with complete details.

De Anza Dean of Community Education Caron Blinick recommends that the Board **approve the Agreement with Cupertino Union School District for Extended Year Summer Program 2009.**

6. Authorization of CENIC (Corporation for Education Network Initiatives in California) as Additional Vendor for Billing Purpose Only, Pursuant to Bid 1188 (Provide Collocation Site Disaster Recovery Services for EIS Hardware)

On February 2, 2009, the Board authorized a contract with Abtech Support in the amount not to exceed \$361,349.70 to provide Collocation Site Disaster Recovery Services. The contract provides hosting space in an off-site remote location to house back-up servers and data equipment, and also provides three years of recurring costs. The recurring costs

include Abtech Support maintenance services and network connectivity charges to the CENIC network for cost efficient data transfer to the District.

CENIC is a public consortium of California-based K-12 districts, colleges and universities with a mission to provide affordable, high-speed network connections to the Internet for educational entities within California. Because of their charter status, the network connection costs for the CENIC network cannot be invoiced through Abtech Support. Therefore, CENIC requests that the District set them up as a separate vendor for billing purpose only. The recurring cost of \$126,720.00 remains the same, plus applicable taxes and surcharges. The tables below provide a re-cap of the bid prices and recurring costs.

Abtech Support's Final Bid (total cost to district)	
One-Time Fixed Cost	\$76,877.70
Recurring Annual Cost (3 years cumulative)	\$284,472.00
TOTAL	\$361,349.70

Recurring Annual Cost Explanation (3 years cumulative)		
Abtech Support	\$52,584.00/year	\$157,752.00
CENIC connectivity	\$42,240.00/year	\$126,720.00
TOTAL		\$284,472.00

Purchasing Services Supervisor Gina Bailey and Vice Chancellor of Technology Fred Sherman recommend that the Board **authorize CENIC as a vendor (for billing purposes only) pursuant to Bid 1188 – Provide Collocation Site Disaster Recovery Services for EIS Hardware.**

7. Renewal of Symantec Norton Antivirus Software License

The license for Symantec Norton Antivirus software is renewed each year by the District. Symantec, through its value added reseller, ComputerLand of Silicon Valley, is offering Foothill-De Anza a significantly reduced pricing plan through a three-year license renewal beginning July 1, 2009. Based upon the cost of the 2008-09 maintenance renewal, this special pricing will save the District \$37,409.76 — a savings of 39.4% over the three-year period. The cost to the District for this year is \$27,200.54, and \$15,140.15 for each of the two subsequent years for a total of \$57,480.84. This will be the first year of a three-year contract with ComputerLand of Silicon Valley.

Vice Chancellor of Technology Fred Sherman recommends that the Board **approve the three-year license contract with ComputerLand of Silicon Valley for Symantec Norton Antivirus in the amount of \$57,480.84.**

8. Contract with Altura Communication Solutions for Telephone System Maintenance

In December 2000, an agreement was signed with Fujitsu Business Communication Systems to purchase a telephone system. The Fujitsu telephone system was acquired through a competitive bid process. In February 2002, Altura Communication Solutions assumed all of the Fujitsu Business Communication Systems obligations, including warranty and maintenance provisions. Altura committed to perform all obligations at least as well as Fujitsu Business Communications Systems would have performed them.

The original bid response from Fujitsu included a guarantee to provide a three-year warranty at no additional charge and seven years of maintenance, for a total of ten years maintenance coverage. Beginning in year four and each thereafter, an annual maintenance fee would be required, starting at \$91,413 and escalating at 3% per year. However, the Board approved a contract in 2000 that only included funding for maintenance through year seven. This request would approve funding for maintenance in years eight, nine and ten.

The Board is asked to approve the total expenditure of \$318,010.80 for three years of telephone system maintenance and services and authorize Vice Chancellor of Technology Fred Sherman to carry out the contract with Altura for calendar years 2009, 2010, and 2011. Measure C funding is allocated to replace the telephone system at the end of this maintenance period.

Vice Chancellor of
Technology Fred
Sherman,
recommends that
the Board **approve**

the purchase of maintenance of the telephone system for years 2009, 2010 and 2011 in the amount of \$318,010.80.

Calendar Year	Maintenance Cost
2009	\$102,886.15
2010	\$105,972.73
2011	\$109,151.92
TOTAL	\$318,010.80

9. Sale of Miscellaneous Surplus Electronic Equipment

The District has approximately 20 pallets of computers, monitors, printers, and miscellaneous electronic equipment. ETS departmental staff have determined that the items are obsolete and of no further use to the District. De Anza College OTI and the DASB have also found them to be unsuitable for further use. The District also has other electronic items that are in non-working condition or are of no further use. In accordance with the Electronic Waste Recycling Act, these items are considered electronic waste and should be sold to authorized State of California CRT material handlers, collectors and recyclers. See attached surplus forms prepared by the colleges for a list of electronic waste scheduled to be sold. The estimated aggregate market value of this electronic equipment is less than \$5,000.

California Education Code 81452(a) provides that if the governing board by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000.00), the property may be sold by any employee of the District empowered for that purpose by the board.

Purchasing Services plans to post a notice on Bid Net 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).**

10. Donation of Surplus District Personal Property

Foothill College has a variety of miscellaneous plants located at its former Horticulture area. These plants were not relocated when the Horticulture program moved into its new classroom/lab space at Lower Campus and have been deemed unsatisfactory for further use. The average value of the plants is \$20-25 and the estimated aggregate value is \$1,500.

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

It is recommended that the plants be donated to the Foothill-De Anza Foundation, a tax-exempt public benefit corporation under Section 501(c)(3) of the Internal Revenue Service Code. The Foundation has agreed to accept the plants in order that the Foothill College Sustainability Committee can use them in its local community fundraising efforts. The Sustainability Committee will establish an Organic Garden and other sustainability initiatives on campus with any proceeds earned.

Purchasing Services Supervisor Gina Bailey recommends that the Board **make a finding that the items are of insufficient value to defray the costs of arranging a sale, and authorize the Purchasing Services Supervisor to donate the plants to the Foothill-De Anza Foundation.**

11. Personnel Items

Name: **Martha Carlson**
Position: Internship Coordinator
College: Foothill College
Division: Internship Program
Action: **Employment/65% position**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 12
Compensation: Column III, Step L , \$8927.17/month (prorated)
Comments: In accordance with Education Code Section 87470

Name: **Gaeir L. Dietrich**
Position: Instructor, High Tech Center Training Unit
College: De Anza College
Division: Special Education and Applied Technologies
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 11
Compensation: Column II, Step M, \$8,927.17 /month
Comments: In accordance with Education Code Section 87470

Name: **Zena Gray**
Position: Faculty
College: De Anza College
Division: Language Arts
Action: **Resignation for the purpose of retirement under Article 19**
Effective Dates: June 26, 2009

Name: **Michael J. "Jayme" Johnson**
Position: Instructor, High Tech Center Training Unit
College: De Anza College
Division: Special Education and Applied Technologies
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 11
Compensation: Column I, Step F, \$6,672.96/month
Comments: In accordance with Education Code Section 87470

Name: **Jack Lynch**
Position: Acting Division Dean
College: De Anza College
Division: Business and Computer Systems Division
Action: **Acting Assignment**
Effective Date: April 7, 2009 through December 31, 2009
Compensation: Level K, Step 1 @ \$9,803.74

Name: **Kelly Ann Masegian**
Position: Internship Coordinator
College: Foothill College
Division: Internship Program
Action: **Employment/65% position**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 12
Compensation: Column III, Step D, \$6,672.96 /month (prorated)
Comments: In accordance with Education Code Section 87470

Name: **Steven J. McGriff**
Position: Teacher-in-Residence
College: Foothill College
Division: Faculty and Staff
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 11
Compensation: Column V, Step J, \$8,927.17/month
Comments: In accordance with Education Code Section 87470

Name: **Ellen Willis Miller**
Position: Program Director
College: De Anza College
Division: Workforce and Economic Development
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 12
Compensation: Column II, Step J, \$8,081.85/month
Comments: In accordance with Education Code Section 87470

Name: **Marshall Sperbeck**
Position: Faculty
College: Foothill College
Division: Physical Education & Human Performance
Action: **Resignation**
Effective Dates: January 5, 2009

Name: **Edwina Stoll**
Position: Faculty
College: De Anza College
Division: Language Arts
Action: **Resignation for the purpose of retirement under Article 19**
Effective Dates: June 26, 2009

Name: **Maristella Huerta Tapia**
Position: Faculty
College: De Anza College
Division: Sociology
Action: **Transfer in accordance with Article 13**
Effective Dates: July 1, 2009

Name: **Sandi Watkins**
Position: Faculty
College: Foothill College
Division: Computers, Technology & Information Systems
Action: **33% load reduction as per Article 18**
Effective Dates: Fall 2009 continuing for 10 years

Name: **Timothy Woods**
Position: Dean
College: Foothill College
Division: Computers, Technology & Information Systems
Action: **Reassignment**
Effective Dates: July 1, 2009 through June 30, 2010

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

12. 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.

For any new hires, please also see the attached justification to hire for these positions.

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

13. Professional Development Leave Reports

In accordance with Article 17.16 and 17.17 of the *Agreement* between the District and the Faculty Association, the Professional Development Leave Committee has reviewed and approved Professional Development Leave Reports from the faculty employees listed on the attached memo who successfully met the objectives of their leaves. The Board is

requested to accept the reports and is encouraged to read the reports which are available for review in the Human Resources office.

Dorene Novotny, Chair of the Professional Development Leave Committee and Vice Chancellor of Human Resources and Equal Opportunity, recommends **acceptance of the reports.**

BOARD BUSINESS

14. Foundation Annual Report: “Education Matters”

Executive Director of the Foothill-De Anza Colleges Foundation Marie Fox Ellison will present the annual Foundation report to the Board. A summary of the highlights is listed below.

The Foundation reported a successful year in 2007-08, raising over \$5 million and growing its assets to more than \$29 million. Since late spring however, the economy has taken its toll. Investment income has dropped 18 percent and fundraising has declined more than 20 percent. The board’s finance and investment committee took steps in late spring to reallocate investments, which mitigated to some extent the losses incurred within asset pools.

The Foundation staff and board are seizing opportunities provided by the downturn to build the Foundation’s fledgling alumni development efforts, and cultivate future donors to Foothill-De Anza. The small size of the Foundation staff dictates that these efforts be web-based, and so it became a founding member of the statewide California Community College Alumni Network. This membership offers discounted prices with firms that track alumni addresses and emails, as well as for E-marketing tools. Our goal this year is to launch our first E-newsletter, *Education Matters*, and build web-based fundraising support mechanisms.

The Foundation fundraising staff continues to cultivate and solicit major gifts for Foothill and De Anza colleges, building on opportunities such as new educational facilities at both colleges as well as for scholarships and program needs. Upcoming events will be planned on a smaller scale with respect for diminishing resources within the community.

15. California Community Colleges Trustees Board Election

The Board is entitled to submit its vote as a body to elect seven community college trustees to the California Community College Trustees (CCCT) Board of Directors. The list of 15 candidates who have been nominated for the CCCT Board of Directors is attached. Each community college district board has one vote for each of the seven vacancies. Only one

vote may be cast for any nominee or write-in candidate. Information provided by various candidates and the statements of candidacy were earlier sent to the Board.

Following past practice at Foothill-De Anza, the Board President will introduce the topic for discussion, then request each elected trustee to mark the attached ballot and pass it to the recording secretary, who will tabulate the results onto one official ballot and submit it to the CCCT Office by the deadline of April 25. The student trustees may cast advisory votes to be used to resolve any ties that result in more than seven candidates being selected. A copy of the tabulated ballot will be distributed to the elected trustees in the weekly Board mail for their information.

Trustees are permitted to vote for any number up to seven, but not more than once per candidate. Each elected trustee is asked to **vote for up to seven candidates**.

16. New Board Policy 3115, Reserves

At its meeting of March 2, 2009, the Board reviewed a draft policy on reserves. The Chancellor's Advisory Council discussed the policy at its meeting of March 23, 2009 and unanimously supported the policy if the statement was removed that reads "In addition to the general fund reserve, the Board of Trustees may establish a Stability Fund in order to further buffer the District from financial uncertainty." The general opinion was that the Stability Fund is handled differently than reserves and should not be part of this policy. To provide context regarding the original stability fund discussion, the minutes of December 4, 2006 Board meeting state: "Trustee Bechtel expressed support for a \$600,000 *stability fund* to be used in times of budget uncertainty (generally January through June during challenging fiscal times that affect state funding)."

Board Policy 3115 is now presented for a second reading, including the sentence regarding the Stability Fund. The Board may approve the policy as written or modify it.

Chancellor Martha Kanter recommends **approval of the policy with any modifications that the Board wishes to make**.

17. Update Regarding Board Policy 4185 (Publication of Instructional Materials) and Statement of Board Values on the Selection of Textbooks and Learning Materials

On November 5, 2007, the Board reviewed proposed revisions to Board Policy 4185 and concluded that the 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.

Since that time, the policy has undergone a number of drafts in an effort to address the interests of all parties involved, including faculty, students, and the Board. On November 3, 2008, the Board reviewed a draft Statement of Board Values on the Selection of Textbooks and Learning Materials; however, the Academic Senates were not able to support the statement. The Board then requested that the Academic Senates work with the Faculty Association and administration to develop a values statement and/or revised policy language that addresses the Board's interest in preserving academic freedom and intellectual property rights while protecting students from excessive textbook costs. All of the faculty groups are exploring options vis-à-vis potential changes both to the policy and to administrative procedures. An update will be provided on those efforts. Two of the draft proposals under development are attached: one from the Faculty Association and one from Foothill Academic Senate President Dolores Davison.

18. Annual Review of Board Policy 9110.1 – Number of Student Trustees; Term of Office; Rights

Board Policy 9110.1 requires that each year by May 15 the Board must review the policy and determine if any changes should be made. The policy is presented for a first reading. Also provided for information is Administrative Procedure 9110.1.

BUSINESS AND FINANCE/FACILITIES

19. Budget Update

Vice Chancellor of Business Services Andy Dunn will provide a brief update on the status of the budget.

20. NASA Research Park Update

Attached is a memo from Vice Chancellor of Business Services Andy Dunn providing a brief update on the NASA Research Park development.

MEASURE E PROJECT

21. Measure E Consent Calendar

The aggregate amount for these items is \$ 0.

- A.** *Title:* Master Form of Agreement
Vendor: Joni L. Janecki & Associates, Inc.
Agreement Date: April 6, 2009
Campus: Foothill College and De Anza College
Project No.: N/A – to be addressed in subsequent PAA
Project Name: N/A – to be addressed in subsequent PAA
Amount: N/A
For: Landscaping design services
Action: Approval

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

MEASURE C PROJECT

22. Measure C Consent Calendar

The aggregate amount of these items is \$153,925.38.

- A.** *Title:* Standard Agreement
Vendor: HP Inspections Inc.
Agreement Date: March 18, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$20,728
For: Provide special testing and inspection as required by DSA
Action: Ratification
- B.** *Title:* Master Form of Agreement
Vendor: Joni L. Janecki & Associates, Inc.
Agreement Date: April 6, 2009
Campus: Foothill College and De Anza College
Project No.: N/A – to be addressed in subsequent PAA
Project Name: N/A – to be addressed in subsequent PAA
Amount: N/A
For: Landscaping design services
Action: Approval

- C.** *Title:* Master Form of Agreement
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: Foothill College and De Anza College
Project No.: N/A – to be addressed in subsequent PAA
Project Name: N/A – to be addressed in subsequent PAA
Amount: N/A
For: Landscaping design services
Action: Approval
- D.** *Title:* PAA #D01
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-228
Project Name: CDC Playground Maintenance and Upgrades
Amount: \$41,850
For: Complete Design Services: Programming & Condition Assessment, Schematic Design, Design Development, Construction Documents, DSA and Agency Approval Process, Bidding, Construction Administration, and Project Closeout. Scope of services will include all required cost estimating, design reviews as specified in Master Form of Agreement. In addition to the Scope of Services included in the Master Agreement, the Programming & Condition Assessment will evaluate current site conditions, present findings and recommendations, meet with the User Group and Project Team, develop program and basis of design, establish the Project's goal, and define and prioritize the Project's scope, provide general drawing overview to illustrate concepts, present Programming Report and Diagram.
Action: Ratification
- E.** *Title:* Agreement for Services
Vendor: Quali-Con Enterprises, Inc.
Agreement Date: March 18, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$55,500
For: DSA-approved Class One inspection services for the construction oversight of Auto Technology renovations – per DSA requirements
Action: Ratification

- F.** *Title:* Revision #1 to Standard Form of Agreement
Vendor: MJO Earthscience Services Inc.
Agreement Date: December 9, 2008
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$5,147.38
For: Sump Closure – additional work due to unanticipated field conditions discovered during removal of the sumps for closure
Action: Ratification
- G.** *Title:* Independent Contractor Agreement
Vendor: Cleary Consultants, Inc.
Agreement Date: March 4, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: E-1 Auto Technology
Amount: \$9,200
For: Provide compaction testing and inspection for foundation and site work
Action: Ratification
- H.** *Title:* Campus-Wide Utility Record Drawings
Vendor: Sandis Civil Engineers
Agreement Date: April 6, 2008
Campus: Foothill College
Project No.: 135
Project Name: Utility and Technology Infrastructure Repairs & Upgrades
Amount: \$21,500
For: This consent items is for Revision #1 (\$9,000) and the original Design Professional Services Agreement (\$12,000) with Sandis Civil Engineers to provide an updated Foothill campus-wide utility record drawing. Revision #1 adds an update of the sewer and storm utilities to the scope of work based on recently discovered existing campus records. The funding for this change is within the current budget.
Action: Ratification

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

23. Award of Contract Pursuant to Bid Document 1193-111 — Modular Renovation Project, Foothill College

This project calls for the renovation of Modular Units 5998, 5940 and modular village restrooms at Foothill College. The work for the modular buildings consists of demolition and restoration for office and classroom use, inclusive of wall removal and additions, HVAC, lighting, electrical/phone/data, painting, flooring and all other finishes. The work for the modular restrooms includes restoration, inclusive of interior wall panels, toilette partitions, electrical and lighting, and restoration/replacement of dry-rot wall conditions. Ralf Schmidtmeier was the architect that prepared the plans and specifications; a complete set of all bid documents is on file in the Purchasing Services Department.

Bid 1193-111 was legally advertised to contractors on February 6, and February 11, 2009. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges and advertised in the Daily Pacific Builder, as well as posted on “BidNet” at www.govbids.com. Bids were publicly opened and read on March 13, 2009 at 2:00 p.m. in Purchasing Services. Twelve (12) contractors submitted bids, the results of which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount
Victory Construction, Inc.	\$89,900
Rusciano Construction, Inc.	\$96,000
B Bros Construction Inc.	\$96,100
Rodan Builders, Inc.	\$99,000
Barry Swenson Builder	\$99,950
Terra Coast Construction	\$102,000
Guerra Construction Group	\$112,820
Coast Side Associates	\$122,462
Gilbert-Murad Engineering & Construction	\$128,900
RC Benson & Sons, Inc.	\$146,800
John Plane Construction, Inc.	\$153,477
Innovation Construction	\$157,021

The lowest responsive and responsible bidder is Victory Construction, Inc. for the base bid amount of \$89,900. Purchasing Services checked the company’s listed project references and found them to be satisfactory. They recently completed an emergency shelter kitchen remodel for the City of Hayward. The bid price of \$89,900 submitted by Victory Construction, Inc. is within the estimated construction budget of \$100,000 for this project and is funded through Measure C.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid Document 1193-111 in the amount of \$89,900 to Victory Construction, Inc.**

24. List of General Engineering Contractors Pre-Qualified to Bid on De Anza Project #261 – Mediated Learning Center Civil Site Preparation

On December 1, 2008, the Board authorized the implementation of a procedure that pre-qualifies General Engineering Contractors to bid on the Mediated Learning Center (MLC) Civil Site Preparation, Project #261 at De Anza College.

On January 23, 2009 and January 30, 2009, Purchasing Services advertised the Request for Prequalification, RFQ 1184, in the San Jose Post Record and on Bidnet. Ten (10) contractors submitted the completed questionnaire to the District by the February 18, 2009 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 ten (10) General Engineering Contractors, Ferma Corporation and Rodan Builders, Inc., did not meet the minimum requirements of the pre-qualification questionnaire. Therefore, Purchasing Services issued letters to both contractors that identified areas of deficiencies and requested additional information (see attached). The letters also allowed an opportunity for each contractor to resubmit information for further pre-qualification consideration. However, neither contractor responded with additional information as requested, therefore deeming them not pre-qualified for this project.

SUMMARY OF RESULTS

CONTRACTOR	PRE-QUALIFIED
Joseph J. Albanese, Inc.	Yes
Robert A Bothman	Yes
Evans Brothers Inc.	Yes
Ferma Corporation	No
Interstate Grading & Paving Inc.	Yes
McGuire & Hester	Yes
O.C. Jones & Sons, Inc.	Yes
Rodan Builders, Inc.	No
Top Grade Construction, Inc.	Yes
Swenson & Associates	Yes

The Board can choose to either:

1. Accept the list of eight (8) General Engineering Contractors who met all of the pre-qualification requirements as the only prime contractors who are “pre-qualified” to bid on the MLC Civil Site preparation project,

OR

2. Cancel the pre-qualification procedure for this project.

Purchasing Services Supervisor recommends that the Board **1) determine that Ferma Corporation and Rodan Builders, Inc. are not pre-qualified and 2) accept the list of eight (8) General Engineering Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on the Mediated Learning Center Civil Site Preparation, Project #261 at De Anza College.**

25. Accept List of General Engineering Contractors as Pre-Qualified to Bid on Project #241, S2-S6 Phase II – Utility Master Plan Phase I at De Anza College

On November 3, 2008, the Board authorized the implementation of a procedure that pre-qualifies General Engineering Contractors to bid on Project #241, S2-S6 Phase II – Utility Master Plan Phase I at De Anza College. On November 19, 2008, November 25, 2008, January 28, 2009 and February 4, 2009, Purchasing Services advertised the Request for Prequalification, RFQ 1181(A), in the San Jose Post Record and on Bidnet, Seven (7) contractors submitted completed questionnaires to the District by the 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 seven responses and determined that three (3) of the seven General Engineering Contractors — ESR Construction, Inc.; Top Grade Construction, Inc.; and OC McDonald Company, Inc., — did not meet the minimum requirements of the pre-qualification questionnaire. Therefore, Purchasing Services issued letters to the contractors that identified areas of deficiencies and requested additional information (see attached). The letters also allowed an opportunity for each contractor to resubmit information for further pre-qualification consideration. However, none of the contractors responded with additional information as requested, therefore deeming them not pre-qualified for this project. In addition, one (1) contractor, Albay Construction Company, rescinded its submitted application.

SUMMARY OF RESULTS	
CONTRACTOR	PRE-QUALIFIED
Albay Construction Co.	Rescinded
ESR Construction, Inc.	No
Granite Construction Company	Yes
McGuire & Hester	Yes
O.C. McDonald Company, Inc.	No
SJ Amoroso Construction Co., Inc.	Yes
Top Grade Construction, Inc.	No

The Board can choose to either:

1. Accept the list of three (3) General Engineering Contractors who met all of the pre-qualification requirements as the only prime contractors who are “pre-qualified” to bid on Project #241, S2-S6 Phase II – Utility Master Plan Phase I at De Anza College,
OR
2. Cancel the pre-qualification procedure for such project.

Purchasing Services Supervisor Gina Bailey recommends that the Board **1) determine that ESR Construction, Inc., O.C. McDonald Company, Inc., and Top Grade Construction, Inc. are not pre-qualified, and 2) accept the list of three (3) General Engineering Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on Project #241, S2-S6 Phase II – Utility Master Plan Phase I at De Anza College.**

26. Measure C Project List Revision with Foothill Budget Transfer #12 and Foothill Project Name Change

Foothill Budget Transfer #12 is associated with combining budget and scope for Project #147 (Ornamental Horticulture) with Project #148 (Veterinary Technology) to create Project #147 (Ornamental Horticulture and Veterinary Technology Demo).

The Ornamental Horticulture and Veterinary Technology buildings are located on the site of the new Physical Sciences and Engineering Center (PSEC). The buildings and its supporting infrastructure will be demolished before PSEC construction can begin (slated for May of 2010). Combining the budgets for Project #147 and #148 allows for a single bid document resulting in efficiency in the bidding process as well as design.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with Foothill Budget Transfer #12.**

MJK:jco