



BOARD OF TRUSTEES

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

*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.*

March 1, 2010

Closed Session: 4:00 p.m.
Chancellor's Office

Public Session: 6:00 p.m.

District Board Room

Tenure Reception: 5:00-6:00 p.m.

District Board Room

*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 — 4:00 p.m.

STUDENT DISCIPLINE — EXPULSION

Student ID: 11252361

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny

Employee Organizations: All Represented and Unrepresented Groups

Public Session — 6:00 p.m.

REPORTING OUT FROM CLOSED SESSION

February 1, 2010

INFORMATION

1. Student Discipline (**Miner x7201**) (*See Public Memo for backup*)

ACTION

[APPROVAL OF TENURED FACULTY FOR 2010-11](#)

ACTION

2. [Faculty Re-Employment as Tenured Faculty Members for 2010-11 and Subsequent Years](#) (**Miner x7201, Murphy x8705**)

De Anza College: Michael Appio, Jason Damjanovic, Maria Delas,, Harman Dhaliwal, Olga Libova, Bertrand Lo, Mary Sullivan, Deborah Wagner

Foothill College: Anabel Arreola-Trigonis, Jeffrey Bissell, Samuel Connell, Kay Jones, Bruce McLeod, Simon Pennington, Andrew Ruble, Brian Tapia, Glenn Violett, Russell Wong

3. Update on Mountain View Los Altos High School District Articulation with

INFORMATION

Foothill-De Anza and Proposed June 2010 No Tax Rate Increase General Obligation Bond (**Thor x6106**) (*See Public Memo for backup*)

- | | |
|--|--------------------|
| 4. Presentation of 100% Construction Document Phase Drawings – Measure C Project #160, Physical Sciences & Engineering Center at Foothill College (Allen x6150) (<i>See Public Memo for backup</i>) | INFORMATION |
|--|--------------------|

APPROVAL OF MINUTES

January 19, 2010

February 1, 2010

ACTION

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

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

— Public

— Students

— Staff

Multicultural Staff Association President Cynthia Kaufman will present the MSA Solidarity Statement to the Board

— Board

APPROVAL OF CONSENT CALENDAR

ACTION

5. Board Policy 2620, Board Travel (2nd Reading) (**Thor x6106**)
6. Board Policy 4176, International Travel (2nd Reading) (**Thor x6106**)
7. Annual Assessment of Fiscal Condition (**Dunn x6201**)
8. Categorical Program Flexibility (**Dunn x6201**)
9. Resolution Authorizing the Issuance of a FY 2010-11 TRANs (**Quinonez x6250**)
10. Ratification of B Warrants and Wire Transfers Greater than \$5,000 for December 2009 and January 2010 (**Dunn x6201**)
11. MOU with Central County Occupational Center (**Swett x6952**)
12. MOU with No. County Regional Occupational Program, Joint Powers Agency (**Swett x6952**)
13. Approval of District Telecommunication and Multimedia Standards (**Luciw x6161**)
14. Disposal of Surplus District Personal Property (**Redmond x6166**)
15. Donation of Surplus Café Tables and Supplies (**Redmond x6166**)
16. Donation of Two Surplus District Desks (**Redmond x6166**)

17. [Sale of Miscellaneous Surplus Electronic Equipment \(Redmond x6166\)](#)
18. [Human Resources Report \(Novotny x6211\)](#)
19. [Personnel Actions as Follows: \(Novotny x6211\)](#)
 - Partial Unpaid Leave of Absence – Christine Chai, De Anza Faculty
 - Correction to Reduction in Load – Juanita Cordero, De Anza Faculty
 - Partial Unpaid Leave of Absence – Kim Lane, Foothill Counselor/Special Programs Liaison
 - Reduction in Load – John W. Perry, De Anza Faculty
 - Partial Unpaid Leave of Absence, Ernie Schmidt, Foothill College Counselor
 - Interim Assignment – Phyllis Spragge, Dean, Biology and Health Sciences

BOARD BUSINESS

20. [California Community Colleges Classified Employees of the Year Nominee \(Thor x6104\)](#) **ACTION**
21. [Resolution Supporting Adequate State Funding for California Community Colleges \(Thor x6104, Barrientos Vargas\)](#) **ACTION**
22. [Board Policy 6125, Grading \(1st Reading\) \(Thor x6106\)](#) **INFORMATION**

HUMAN RESOURCES/PERSONNEL

PUBLIC HEARING

23. Open Negotiations for 2010-2011 between the District and CSEA, Chapter 96 (Novotny x6211) (*See Public Memo for backup*)
24. [ACE Classified Staff Development Leaves \(Novotny x6211\)](#) **ACTION**
25. [Confidential Staff Development Leave \(Novotny x6211\)](#) **ACTION**
26. [Professional Development Leaves for 2010-2011 \(Novotny x6211\)](#) **ACTION**
27. [Re-Employment of First-Year Faculty \(Phase I\) to Second-Year \(Phase II\) for the 2010-11 Academic Year \(Miner x7201, Murphy x8705\)](#) **ACTION**

De Anza College: Robert Alexander, Ronald Francis, Cleve Freeman,
Shagundee Kaur, Kevin Mello, Edmundo Norte, Jeffrey Schinske

Foothill College: Kathy DePaolo, Brenda Hanning

28. [Re-Employment of Second-Year Faculty \(Phase II\) to Phase III for the 2010-2011 and 2011-2012 Academic Years \(Miner x7201, Murphy x8705\)](#) **ACTION**

De Anza College: Ilan Gasman, Esther Halwani, Mehrdad Khosravi,
Iaroslav Kryliouk, Mark Larson, Christine Magnin,
Ramachandran Subramaniam

Foothill College: Sarah De Los Santos, Isaac Escoto, Don MacNeil, Erica
Onugha, Young-Hee Park Lee, Judy Yamamoto

PUBLIC HEARING

29. [Adopt Certain Findings Related to Solar Services Agreement for Energy-Related Improvements to District Facilities with Chevron Energy Solutions, L.P. \(Allen x6150\)](#)

BUSINESS AND FINANCE/FACILITIES

30. [Agreement with Chevron Energy Solutions: Energy Services Contract and Installation of Photovoltaic Arrays at Foothill College \(Measure C Project #154\) \(Allen x6150\)](#) **ACTION**
31. [2009-10 Second Quarter Report \(Dunn x6201\)](#) **INFORMATION**
32. [Resolutions to Adopt Budget Revisions and Transfers \(Dunn x6201\)](#) **ACTION**

MEASURE E CONSENT

33. [Measure E Consent Calendar \(Allen x6150\)](#) **ACTION**

Aggregate amount for these items is \$82,000

De Anza College –

- A) Engineering Economics Inc. – Revision #2 to Agreement – Visual & Performing Arts Center - \$0
- B) Quali-Con Enterprises – Revision #2 – Visual Performing Arts Center - \$0
- C) AEDIS Architecture & Planning, Inc. – Standard Agreement – Acoustical Renovations - \$82,000
- D) Salas O’Brien Engineers, Inc. – Revision #3 – Science Center LEED Certification - \$0
- E) Salas O’Brien Engineers, Inc. – Revision #7 – Science Center HVAC - \$0

MEASURE C CONSENT **ACTION**

34. [Measure C Consent Calendar \(Allen x6150\)](#)

Aggregate amount of these items is: \$369,096

De Anza College –

- A) Architectural Resources Group – PAA #4-A to Master Agreement – Sunken Garden - \$42,963
- B) Environmental Construction Services – Revision #1 to PAA #2 – Seminar Building & Multicultural Center - #0
- C) Enovity, Inc. – Revision #1 to PAA #3 – Seminar Building & Multicultural Center - \$0
- D) Enovity, Inc. – Revision 31 to PAA #4 – Seminar Building & Multicultural Center - \$0
- E) HP Inspections – Agreement for Services – Seminar Building & Multicultural Center - \$25,000
- F) John Plane Construction, Inc. – Change Order #1 – Baldwin Winery & East Cottage Projects - \$23,836
- G) Quali-Con Enterprises, Inc. – Agreement for Services – Seminar Building & Multicultural Center – \$61,000
- H) S.J. Amoroso, Inc. – Change Order #6 – S2-S6 Phase II – Utility Master Plan – Phase I - \$35,548
- I) S.J. Amoroso, Inc. – Change Order #7 – S-2S6 Phase II – Utility Master Plan – Phase I - \$21,371
- J) Tricon Construction, Inc. – Change Order #2 – Pool Chlorination System - \$5,090
- K) Allana Buick & Bers, Inc. – PAA #D08 – Refinish Exterior of Flint Center Parking Garage - \$108,545

Foothill College –

- L) Tricon Construction, Inc. – Change Order #1 – Pool Plaster and Chemical Systems - \$36,383
- M) WRNS Studio – Revision #2 to PAA#F-WRNS-3A – Exterior Signage - \$9,360

- 35. [Measure C Bond Project List Revision with Foothill Budget Transfer #19 and District Budget Transfer #09 \(Allen x6150\)](#)
- 36. [Change Order #5 to SJ Amoroso, Inc. for Project 241 S2 and S6 Phase II Utility Master Plan \(Allen x6150\)](#)
- 37. [Recommendation to Authorize a Pre-Qualification Procedure for Measure C Project #110, Renovation of Language Arts General Classrooms \(6201, 6300, 6500\) \(Redmond x6166\)](#)
- 38. [Recommendation to Authorize a Pre-Qualification Procedure for Prime Contractors for Project #135, Utility Infrastructure Phase 1 \(Measure C\) \(Redmond x6166\)](#)
- 39. [Recommendation to Authorize a Pre-Qualification Procedure for Electrical Subcontractors for Project #135, Utility Infrastructure Phase 1 \(Measure C\) \(Redmond x6166\)](#)

40. Award a Contract Pursuant to Bid Document 1178-205 Seminar Building & Multicultural Center – De Anza College (Redmond x6166)
41. Award a Contract Pursuant to Bid Document 1233-273 Roof and Trellis Repair: PE1-2-6 and S7-8, De Anza College (Redmond x6166)

MEASURE C PROJECTS

42. Measure C Project/Construction Management Review (Allen x6150)

INFORMATION

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

March 8, 2010 -	Regular Meeting
March 9, 2010 -	CBOC
April 5, 2010 -	Regular Meeting
April 19, 2010 -	Hold for Special Board Meeting
May 3, 2010 -	Regular Meeting
June 3, 2010 -	Audit & Finance
June 7, 2010 -	Regular Meeting (at De Anza)
June 15, 2010 -	CBOC
June 21, 2010 -	Regular meeting (at Foothill)

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

TO: Members of the Board of Trustees

FROM: Mike Brandy, Interim Chancellor

DATE: March 29, 2010

RE: Public Session — **March 1, 2010**

1. Student Discipline

Request for student expulsion for student (SID#11252361) due to violation of Student Code of Conduct.

President Judy Miner recommends **expulsion** of student #11252361.

2. Faculty Employment as Tenured Faculty Members for 2010-2011 and Subsequent Years

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following Tenure/Re-Employment Recommendations:

De Anza College: Michael Appio, Jason Damjanovic, Maria Delas, Harman Dhaliwal, Olga Libova, Bertrand Lo, Mary Sullivan, Deborah Wagner

Foothill College: Anabel Arreola-Trigonis, Jeffrey Bissell, Samuel Connell, Kay Jones, Bruce McLeod, Simon Pennington, Andrew Ruble, Brian Tapia, Glenn Violett, Russell Wong

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval**.

3. Update on Mountain View Los Altos High School District Articulation with Foothill-De Anza and Proposed June 2010 No Tax Rate Increase General Obligation Bond

The Mountain View –Los Altos High School District will provide an update on articulation with Foothill-De Anza and their proposed June 2010 No Tax Rate Increase General Obligation Bond.

4. Presentation of 100% Construction Document Phase Drawings – Measure C Project #160, Physical Sciences & Engineering Center at Foothill College.

Ratcliff Architects and their design team has completed the construction documents for the Physical Sciences & Engineering Center at Foothill College. The completed construction documents are currently under review by the Division of the State Architect's office.

A "fly-through" presentation of the final design will be presented. The presentation is intended to inform the Board of the overall appearance and nature of this new capital project and to solicit any comments or feedback that the Board may wish to provide.

5. Board Policy 2620, Board Travel (2nd Reading)

In reviewing the Board policies, staff determined that there was not a specific policy addressing travel for the Board of Trustees. The attached policy was drafted and reviewed by the Chancellors Advisory Council who approved the policy. This policy was presented to the Board at the February 1 meeting for the first reading of the policy. No changes were recommended by the Board, so it is proposed for adoption at the second reading on March 1.

Chancellor Linda Thor recommends **adoption** of Board Policy 2620 as submitted.

6. Board Policy 4176, International Travel (2nd Reading)

In reviewing the Board policies, staff determined that there was not a specific Board Policy addressing International Travel. As a result of this, a policy was drafted (attached) which provides for specific approval for international travel of staff or trustees. This policy does not apply to staff who work within the International Student program who regularly travel internationally in the course of their job assignments. It would apply however, to any other staff members or trustees who do not work in the International Student program even if they are travelling in conjunction with that program. This policy would also exempt employees who teach in the Campus Abroad program which is an established part of the curriculum.

The proposed policy was reviewed by the Board of Trustees at the February 1 meeting. A few changes were recommended which can be seen in the attached policy.

Chancellor Linda Thor recommends **adoption** of Board Policy 4176 as revised.

7. Annual Assessment of Fiscal Condition

Pursuant to Education Code Section 84040, the Board of Governors is required to adopt criteria and standards for the periodic assessment of the fiscal condition of California community college districts. In October 2005, the State Chancellor's Office, in accordance with this requirement, issued standards for sound fiscal management and a process to monitor and evaluate the financial health of California's community college districts. The purpose of these standards is to identify districts that may benefit from preventative management assistance and those that may require fiscal crisis intervention to prevent emergency loans. These standards are intended to be progressive, with the focus on prevention and assistance at the initial level and more direct intervention at the

highest level. These standards are based on the principles of sound fiscal management that are contained in California Code of Regulations (CCR) Section 58311

This is a voluntary assessment tool at the point a district is not in a fiscal crisis. District staff believes this instrument provides a useful overview of a district's fiscal condition and undertakes and presents a new self-assessment each year. This document is shared with the Audit and Finance Committee and the Board of Trustees.

8. Categorical Program Flexibility

The Governor signed major revisions to the 2009-10 state budget into law on July 28, 2009. Among the changes were flexibility allowances within proscribed Categorical Programs in an effort to blunt the effect of such severe budget reductions. Federal funds from the American Recovery and Reinvestment Act State Stabilization (ARRA) monies, assumed at this time to total \$130 million for the California Community College System, were expected to further buffer on a one-time basis, these Categorical Program cuts. Funding at that level would have limited program cuts to these programs of only 15 to 32%. Ultimately, the ARRA funds amounted to only \$35 million system-wide; far below the level previously anticipated resulting in much deeper program reductions.

A summary of these allowed Categorical Program changes follows:

- Districts are allowed to redirect funds from any of the designated categorical programs to support any other categorical program funded in the state budget.
- Before exercising this flexibility, districts are required to discuss the redirection of funds at a regularly scheduled public meeting and take testimony from the public.
- Districts exercising this funding flexibility are relieved of all state statutory, regulatory, and provisional requirements associated with the twelve programs contained in the flexibility category.
- For categorical programs in the flexibility category, funding allocations for each district are set at the same amount received by the district in 2008-09, less the 2009-10 cut.

These flexibility measures will be in place through the 2012-13 fiscal year.

Attachment I depicts the array of categorical programs for which flexibility is allowed, budget cuts for each and the total ARRA funding and its application.

The following transfers to trigger the flexibility mechanism are proposed:

- Foothill: Categorical Inter-fund transfer of \$1,000 from Non-Credit Matriculation to EOPS.
- De Anza: Categorical Inter-fund transfer of \$1,000 from Matriculation to EOPS.

Vice Chancellor of Business Services Andy Dunn recommends the Board **adopt** the attached budget transfers and trigger the allowed categorical funding flexibility.

9. Resolution Authorizing the Issuance of a FY 2010-11 TRANs

Tax Revenue and Anticipation Notes (TRANs) are issued as part of the district's cash management program. These are short-term notes (less than 13 months) that are paid at maturity using taxes collected throughout the year. The TRAN proceeds are invested and held to maturity unless needed for operations during the year by the district. The investment earning rate exceeds the TRAN interest rate; and therefore, the district benefits from the positive difference. On the other hand, should the district need to use the note proceeds, the interest on the notes is more favorable than the interest that would be charged by the County Treasurer for short-term borrowing. The TRAN, therefore, benefits the district in either case.

The District's proposed TRAN will be combined with other community college and K-12 districts' TRANs and sold as a combined pool. The net return from the expected interest arbitrage cannot be estimated until the notes within the pool are sold in June and the spread between the borrowing and reinvesting rates is known.

In order to participate in the TRAN program, the Board of Trustees must adopt a resolution authorizing the borrowing of funds for the 2010-11 fiscal year. The District is not obligated to participate as a result of resolution adoption. The resolution simply delegates to the administration the right to decide on participation prior to the time of TRAN issuance. The maximum amount of borrowing is not to exceed \$10,000,000.

Controller Hector Quinonez recommends **adoption** of the Resolution Authorizing the Issuance of a 2010-11 Tax Revenue and Anticipation Notes.

10. Ratification of Board Warrants and Wire Transfers Greater than \$5,000 for December 2009 and January 2010

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. MOU with Central County Occupational Center (CCOC)

This is a memo of understanding between Foothill-De Anza Community College District, for the California Community Colleges CTE Collaborative Project SB70 Grant # 08-140-420 and Central County Occupational Center, (CCOC) one of the grant partners.

As a grant participant and partner, the CCOC coordinates the development of new and existing programs of study between CCOC career technical education programs and programs at Foothill and De Anza Colleges. This includes the development of career pathways, articulation agreements and events showcasing career and technical education pathways and partnerships.

CCOC shall receive a subcontract of \$30,000 for reimbursement for costs affiliated with completing the scope of the work prescribed in the Exhibit A (attached) as per the CTE Collaborative Project SB70 Grant # 08-140-420. Two scheduled grant payments of

\$15,000 each are payable at the signing of the MOU and the completion on the project no later than June 30, 2010.

Note: Should there be any State budget reductions to the SB70 Grant #08-140-420 during the grant period, subcontractors reimbursements will be reduced accordingly.
Associate Vice President Denise Swett recommends **approval** of the MOU.

12. MOU with No. County Regional Occupational Program, Joint Powers

This is a memo of understanding between Foothill-De Anza Community College District, for the California Community Colleges CTE Collaborative Project SB70 Grant # 08-140-420 and North County Regional Occupational Program, Joint Powers Agency (JPA), one of the grant partners.

As a grant participant and partner, the JPA coordinates the development of new and existing programs of study between JPA career technical education programs at Fremont Union High School, Mountain View-Los Altos Union High School, and Palo Alto Unified School Districts and programs at Foothill and De Anza Colleges. This includes the development of career pathways, articulation agreements and events showcasing career and technical education pathways and partnerships.

JPA shall receive a subcontract of \$30,000 for reimbursement for costs affiliated with completing the scope of the work prescribed in the Exhibit A (attached) as per the CTE Collaborative Project SB70 Grant # 08-140-420. Two scheduled grant payments of \$15,000 each are payable at the signing of the MOU and the completion on the project no later than June 30, 2010.

Note: Should there be any State budget reductions to the SB70 Grant #08-140-420 during the grant period, subcontractors reimbursements will be reduced accordingly.

Associate Vice President Denise Swett recommends **approval** of the MOU.

13. Approval of District Telecommunication and Multimedia Standards

California Public Contract Code Section 3400 identifies situations in which “sole sourcing” is allowed for a particular material, product, thing, or service. The Foothill-De Anza Community College District would like to standardize on the following vendors to provide the best value for those expenditures that are aligned with the District’s long range goals to establish: (1) design and construction consistency, (2) operational efficiency (fewer funds invested in inventory of replacement units), (3) maintainability (less staff time and training), and (4) interoperability with the existing installed network infrastructure.

The following standard product lines do not diminish or eliminate the standard of care owed by a consultant to the District or relieve, in any manner whatsoever, a consultant from any professional responsibility, duty or due diligence required toward the work.

Standard T001 – District-wide - **Corning** (for fiber optic cabling and connector panels, kits, assemblies, and housings)

Standard T002 – District-wide - **Panduit** (for the patch panel system, wire management, jack modules, faceplates, mount boxes, patch cords)
Standard T003 – District-wide - **3M** (for outside plant copper cabling splice cases)
Standard T004 – District-wide - **CIRCA Telecom** (for building entrance terminals & fuse protection and outside plant copper cabling surge protection.)
Standard T005 – District-wide - **General GenSPEED** (for CAT6 and 6A copper cabling)
Standard T006 – District-wide - **EZ-PATH** (for fire stops)
Standard T007 – District-wide - **Maxcell** (for pathway innerducts)
Standard T008 – District-wide - **Chief Manufacturing** (for multimedia projectors and flat panel mounts)
Standard T009 – District-wide - **Extron** (for audio-visual cabling)

Since the District currently utilizes these products and the products have been determined to meet existing specifications, staff recommends that the Board establishes these vendors as sole source manufacturers for the product areas listed in accordance with Section 3400(b)(2), "In order to match other products in use on a particular public improvement either completed or in the course of completion."

<http://law.justia.com/california/codes/pcc/3400-3410.html>

Director of Systems & Networks Sharon Luciw recommends the Board of Trustees make a "finding" that it is necessary to procure the specified particular items from a sole source "in order to match other products in use on public improvements which are either completed or in the course of completion."

14. Disposal of Surplus District Personal Property

Foothill College owns six wooden tables and four boxes of tent materials that have been water damaged while stored in a portable trailer. The Foothill College Furniture, Fixture and Equipment Coordinator determined the property is in such poor condition that it is unusable. District staff estimates the resale value to be zero.

California Education Code 81452(c) provides that if the governing 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 disposed of in the local public dump on order of any employee of the District empowered for that purpose by the board.

After Board of Trustees approval, district staff will dismantle the items and recycle or dispose of the components appropriately.

Director of Purchasing Services Carmen Redmond 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 Director of Purchasing Services to recycle or dispose of the items.

15. Donation of Surplus Café Tables and Supplies

The District has café tables and miscellaneous supplies from the old Campus Center (See attached inventory listing) that have been replaced. The used items are unsatisfactory for further use by the District. District Staff estimates the resale value is zero.

The Meals on Wheels Services (MOWS) has evaluated the items and found them to be acceptable for use by their organization. MOWS would like to receive the items as a donation (See attached letter). Therefore, it is recommended that the items be donated to the Meals on Wheels Services, a tax-exempt public benefit corporation under Section 501(c)(3) of the Internal Revenue Service Code.

California Education Code 81452(c) provides that if the governing 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.

Director of Purchasing Services Carmen Redmond recommends the Board make a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorize** the Director of Purchasing Services to donate the items to the Meals on Wheels Services.

16. Donation of Two Surplus District Desks

The District has two desks that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District. District Staff estimates the resale value is approximately \$80.00.

The Meals on Wheels Services (MOWS) has evaluated this equipment and found it to be acceptable for use by their organization. MOWS would like to receive the desks as a donation (See attached letter). Therefore, it is recommended that the desks be donated to the Meals on Wheels Services, a tax-exempt public benefit corporation under Section 501(c)(3) of the Internal Revenue Service Code.

California Education Code 81452(c) provides that if the governing 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.

Note: The additional furniture on the Surplus Form (SN23500) are scheduled to be reallocated within the District.

Director of Purchasing Services Carmen Redmond recommends the Board make a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorize** the Director of Purchasing Services to donate the items to the Meals on Wheels Services

17. Sale of Miscellaneous Surplus Electronic Equipment

The District has three 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. In accordance with the Electronic Waste Recycling Act these items are considered electronic waste and should be sold to an 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 \$5,000.00.

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.

Director of Purchasing Services Carmen Redmond recommends the Board make a finding that the property does not exceed \$5,000.00 in value and **authorize** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a).

18. 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.

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

19. Personnel Items

Employee: **Christine Chai**
Position: Faculty
College: De Anza
Division: Language Arts
Action: **33% Partial Unpaid Leave of absence**
Effective Date: Spring quarter 2010

Name: **Juanita Cordero**
Position: Faculty
College: De Anza College
Division: Social Sciences
Action: **Correction: 30% load reduction as per Article 18 for the next ten years**
Effective Date: AY 2010-2011

Name: **Kim Lane**
Position: International Counselor/Special Programs Liaison
College: Foothill College
Division: Counseling and Student Services
Action: **40% Partial Unpaid Leave of absence**

Effective Date: Spring 2010

Employee: **John W. Perry**
Position: Faculty
College: De Anza
Division: Business & Computer Systems
Action: **33% load reduction as per Article 18**
Effective Date: AY 2010-2011

Name: **Ernie Schmidt**
Position: Counselor
College: Foothill College
Division: Adaptive Learning Division & Disability Services
Action: **35% Partial Unpaid Leave of absence**
Effective Date: Spring 2010 – Spring 2011

Name: **Phyllis Spragge**
Position: Interim Dean, Biology and Health Sciences
College: Foothill College
Division: Biology and Health Sciences
Action: **Interim Assignment**
Effective Date: March 2, 2010 through June 30, 2010
**Compensation:* Range K, Step 2 @ \$10,293.31/month

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

20. California Community Colleges Classified Employees of the Year Nominee

Each year the California Community Colleges honor community college classified employees who demonstrate the highest level of commitment to professionalism and community colleges.

Each district's Board of Trustees may forward the information for one nominee to the California Community Colleges Chancellor's Office. Award winners are selected by representatives of the Community Colleges Board of Governors, Chancellors Office, and the Foundation for California Community Colleges. Up to six recipients are selected and honored annually at the May Board of Governors' meeting.

The guidelines to be used in making the selection of nominees and finalists are attached.

This year Foothill-De Anza is proud to nominate Mr. Art Hand, Foothill Senior Library Technician, to be one of the recipients of the prestigious award. Mr. Hand has demonstrated and exceeded all of the qualifications of the award.

Chancellor Linda Thor recommends Board **endorsement** of Mr. Hand's nomination for one of the California Community Colleges Classified Employees of the Year awards.

21. Resolution Supporting Adequate State Funding for California Community Colleges

At the February 1, 2010 meeting of the Board of Trustees, Student Trustee Isabelle Barrientos spoke to the Board about a resolution she would like the Trustees to support at the March Board meeting. The proposed resolution is attached for the Board's consideration.

Chancellor Linda Thor recommends **adoption** of this resolution to support adequate funding for community colleges.

22. Board Policy 6125, Grading (1st Reading)

In our ongoing review of Board policy, it was determined that BP 6125 Grading needed to be examined relative to the length of time that a student has to challenge a grade. This section of the policy was extensively debated by the academic senates at Foothill and De Anza, and after lengthy debate, both senates agreed that a 3-year term for challenging grades would be acceptable. The change has been incorporated into the policy which is presented to the Board for a 1st reading of the amendments to the policy.

23. Public Hearing – Open Negotiations for 2010-2011 Between the District and CSEA, Chapter 96

In accordance with Government Code section 3547, the Foothill-De Anza Community College District and CSEA, Chapter 96 propose to reopen negotiations on the current Agreement (January 1, 2010 through December 31, 2012). CSEA proposes changes to Article 5 and Appendix A, Article 14, and Memoranda of Understanding, "Mutual Concerns".

Both parties reserve the right to add, alter, or delete any of the above proposed articles.

This Public Hearing affords members of the public the opportunity to express themselves regarding this matter.

24. ACE Classified Staff Development Leaves

Board approval is requested for three (3) Classified Staff Development Leaves for the 2010-11 college year. A list of the applicants is attached.

Gina Bailey - August 30, 2010 through May 27, 2011
Araceli Kaliangara - September 1, 2010 through June 30, 2011
Erin Ortiz - September 1, 2010 through May 20, 2011

Director, Human Resources Kim Chief Elk and the Classified Staff Development Leave Committee recommend **approval**.

25. Confidential Staff Development Leave

Board approval is requested for one (1) Confidential Staff Development Leave for the 2010-11 college year. A list of the applicant is attached.

Patti Conens - September 1, 2010 through June 30, 2011
Director, Human Resources Kim Chief Elk and the Confidential Staff Development
Leave Committee recommend **approval**.

26. Professional Development Leaves for 2010-2011

Board approval is requested for Professional Development Leaves for the 2010-2011 Academic Year. A total of 69 quarters of leave are requested for 2010-2011.

According to the terms of the *Agreement* with the Faculty Association, 129 quarters of leave (including 36 carryover quarters from 2009-2010) are available for 2010-2011. At this time, the Professional Development Leave committee requests that 6 quarters be awarded to the 2 faculty members recommended by the Committee in addition to the other 21 applications that were approved at the prior board meeting. 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**.

27. Re-Employment of First-Year Faculty (Phase I) to Second-Year (Phase II) for the 2010-2011 Academic Year

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following faculty re-employment:
De Anza College: Robert Alexander, Ronald Francis, Cleve Freeman, Shagundeep Kaur, Kevin Mello, Edmundo Norte, Jeffrey Schinske

Foothill College: Kathy DePaolo, Brenda Hanning

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval**.

28. Re-Employment of Second-Year Faculty (Phase II) to Phase III for the 2010-2011 and 2011-2012 Academic Years

After careful review of the material presented by the tenure review committee for each candidate and the written evaluations and supporting materials submitted by the committee, Board approval is requested for the following faculty re-employment:
De Anza College: Ilan Glasman, Esther Halwani, Mehrdad Khosravi, Iaroslav Kryliouk, Mark Larson, Christine Magnin, Ramachandran Subramaniam

Foothill College: Sarah De Los Santos, Isaac Escoto, Don MacNeil, Erica Onugha, Young-Hee Park Lee, Judy Yamamoto

De Anza President Brian Murphy and Foothill President Judy Miner recommend **approval**.

29. Public Hearing - Adopt Certain Findings Related to Solar Services Agreement for Energy-Related Improvements to District Facilities with Chevron Energy Solutions, L.P.

The Foothill-De Anza Community College District shall hold a public hearing on March 1, 2010 for the purpose of taking public comment and adopting a resolution making certain findings related to solar services agreement for energy-related improvements to District facilities with Chevron Energy Solutions Company, a division of Chevron U.S.A. Inc., for the implementation of certain energy-related improvements to District facilities in accordance with California government Codes Section 4217.10 to 4217.18. The District Board shall adopt findings that provide, and the Solar Services Agreement shall require, that the cost to District to implement the energy-related improvements per this contract will be less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in absence of purchasing the energy improvements.

30. Agreement with Chevron Energy Solutions: Energy Services Contract and Installation of Photovoltaic Arrays at Foothill College (Measure C Project # 154)

Procurement Government Code 4217

- California Government Code Section 4217.10-18 allows public entities to procure energy services, similarly to professional services, without competitive bidding. Government Code 4217 offers several advantages:
 - Expedites project development, proven design/build/implement process
 - Faster realization of energy savings and other program benefits
 - No change orders except for explicit scope changes

Chevron Energy Solutions, Inc. of San Jose proposes to design, provide and install photovoltaic arrays in Parking Lots 2-3 at Foothill College. The procurement of the equipment and the installation of the arrays will be managed by Chevron Energy Solutions and the selection of subcontractors by Chevron Energy Solutions will be on the basis of competitive bidding.

The installation will provide a capacity of approximately 1,064 kilowatts, an increase of nearly 200% in photovoltaic production at the Foothill campus. When this new installation is complete, the campus will be generating approximately 25% of its current annual electrical demand from green photovoltaic facilities.

The proposed installation location is shown on the attached plan. The contiguous Parking Lots 2 and 3 offer excellent conditions for a photovoltaic installation installed on carport structures. The proposed site plan realigns the parking rows to optimize solar orientation of the arrays, and relocated driveways and pedestrian pathways have been planned to improve safety along the Loop Road. The proposed photovoltaic installation has been coordinated with the work of WRNS Studio architects for compatibility with other site improvements being planned in the area.

The photovoltaic arrays will be completed as a part of Measure C Project #154. Increased funding for the project to allow for award of the Energy Services Contract is proposed as a separate Board action.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board 1) conduct a public hearing on this matter and **approve** the attached Solar Services Resolution; and 2) **approve** negotiating and executing an Energy Services Contract with Chevron Energy Solutions for the provision of a 1,064-kilowatt photovoltaic array installation at Foothill College.

31. 2009-10 Second Quarter Report

Presented to the Board for information is the 2009-10 Second Quarter Report.

32. Resolutions to Adopt Budget Revisions and Transfers

Presented to the Board are the 2009-10 second quarter budget revisions and transfer resolutions.

Vice Chancellor of Business Services Andy Dunn recommends **adoption** of the resolutions.

33. Measure E Consent

The aggregate amount for these items is \$82,000.

- | | |
|------------------------|---|
| A. Title: | Revision #2 to Agreement |
| <i>Vendor:</i> | Engineering Economics Inc. |
| <i>Agreement Date:</i> | November 6, 2006 |
| <i>Campus:</i> | De Anza College |
| <i>Project No.:</i> | 765-209 |
| <i>Project Name:</i> | Visual & Performing Arts Center |
| <i>Amount</i> | \$0 |
| <i>For:</i> | Extension of the agreement date through June 30, 2010.
No additional funding is being added to the contract. |
| <i>Action:</i> | Ratification |
| | |
| B. Title: | Revision #2 |
| <i>Vendor:</i> | Quali-Con Enterprises |
| <i>Agreement Date:</i> | June 4, 2007 |
| <i>Campus:</i> | De Anza College |
| <i>Project No.:</i> | 765-209 |
| <i>Project Name:</i> | Visual & Performing Arts Center |
| <i>Amount:</i> | \$0 |
| <i>For:</i> | Correction of Board item submitted January 5, 2010.
This item should have been presented to the Board as an
item to be funded under Measure E not Measure C.
Everything else for this item remains the same. |
| <i>Action:</i> | Approval |

- C.** *Title:* Standard Form of Agreement
Vendor: AEDIS Architecture & Planning, Inc.
Agreement Date: March 1, 2010
Campus: De Anza College
Project No.: 765-281
Project Name: Acoustical Renovations
Amount: \$82,000
For: Complete architectural and engineering design services for two acoustical renovations projects for noise mitigation and to provide improved acoustics for classrooms and an adjacent outdoor plaza.
- Architect was selected based on their expertise and experience specializing in acoustical design and on an evaluation of fee proposals received from other architectural firms as requested by the District.
- Action:* Ratification
- D.** *Title:* PAA #D09 Revision #3
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: February 11, 2010
Campus: De Anza College
Project No.: 765-202
Project Name: Science Center LEED Certification
Amount: \$0
For: Time Extension - Revise contract end date from December 31, 2008 to December 31, 2009. The contract value is not being changed with this revision. Time extension was necessary to complete services for accreditation as a LEED Certified project.
- Action:* Ratification
- E.** *Title:* PAA #D07 Revision #7
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: February 11, 2010
Campus: De Anza College
Project No.: 765-276
Project Name: Science Center HVAC
Amount: \$0
For: Time Extension - Revise contract end date from December 31, 2008 to June 30, 2010. The contract value is not being changed with this revision. Time extension required to complete engineered fire sprinkler drawings as required by DSA for project certification.
- Action:* Ratification

34. Measure C Consent Calendar

The aggregate amount for these items is \$369,096.

- A. Title:** Project Authorization Amendment #4-A to Master Agreement
Vendor: Architectural Resources Group
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 766-230
Project Name: Sunken Garden
Amount: \$42,963
For: The PAA for this project includes the following:
Professional services for Site Assessment, Concept Development, and Schematic Design. Project includes review of current conditions, evaluation of required site improvements, and the development of a proposed scope of work for the Sunken Garden and Historic Corridor adjacent to the East Cottage, California History Center, Baldwin Winery and Flint Center. The Architect shall develop a comprehensive scope for the area designated and incorporate proposed renovations, restorations and proposed site improvements into a conceptual plan. The College will decide what scope items will be incorporated into the final design based on a set construction budget.
Action: Approval
- B. Title:** Revision #1 to PAA #2
Vendor: Environmental Construction Services
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-205
Project Name: Seminar Building & Multicultural Center
Amount: \$0
For: Schedule extension for construction monitoring services as a result of postponing the construction phase from 2009 to 2010.
Action: Ratification
- C. Title:** Revision #1 to PAA #3
Vendor: Enovity, Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-205
Project Name: Seminar Building & Multicultural Center
Amount: \$0
For: Schedule extension for commissioning services for Seminar Building as a result of postponing the construction phase from 2009 to 2010.
Action: Ratification
- D. Title:** Revision #1 to PAA #4

- Vendor:* Enovity, Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-205
Project Name: Seminar Building & Multicultural Center
Amount: \$0
For: Schedule extension for commissioning services for Multicultural Center as a result of postponing the construction phase from 2009 to 2010.
Action: Ratification
- E.** *Title:* Agreement for Services
Vendor: HP Inspections Inc.
Agreement Date: February 9, 2010
Campus: De Anza College
Project No.: 766-205
Project Name: Seminar Building & Multicultural Center
Amount: \$25,000
For: DSA required special inspection and testing.
Action: Approval
- F.** *Title:* Change Order #1
Vendor: John Plane Construction, Inc.
Agreement Date: November 16, 2009
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery and East Cottage Project
Amount: \$23,836
For: Miscellaneous Change Orders:
Baldwin Winery: Removal and disposal of surplus furniture and food service items; Additional abatement
East Cottage: Additional Abatement
The total Change Orders to date represent 0.01% against the original contract amount. Funding is included in the current budget.
Action: Approval
- G.** *Title:* Agreement for Services
Vendor: Quali-Con Enterprise, Inc.
Agreement Date: March 1, 2010
Campus: De Anza College
Project No.: 766-205
Project Name: Seminar Building and Multicultural Center
Amount: \$61,000
For: Project inspection services as required by the Division of the State Architect
Action: Approval
- H.** *Title:* Change Order #6

Vendor: S.J. Amoroso, Inc.
Agreement Date: July 10, 2009
Campus: De Anza College
Project No.: 766-241
Project Name: S2-S6 Phase II – Utility Master Plan – Phase I
Amount: \$35,548
For: Miscellaneous change orders: Provide ADA Ramp at Cooling Tower Yard Parking, concrete removal at M6-SS next to Bldg E3, additional excavation for sanitary sewer line at M6-SS, hand dig due to unforeseen utilities at E11, provide truncated dome pad at cooling tower exit, provide removable bollards at TX7, additional excavation due to unforeseen utilities at E7 and M2

The total Change Orders to date represent 4.69 % against the original contract amount. Funding is included in the current budget.

Action: Approval

- I.** *Title:* Change Order #7
Vendor: S.J. Amoroso, Inc.
Agreement Date: July 10, 2009
Campus: De Anza College
Project No.: 766-241
Project Name: S2-S6 Phase II – Utility master Plan – Phase I
Amount: \$21,371
For: Provide conduit for cable to Learning Center West.

The total change orders to date represent 4.93% against the original contract amount. Funding is included in the current budget.

Action: Approval

- J.** *Title:* Change Order #2
Vendor: Tricon Construction, Inc.
Agreement Date: November 2, 2009
Campus: De Anza College
Project No.: 766-200B
Project Name: Pool Chlorination Systems
Amount: \$5,090
For: PCO #4: Slab thickness in the De Anza mechanical room was 14” instead of the expected 4” to 6.”
This Change Order is 4.38% of the contract value.
PCO #14: Non-compensable contract extension of 24 days.
This Change Order is 0.00% of the contract value.
This Prime Contract Change Order is 4.38% of the contract value. The funding for this change is within the current budget.

- Action:* Approval
- K.** *Title:* PAA #D08
Vendor: Allana Buick & Bers, Inc.
Agreement Date: March 2, 2010
Campus: De Anza College
Project No.: 766-239
Project Name: Refinish Exterior of Flint Center Parking Garage
Amount: \$108,545
For: Consultant will review and report on areas listed in the previous report dated June 22, 2009. Work also includes a comprehensive conditions assessment for the entire facility with updated findings and a new estimate. The updated report will identify stucco repair at the stair towers; review fire protection systems, emergency phones, elevators, and lighting; and, propose remedies to address the findings. The purpose of this enhanced assessment is to establish a basis of design for the development of design documents and to provide an updated estimate for repairs to the Flint Center Parking Garage based on current and newly discovered conditions.
- Action:* Approval
- L.** *Title:* Change Order #1
Vendor: Tricon Construction, Inc.
Agreement Date: November 2, 2009
Campus: Foothill College
Project No.: 100
Project Name: Pool Plaster and Chemical Systems
Amount: \$36,383
For: This change order provides adjustments of allowances for vessel rust spot and crack repairs. Architect directed changes are required for the equalizer line to comply with the VGB Act (suction entrapment) and changes in pipe, fittings, and valves for the pump/surge tank room from 8" to 10". Field conditions of thicker deck slabs required a change to the contract value for core and demolition of existing stanchion replacement. The district directed change includes tile to cover deck cores for stanchion
This change order represents 4.81% above the base contract amount. The funding for this change is within the current budget.
- Action:* Approval
- M.** *Title:* Revision #2 to PAA #F-WRNS-#3A
Vendor: WRNS Studio
Agreement Date: May 5, 2009
Campus: Foothill College

Project No.: 134
Project Name: Exterior Signage
Amount: \$9,360
For: Architectural design services to update and add 5 additional signs to the Foothill campus roadway signage specifications and standards, develop graphic standards for several miscellaneous signs, and provide additional construction administration services.

Action: The funding for this change is within the current budget.
Approval

35. Measure C Bond Project List Revision with Foothill Budget Transfer #19 and District Budget Transfer #09

This revision to the Measure C Bond List includes Foothill Budget Transfer #19 and District Budget Transfer #09. The Budget Transfers are being proposed to augment Project #154 (Install Photovoltaic Arrays - Campus Wide) in order to install a 1,064 kilowatt photovoltaic array in Foothill College Parking Lots 2 and 3. Foothill Project #154 will be augmented with funds from the following Foothill and District projects:

- Foothill Budget Transfer #19
 - \$500,000 from Project #106, Radio Station;
 - \$2,000,000 from Project #115, FAPPS; and
 - \$2,000,000 from Project #199, Foothill Program Contingency.
- District Budget Transfer #9
 - \$1,500,000 from Project #910, Pay off existing debt; and
 - \$2,000,000 from Project #599, Catastrophic Contingency.

Project #106, Radio Station and project #115, Fine Arts, Printing, and Plant Services Building (FAPPS) are among the last projects to be completed under Measure C, with construction scheduled to start in 2014. Options for funding these projects will be re-evaluated prior to the start of construction. Available funding options include State Capital Outlay, the draw down of contingency amounts commensurate with the reduction in program risks as fewer and fewer projects remain to be completed, and future interest earnings.

Funding is available from project #199, Foothill Program Contingency, at this time due to the fact that interest earnings through June 30, 2009 have been used to bolster the original contingency amount. Funding is also available within the Measure C program level Catastrophic Contingency, project #599, for assignment to the Photovoltaic arrays. Foothill Colleges' share of future interest earnings and PG&E rebates will be directed to the Foothill Program Contingency project over the next few years to "repay" both the Foothill Program Contingency and the Measure C program level Catastrophic Contingency. It is anticipated that the payback period using future interest earnings and PG&E rebates will require not more than four years. Alternative financing would be sought should it be determined that the payback period will exceed approximately four years.

Project #910, Pay off existing debt, is no longer needed and will be closed, with the available funding to be directed to Photovoltaic Array installations at both Colleges. This project was originally set up to pay off a Certificate of Participation (COP). It has since been determined that the portion of the COP we intended to pay off are non-callable bonds and cannot be paid off with a lump sum Measure C payment.

Charles Allen, Executive Director of Facilities, Operations and Construction Management recommends that the Board **approve** the Bond project List Revision with Foothill Budget Transfer #19 and District Budget Transfer #09.

36. Change Order #5 to SJ Amoroso, Inc. for Project 241 S2 and S6 Phase II Utility Master Plan

During the Mediated Learning Center site preparation construction during the summer of 2009, unforeseen utilities were discovered during trenching at the southeast corner of the site (northeast of the Seminar building) for the continuation of the installation of hydronic piping. Due to schedule constraints for opening the road, the short section hydronic piping in the area of discovered utilities was omitted from the Mediated Learning Center site work. It was determined that the section of hydronic piping could be installed at a later date by the upcoming S2-S6 Phase II Utility Master Plan Project, which would install the southern portion of hydronic piping and connect to the S6 plant.

This Change Order #5 to the contractor, S.J. Amoroso Construction Co., Inc. provides a revision to the contract cost as detailed below to install the section of piping and connect to currently contracted work. This change is required due to an owner-directed change necessitated by prior requirements (schedule constraints and maintaining an operational campus roadway) and to continue with the connection of the hydronic piping.

Original Contract Value:	\$9,397,000
Prior Revisions:	\$ 321,982
Current Contract Value:	\$9,718,982
Value of CO #5 (Not to Exceed):	\$ 84,151
New Total Contract Amount:	\$9,803,133

The total Change Orders to date represent 4.32 % against the original contract amount. Funding is included in the current budget.

Original Contract Completion Date:	10/26/2010
Calendar days extension:	0 Days
Revised Contract Completion Date:	10/26/2010

Charles Allen, Executive Director of Facilities, Operation and Construction Management recommends that the Board **approve** this revision for Additional Service Items and modify the existing contract with SJ Amoroso, Inc.

37. Recommendation to Authorize a Pre-Qualification Procedure for Measure C Project #110, Renovation of Language Arts General Classrooms (6201, 6300, 6500)

Public Contract Code section 20101 allows community college districts to require licensed contractors to “prequalify” for the right to bid on public works projects. The purpose of prequalification is to ensure that all prospective bidders have the appropriate construction experience and financial capacity to perform the work. The laws require that community college districts: (1) use a standardized questionnaire and financial statement, (2) adopt and apply a uniform system of rating bidders based on objective criteria, and (3) establish a process that allows prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.

The Foothill College Construction Management team has concluded that prime contractors should be prequalified to ensure the financial stability of the contractors and to promote safety, quality, timeliness, and cost effectiveness in the construction of the project.

A draft of the prequalification document is attached. The Purchasing Department will report the prequalification results to the Board of Trustees at a future meeting. At that time, the Board of Trustees can choose to either:

1. Accept the list of General Contractors who met all of the prequalification requirements as the only contractors who are “prequalified” to bid as prime contractors on the listed projects, OR
2. Cancel the prequalification procedure for General Contractors for the listed projects.

This prequalification of contractors shall be valid for one year if accepted by the Board of Trustees.

Because the renovation work in project #110 is very similar to the work that was performed in the combined Project #104/108/112, Modernization of Administration Building and General Classrooms for Foothill College buildings 1900/5500/6400, it is anticipated that the same contractors who participated in the prequalification for project #104/108/112 will participate in the prequalification process for project #110. Therefore, staff recommends that the Board of Trustees authorize a modified project #110 prequalification process for those contractors who were already prequalified for project #104/108/112. The modified process would allow those contractors to prequalify for project #110 provided that they submit updated financial documents and that those documents meet the financial criteria set forth in the project #110 prequalification document. The contractors that would be allowed to follow this modified process were prequalified for project #104/108/112 by the Board of Trustees on November 2, 2009 and they are as follows:

Prequalified Contractors from Project #104/108/112
Albay Construction Company
Alten Construction, Inc.
Angotti & Reilly, Inc.
Barry Swenson Builder
BCCI Construction Company
Beals Martin, Inc.
BRCO Constructors, Inc.

CRW Industries, Inc.
Gonsalves & Stronk Construction Company, Inc.
John Plane Construction, Inc.
Pencon, Inc.
Ralph Larsen & Son, Inc.
Roek Construction
Swinerton Builders
West Coast Contractors, Inc.
Zolman Construction and Development, Inc.

Director of Purchasing Services Carmen Redmond recommends that the Board of Trustees (1) **authorize** a prequalification procedure for Measure C project #110, Renovation of Language Arts General Classrooms (6201, 6300, 6500) in accordance with Public Contract Code, Section 20101, and (2) **authorize** a modified prequalification process for those contractors who were already prequalified for project #104/108/112.

38. Recommendation to Authorize a Pre-Qualification Procedure for Prime Contractors for Project #135, Utility Infrastructure Phase 1 (Measure C)

Public Contract Code section 20101 allows community college districts to require licensed contractors to “pre-qualify” for the right to bid on public works projects. The purpose of pre-qualification is to ensure that all prospective bidders have the appropriate construction experience and financial capacity to perform the work. The laws require that community college districts: (1) use a standardized questionnaire and financial statement, (2) adopt and apply a uniform system of rating bidders based on objective criteria, and (3) establish a process that allows prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.

The Utility Infrastructure project at Foothill College has a construction budget of \$5.4 million. The Foothill College Construction Management team has concluded that prime contractors on Project #135, Utility Infrastructure Phase 1 should be pre-qualified to ensure the financial stability of the contractors and to promote safety, quality, timeliness, and cost effectiveness in the construction of the project.

A draft of the pre-qualification document is attached. The Purchasing Department will report the pre-qualification results to the Board of Trustees at a future meeting. At that time, the Board can choose to either:

1. Accept the list of 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 listed projects, OR
2. Cancel the pre-qualification procedure for General Contractors for the listed project. This pre-qualification of contractors shall be valid for one year if accepted by the Board of Trustees.

Director of Purchasing Services Carmen Redmond recommends that the Board of Trustees **authorize** a pre-qualification procedure for Prime Contractors for Project #135, Utility Infrastructure Phase 1 in accordance with Public Contract Code, Section 20101.

39. Recommendation to Authorize a Pre-Qualification Procedure for Electrical Subcontractors for Project #135, Utility Infrastructure Phase 1 (Measure C)

Public Contract Code section 20101 allows community college districts to require licensed subcontractors to “pre-qualify” for the right to bid on public works projects. The purpose of pre-qualification is to ensure that all prospective bidders have the appropriate construction experience and financial capacity to perform the work. The laws require that community college districts: (1) use a standardized questionnaire and financial statement, (2) adopt and apply a uniform system of rating bidders based on objective criteria, and (3) establish a process that allows prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.

The Utility Infrastructure project at Foothill College has a construction budget of \$5.4 million. The electrical subcontractor will perform approximately \$2-\$3 million of the work. Therefore, Foothill College Construction Management team has concluded that the electrical subcontractor on the Measure C project should be pre-qualified.

A draft of the pre-qualification document is attached. The Purchasing Department will report the pre-qualification results to the Board of Trustees at a future meeting. At that time, the Board can choose to either:

1. Accept the list of Electrical Subcontractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as electrical subcontractors on the listed projects, OR
2. Cancel the pre-qualification procedure for Electrical Subcontractors for the listed project.

This pre-qualification of subcontractors shall be valid for one year if accepted by the Board of Trustees.

Director of Purchasing Services Carmen Redmond recommends that the Board of Trustees **authorize** a pre-qualification procedure for Electrical Subcontractors for Project #135, Utility Infrastructure Phase 1 in accordance with Public Contract Code, Section 20101.

40. Award a Contract Pursuant to Bid Document 1178-205 Seminar Building & Multicultural Center – De Anza College

The Project will upgrade and modernize office space and classrooms in the Seminar Building and Multicultural Center at De Anza College. It is designed to obtain the minimum LEED certification level of “Certified.” The Seminar Building modernization includes upgrades of the interior with a new bathroom; hazardous material abatement; and electrical, mechanical, plumbing and telecommunications improvements. Upgrades to the building exterior include paint, window, and door replacement; ADA and Title 24 improvements; as well as tile roof repairs. The Multicultural Center modernization includes upgrades to the interior including a new bathroom; hazardous material abatement; and electrical, mechanical, plumbing and telecommunications improvements. Upgrades to the building exterior include a new building entry; site landscaping and

lighting; paint, window, and door replacement; ADA and Title 24 improvements; as well as tile roof repairs. The alternate work includes additional work to clean the existing hot water reheat coils and seal the supply and exhaust air ducts (Alternate #3 that combines Alternate #1 and Alternate #2), as well as work to upgrade the pedestrian pathways at the Multicultural Center to be concrete (Alternate #4). Noll & Tam Architects and Planners prepared the construction documents. A complete set of all bid documents are on file in the Purchasing Services Department.

At its January 20, 2009 meeting, the Board of Trustees approved a list of ten (10) General Contractors as pre-qualified to bid on the project. Bid 1178-205 was legally advertised on December 8 and December 15, 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 February 2, 2010 at 2 p.m. in Purchasing Services. Seven (7) of the ten (10) pre-qualified contractors submitted bids. Bid results are below:

General Contractors	Price plus es 3 and 4
<i>John Plane Construction Inc.</i>	<i>\$2,706,200</i>
Roek Construction	\$2,761,975
Swenson & Associates	\$2,863,500
James R. Griffin, Inc.	\$2,956,400
Zolman Construction and Development, Inc.	\$3,210,035
Kinetics Mechanical Service	\$3,388,189
R. C. Benson & Sons, Inc.	\$3,465,600

John Plane Construction Inc. is a pre-qualified contractor and the District checked its listed project references during the pre-qualification process. John Plane Construction Inc. has completed several projects for the District and is currently performing work on the Baldwin Winery and East Cottages renovation project. Furthermore, John Plane Construction Inc. and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The bid price submitted by John Plane Construction Inc. is well within the estimated construction budget of \$4,200,000 for this project and shall be funded through Measure C.

Director of Purchasing Services Carmen Redmond recommends the Board **authorize** the Director of Purchasing Services to award a contract pursuant to 1178-205 Seminar Building & Multicultural Center in the amount of \$2,706 200 for the Base Bid amount plus Alternate #3 and Alternate #4 to John Plane Construction Inc.

41. Award a Contract Pursuant to Bid Document 1233-273 Roof and Trellis Repair: PE1-2-6 and S7-8, De Anza College

The project provides roof repairs to buildings PE1, PE2, PE6, S7, and S8, including parapet repair work and clay tile repairs. There will be additional flat roof work on PE1 and PE2 and installation of bird-netting at PE1, PE2, and PE6. The project also includes

storage-shed improvements, trellis repairs and re-painting. Allana Buick and Bers, Inc. prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1233-273 was legally advertised on January 12 and January 19, 2010. 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 February 11, 2010 at 2 p.m. in Purchasing Services. Eight (8) contractors submitted bids. Bid results are below:

BID RESULTS

General Contractors	Base Bid Proposal Amount
<i>Petersen Dean Roofing and Solar Systems</i>	<i>\$1,242,000</i>
Cal-Pacific Construction Inc.	\$1,563,200
Pioneer Contractors, Inc.	\$1,611,000
Rodan Builders, Inc.	\$1,685,000
Best Contracting Services, Inc.	\$1,690,233
John Plane Construction, Inc.	\$1,740,000
IMR Contractor Corp.	\$1,980,000
Western Roofing Service	\$2,394,226

Petersen Dean Roofing and Solar Systems is the lowest responsive and responsible bidder. They have successfully completed many public works projects for other public agencies including CSU Sacramento, Milpitas Unified School District, San Juan Unified School District, Salinas Unified School District, and Sacramento City Unified School District. Furthermore, Petersen Dean Roofing and Solar Systems and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The bid price of \$1,242,000 submitted by Petersen Dean Roofing and Solar Systems is well within the construction estimate of \$1,762,000. The project will be funded through Measure C.

The Board is asked to **authorize** Director of Purchasing Services Carmen Redmond to award a contract pursuant to Bid 1233-273 Roof and Trellis Repair: PE1-2-6 and S7-8, De Anza College in the amount of \$1,242,000 to Petersen Dean Roofing and Solar Systems.

42. Measure C Project/Construction Management Review

MGT of America, Inc / WLC Architects and Construction Services was tasked to conduct a review of Measure C Project/Construction Management practices. MGT / WLC representatives have completed their review.

Attached is an initial response from the District staff that includes a summary of the key issues that were identified in the report and the District’s initial response to each item.

The initial response was prepared by District and College staffs in conjunction with our Program Management/Construction Management Consultant team.

After additional review, a response to each item that is identified in the report will be prepared. Regular updates will be provided for the Audit and finance committee and the Board in the future on progress made to implement process improvements needed to enhance operational efficiency.