



## 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.*

**June 7, 2010**

**De Anza College**

**Study Session: 3:30**

**Conference Room A/B**

**Closed Session: 5:00 p.m.**

**Don Bautista Room**

**Public Session: 6:00 p.m.**

**Conference Room A/B**

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

### STUDY SESSION

[Discussion of Parcel Tax Survey Results and Discussion of Next Steps \(Thor x6104\)](#) **INFORMATION**

### AGENDA Regular Meeting

#### CALL TO ORDER

#### ADJOURN TO CLOSED SESSION

#### CONFERENCE WITH PROPERTY NEGOTIATORS

Property: 4000 Middlefield Road, Palo Alto, CA 94303  
Agency Negotiator: Andy Dunn  
Negotiating Parties: City of Palo Alto

#### RECONVENE PUBLIC SESSION

#### REPORTING OUT FROM CLOSED SESSION

**INFORMATION**

#### SWEARING IN OF STUDENT TRUSTEES

**ACTION**

Thomasina Countess Russaw – De Anza  
Etienne R. Bowie – Foothill

#### ACKNOWLEDGEMENT OF TRUSTEE SCHOLARSHIP RECIPIENT

**ACTION**

Joseph Chong

1. De Anza State of the College Report (**Murphy x8705**) (*See Public Memo for backup*)

**INFORMATION**

#### APPROVAL OF MINUTES

**ACTION**

May 3, 2010

#### AUDIT & FINANCE COMMITTEE REPORT

**INFORMATION**

CORRESPONDENCE

INFORMATION

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

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

- Public
- Students
- Staff
- Board

APPROVAL OF CONSENT CALENDAR

ACTION

2. [Board Policy 3600 Whistleblower Protection \(2<sup>nd</sup> Reading\) \(Thor x6104\)](#)
3. [Transfer of 2009/10 OPEB Obligation to CERBT \(Dunn x6201\) \(See Public Memo for backup\)](#)
4. [Ratification of Contracts and Agreements \(Dunn x6201\)](#)
5. [Advance of Student Fees to Dr. Samuel Connell, Anthropology Faculty, Foothill College, to Support Archeology Classes in Belize during Summer Quarter 2010 \(Mummert x7394\) \(See Public Memo for backup\)](#)
6. [FY 2010-11 South Bay Regional Public Safety Training Consortium Contract \(Murphy x8705\)](#)
7. [Approval of the Addition of an Associate Degree to the Current Diagnostic Medical Sonography Certificate Program \(Orrell x7209\)](#)
8. [Contract Renewal between Foothill-De Anza Community College District and Professional Personnel Leasing for Services Performed by Richard Henning \(Miner x7200\)](#)
9. [Contract Renewal between Foothill-De Anza Community College District and Professional Personnel Leasing for Services Performed by Gay Krause \(Miner x7200\)](#)
10. [Approval of Administrative Training/Retraining Stipends for 2009-2010 and 2010-2011 \(Novotny x6211\)](#)
11. [Approval of Faculty Training/Retraining Stipends for 2010-2011 \(Novotny x6211\)](#)
12. [Donation of Surplus District Computer and Monitors to OTI \(Redmond x6166\)](#)
13. [Donation of Surplus Table Arm Chairs \(Redmond x6166\)](#)
14. [Recycle and Dispose Surplus Furniture \(Redmond x6166\)](#)
15. [Human Resources Report \(Novotny x6211\)](#)

16. **Personnel Items as follows: (Novotny x6211)**

Resignation for Purpose of Retirement – Lily Adams, Foothill Counselor  
Employment – Rachelle A. Campbell, Foothill Faculty  
Employment – Milissa M. Carey, Foothill Faculty  
Resignation – Kim Chief Elk, Central Services Director  
Resignation for Purpose of Retirement – Maria Vicky Criddle, Foothill Director  
Employment – Lisa Drake, Foothill Faculty  
Resignation for Purpose of Retirement – April Flowers, Foothill Faculty  
Resignation for Purpose of Retirement – Sharon Hack, Foothill Faculty  
Partial Unpaid Leave of Absence – Kimberly Lane, Foothill Counselor  
Employment – Andrew LaManque, Central Services Executive Director  
Partial Unpaid Leave of Absence – Loraine Moen, De Anza Faculty  
Resignation – Tesha McCord Poe, De Anza Faculty  
Employment – Tiffany Rush, Foothill Faculty  
Employment – Jennifer M. Sinclair, Foothill Faculty  
Resignation – Tim Woods, Foothill Dean  
Employment – Teresa A. Zwack, Foothill Faculty

BUSINESS AND FINANCE

- |                                                                                           |                    |
|-------------------------------------------------------------------------------------------|--------------------|
| 17. <b>Update on 2010-11 Budget (Brandy x6106)</b>                                        | <b>INFORMATION</b> |
| 18. 2009-10 Third Quarter Report <b>(Dunn x6201)</b> <i>(See Public Memo for backup)</i>  | <b>INFORMATION</b> |
| 19. <b>Resolutions to Adopt Third Quarter Budget Transfers and Revisions (Dunn x6201)</b> | <b>ACTION</b>      |

FACILITIES

MEASURE E PROJECTS

- |                                                                                                                                                           |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 20. <b>Award a Contract Pursuant to Bid Document 1224-415 Phase II EVR Enhance Vapor Recovery, Foothill College (Redmond x6166)</b>                       | <b>ACTION</b> |
| 21. Project 283 Combined Site Improvements Master Architect/Engineer Selection - De Anza College <b>(Allen x6150)</b> <i>(See Public Memo for backup)</i> | <b>ACTION</b> |

MEASURE C CONSENT

- |                                            |               |
|--------------------------------------------|---------------|
| 22. <b>Measure C Consent (Allen x6150)</b> | <b>ACTION</b> |
|--------------------------------------------|---------------|

The aggregate amount of these items is \$434,349

***De Anza College –***

- A) Architectural Resources Group, Inc. – Revision #1 to PAA #04A, Agreement for Services – Sunken Garden - \$0
- B) Cogent Energy – Revision #01 to PAA #01 – Mediated Learning Center -

- \$3,626
- C) John Plane Construction, Inc. – Change Order #01 – Seminar Building/Multicultural Center - \$1,061
  - D) Noll & Tam Architects – Revision #3 to PAA #1C, Agreement for Services – Seminar Building/Multicultural Center - \$12,380
  - E) The Ratcliff Architects – Revision #5 to Agreement – Mediated Learning Center - \$39,200
  - F) The Ratcliff Architects – Revision #6 to Agreement – Mediated Learning Center - \$50,000 Not to Exceed
  - G) Salas O'Brien Engineers – Revision #4 to Agreement – S2-S6 Phase II – Utility Master Plan – Phase I - \$94,380
  - H) Tricon Construction, Inc. – Change Order #6 – Pool Chlorination Systems - <\$16,236>
  - I) S. J. Amoroso, Inc. – Change Order #11 – S2-S6 Phase II – Utility Master Plan – Phase I - \$47,370

***Foothill College –***

- J) Energy Resource Associates, Inc. – Revision #1 to PO #PG876096 – Fire Alarm systems Replacement Phase II - \$0
- K) HMC Architects – Revision to PAA #F-HMC-#3A – Smithwick Theater - \$141,000
- L) Quali-Con Enterprises, Inc. – Change Order #2 – Fire Alarm Systems Replacement Phase II - \$3,000
- M) YESCO – Change Order #2 – Exterior Signage - \$11,113
- N) Zolman Construction and Development, Inc. – Change Order #2 – Modernization of Administration Building and General Classrooms - \$47,455

**MEASURE C PROJECTS**

- |     |                                                                                                                                                                                                    |        |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 23. | Measure C Project List Revision and De Anza College Budget Transfer #22 (Allen x6150)                                                                                                              | ACTION |
| 24. | Award a Contract Pursuant to Bid Document 1259-217 Secured Bicycle Storage for Students at De Anza College (Redmond x6166)                                                                         | ACTION |
| 25. | Authorize Award of a Non-Exclusive One-Year Moving and Modular Furniture Installation Services Contract Pursuant to Bid 1198A (Redmond x6166)                                                      | ACTION |
| 26. | Award Lease-Leaseback Pre-Construction Services Agreement for Foothill College Physical Sciences & Engineering Project (Redmond x6166)                                                             | ACTION |
| 27. | Adopt a Resolution to Authorize a Validation Action for the Lease-Leaseback Project Delivery Method, RFQ/RFP 1248-160, Physical Sciences & Engineering Project at Foothill College (Redmond x6166) | ACTION |
| 28. | Change Order #10 to SJ Amoroso, Inc. for Project 241 S2 and S6 Phase II Utility Master Plan (Allen x6150)                                                                                          | ACTION |

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

June 15, 2010 -	CBOC
June 14, 2010 -	Special Board Meeting
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: Linda M. Thor, Chancellor

DATE: June 3, 2010

RE: Public Session — **June 7, 2010**

### **Study Session**

#### **Discussion of Parcel Tax Survey Results and Discussion of Next Steps**

#### **Background**

The Board of Trustees has debated the merits of a parcel tax measure several times during the past year. The Board, at their meeting of February 1, 2010, authorized staff to solicit proposals from polling companies to examine the feasibility of a parcel tax. Subsequently, the district prepared and distributed RFP No. 1257 for Campaign Consultation and Survey Services. Five responses were received in response to this solicitation. A subcommittee of the Board consisting of Trustees Bechtel and Cheng, along with Linda Thor, Andy Dunn and Mike Brandy screened the proposals and interviewed three firms on March 9, 2010. A recommendation from this subcommittee to appoint the firm TBWB Strategies was presented to and approved by the full Board of Trustees on April 5, 2010.

#### **Feasibility Phase Survey**

After the April Board approval work immediately began on crafting a questionnaire that would serve as the basis for the survey. The survey itself was begun on May 8, only after the results of the May elections became known. The survey is now complete and the polling consultant and political advisory team will be present at this June 7, 2010, Board Study Session to review and analyze the results of the polling.

The presentation of these results will conclude the Feasibility Phase of the process.

#### **Planning & Communications Phase**

If the board elects to move ahead from the Feasibility Phase the district will move to a phase of Planning and Communications. During this phase, the District would need to communicate with the voters in the district about the financial challenges facing the

district and options it is considering to solve these challenges. The results of the survey will guide this planning and communication work.

Costs incurred in this phase will involve communicating to the registered voter households in the District. Direct mail is often the most effective means of communication on an issue like this. Experience with other similar size organizations suggests a budget in the \$150,000 to \$200,000 range. These costs could also be paid out of the general fund since the Board will have made no final decision on an election and if the Board authorizes staff to move ahead Central Services Fund Balance will be used to fund this phase of the work.

### **Campaign Phase**

If the Board agrees to call an election, it will enter the final phase of the process. While the first two phases are informational in nature and can be funded with district resources, just as with the campaigns for General Obligation bonds, the campaign phase is considered political advocacy and cannot involve district resources.

It is premature to attempt to establish a precise budget estimate for the Campaign Phase. Experience suggests a budget in \$275,000 to \$325,000 range. These funds would have to be raised through private donations.

The County estimates that our cost for the election itself for a November 2010 election would be approximately \$350,000.

### **Next Steps**

If the board elects to move ahead with a November 2010 election a resolution, under the authority of Government Code 54954.6 (excerpted below), must be adopted providing a 45 day notice of hearing prior to the date when the board must call for the election. Please note, even if the Board is uncertain about proceeding with a parcel tax at this juncture, the 45 day noticing requirement does not obligate the Board to proceed with the measure, it simply keeps the option on the table.

Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

The notice shall include, but not be limited to, the following:

- (A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.
- (B) The activity to be taxed.
- (C) The estimated amount of revenue to be raised by the tax annually.
- (D) The method and frequency for collecting the tax.
- (E) The dates, times, and locations of the public meeting and hearing.
- (F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

### **Summary Schedule**

Looking ahead the attached schedule depicts several key milestones. A Special meeting of the Board has been scheduled for June 14 to allow the Board to consider whether to move ahead to the next phase of the election. June 18 marks the last date the public notice can be filed in advance of the August 2 Board meeting and a potential action to call a November election. August 6 is the deadline for filing a resolution with the county.

### **Regular Meeting**

#### **1. De Anza State of the College Report**

De Anza College President Brian Murphy will present to the Board the annual State of the College Report.

#### **2. Board Policy 3600 Whistleblower Protection (2<sup>nd</sup> Reading)**

After approval by the Chancellor's Advisory Council on April 16, 2010, BP 3600, Whistleblower Protection, was presented to the board for a first reading on May 3, 2010. There were no changes to the draft. The policy is now presented to the board for a second reading.

Chancellor Linda Thor recommends **approval**.

#### **3. Transfer of 2009/10 OPEB Obligation to CERBT**

Governmental Accounting Standards Board (GASB) Statement number 45 requires the district to treat Other Post Employment Benefits (OPEB) on an accrual basis, rather than on a pay-as-you-go basis.

The District was a founding member of the Community College League of California (CCLC) Joint Powers Agency (JPA), an irrevocable trust, which was created as a vehicle for funding the OPEB obligations of member California Community College Districts. The district joined the CCLC JPA in fiscal year 2006-07 and made contributions annually to the CCLC JPA up until the end of fiscal year 2008-09.

The Board approved on June 16, 2008 that the Internal Retirement Board review and compare the OPEB irrevocable trust program offered by the California Public



Employees' Retirement System (CalPERS), known as California Employer's Retiree Benefit Trust Program (CERBT), with the CCLC JPA irrevocable trust program. After further investigation, it was noted that there were multiple vendors offering OPEB trust services and that the district would be best served by a broad examination of all available and/or interested service providers. Consequently, the district issued Request For Proposal (RFP) #4091 titled, "GASB 43 & 45 OPEB Compliance Plan Vendor Selection", on October 2, 2008.

On December 1, 2008 the Board adopted Resolution No. 2008-21 authorizing termination of the agreement with the Retiree Health Benefit Program Joint Powers Agency (JPA) sponsored by the Community College League of California.

As a result of the RFP process, on May 4, 2009 the Board approved the Audit & Finance Committee's recommendation to move to the CERBT program and authorized staff to begin contract negotiations with CalPERS. On August 3, 2009, the Board approved a contract with CERBT. Since that time we have worked with the CCLC to transfer funds to the CERBT. On April 30, 2010, \$4,277,364.80 from the Balanced Fund and \$100,026.10 from the Liquidity Fund for a total of \$4,377,390.90 was transferred to the CERBT.

The Final Budget for 2009-10 included a contribution of \$711,314 to fully fund the Annual Required Contribution (ARC) for this fiscal year. Staff will, prior to June 30, 2010; make this transfer as reflected in the 2009-10 Final Budget.

#### **4. Ratification of Contracts and Agreements**

Presented to the Board for ratification is the list of contracts and agreements signed by the Vice Chancellor, Business Services. It is the intention of Business Services to present such a list each month.

This procedure is in response to a review of Ed Code requirements and the revised board Policy Section 3000.

Vice Chancellor of Business Services Andy Dunn recommends **ratification** of the contracts and agreements as presented.

#### **5. Advance of Student Fees to Dr. Samuel Connell, Anthropology Faculty, Foothill College, to Support Archeology Classes in Belize during Summer Quarter 2010**

Students in ANTH 11 and ANTH 12 for Summer 2010 are participating in the Belize Archaeology Field Program - 2010. Dr Samuel Connell led the same type of trip to Ecuador for the past three years for Foothill and led these trips (using UCLA classes) for several years previously. He is very experienced in the details of ensuring a successful learning experience for the students.

Students will have the opportunity to take part in a variety of archaeological procedures, and will rotate to different tasks throughout the field sessions. Students will be investigating ancient Maya sites of El Aguacate in the heartland of Mesoamerica. The

location of work makes use of the district pro card or purchase requests impossible for many purchases.

The board approved this same action last year and the process worked very well. The cash advance will consist entirely of funds already paid to the district as student fees. The student fees go toward room/board and other expenses. Dr Connell has to purchase numerous items and services on site in Belize from vendors and businesses that will not accept credit cards. He will provide receipts to account for all the funds he receives in the advance. He will use the district pro-card whenever possible, but he must purchase items with cash on location in Belize. The cash advance is the estimated cost of the items to be purchased with cash in Belize. To be sure the funds are in the correct account in Belize by June 24 the advance will be done on June 17.

Dean of Business and Social Sciences John Mummert recommends that the Board **approve** an advance of \$40,000 to Dr Samuel Connell on June 17, 2010.

**6. FY 2010-11 South Bay Regional Public Safety Training Consortium Contract**

In 1995, the FHDA Board approved De Anza College to be a member in the South Bay Regional Public Safety Training Consortium and membership in a Joint Powers Agreement to provide Public Safety and Fire Training.

Each year FTES is generated and purchased by member colleges. For the next fiscal year (2010-11) De Anza College estimates it will be generating 53 FTES through the consortium for an estimated total of \$132,500. The yearly contract for 53 FTES is being submitted to the Board for approval.

De Anza President Brian Murphy recommends **approval**.

**7. Approval of the Addition of an Associate Degree to the Current Diagnostic Medical Sonography Certificate Program**

Foothill seeks board approval for application to the State Chancellor's Office for the associate degree in Diagnostic Medical Sonography. We have a previously approved Certificate Program in this area.

The Diagnostic Medical Sonography Program is dedicated to the integration of didactic, laboratory, and clinical objectives with emphasis on the clinical aspect of Diagnostic Medical Sonography. These objectives are designed to successfully develop student's cognitive, psychomotor, and affective domains. The program strives to strengthen its role as a principal community resource by providing this program as well as continuing education to meet individual and collective needs.

The new degree has been approved by Foothill's curriculum committee and Academic Senate.

Foothill administration recommends **approval** of the Diagnostic Medical Sonography Associate Degree Program.

**8. Contract Renewal between Foothill-De Anza Community College District and Professional Personnel Leasing for Services Performed by Richard Henning (Miner x7200)**

Board approval is requested for a contract renewal with Professional Personnel Leasing, for the services performed by Richard Henning for the term of July 1, 2010 to June 30, 2011. No changes in the amount of the contract. Payment to remain at \$9181.00 per month, with \$3000 expense reimbursement for travel to a yearly conference, as well as a \$1000 entertainment fund.

Foothill College President Judy Miner recommends **approval**.

**9. Contract Renewal between Foothill-De Anza Community College District and Professional Personnel Leasing for Services Performed by Gay Krause**

Board approval is requested for a contract renewal with Professional Personnel Leasing, for the services performed by Gay Krause for the term of July 1, 2010 to June 30, 2011. There are no changes from the current contract. Payment to remain at \$6425.00 per month based on 11 months.

Foothill College President Judy Miner recommends **approval**.

**10. Approval of Administrative Training/Retraining Stipends for 2009-2010 and 2010-2011**

Chapter X of the Administrators Handbook provides Training/Retraining Stipends for administrators to fund training expenses for a variety of activities, including programs of study in accredited institutions that lead to advanced administrative, leadership and/or discipline-specific expertise.

The Administrative Leave Committee recommends approval of 3 Administrative Training/Retraining Stipend awards totaling \$4,137.50. A list of the administrators is attached.

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

**11. Approval of Faculty Training/Retraining Stipends for 2010-2011**

In accordance with Article 35 of the *Agreement* between the District and the Faculty Association, the Professional Development Leave Committee recommends approval of the 12 Faculty Training/Retraining Stipend awards totaling \$15,908.50. A list of the faculty members is attached.

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

**12. Donation of Surplus District Computer and Monitors to OTI**

The District has 1 computer and 26 monitors that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District. Educational Technology Services (ETS) estimates that each computer has a value of \$40.00 and each monitor has a value of \$30.00. Therefore, the estimated aggregate value is \$820.00.

The De Anza College Occupational Training Institute evaluated this equipment and found it acceptable for refurbishment and donation to students as scholarships. Therefore, it is recommended that the computers be donated to the Foothill-De Anza Foundation, which is 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 and Material 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 and Material Services to donate the items to the Foothill-De Anza Foundation.

**13. Donation of Surplus Table Arm Chairs**

The District has 247 tablet arm chairs that are of no further use to the District. They are no longer needed by either college.

Education Code 81450.5 provides that a community college district may donate any personal property belonging to the District if the District determines that the property is no longer required for school purposes provided that the property is donated to a school district, a community college district, or a public entity.

The Santa Clara Unified School District has evaluated the tablet arm chairs and found them to be acceptable for use by their school district and would like to receive them as a donation (see attached letter). Therefore, it is recommended that the furniture be donated to the Santa Clara Unified School District.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to make a donation of the tablet arm chairs described herein to the Santa Clara Unified School District in accordance with Education Code 81450.5.

**14. Recycle and Dispose Surplus Furniture**

The District owns miscellaneous surplus furniture (see attached list) that is in poor condition that it is unusable and of no further use to the District. 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.

District Staff will dismantle the items and recycle or dispose of the components appropriately.

Director of Purchasing and Material 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 and Material Services to recycle or dispose of the items in the local public dump.

## **15. 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.

## **16. Personnel Items as follows:**

*Name:* **Lily Adams**  
*Position:* Counselor  
*Department:* Counseling  
*Division:* Counseling & Student Services  
*Location:* Foothill College  
*Action:* **Resignation for the purpose of retirement per Article 19**  
*Effective Date:* June 25, 2010

*Name:* **Rachelle A. Campbell**  
*Position:* Instructor  
*Department:* Radiologic Technology  
*Division:* Biological & Health Sciences  
*Location:* Foothill College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010 \* # of Months: 11  
*\* Compensation:* Column 3 / Step A @ \$5,827.63/month

*Name:* **Milissa M. Carey**  
*Position:* Instructor  
*Department:* Music  
*Division:* Fine Arts & Communication  
*Location:* Foothill College

*Action:* **Employment**  
*Effective Date:* September 1, 2010 \* # of Months: 11  
*\* Compensation:* Column 3 / Step E @ \$6954.74/month

*Name:* **Kim Chief Elk**  
*Position:* Director  
*Department:* Human Resources  
*Division:* Human Resources & Equal Opportunity  
*Location:* Central Services  
*Action:* **Resignation**  
*Effective Date:* June 11, 2010

*Name:* **Maria Vicky Criddle**  
*Position:* Director  
*Department:* NASA/AMES Internship & Training Program  
*Division:* Middlefield Campus  
*Location:* Foothill College  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 30, 2010

*Name:* **Lisa Drake**  
*Position:* Instructor  
*Department:* Accounting  
*Division:* Business & Social Sciences  
*Location:* Foothill College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010 \* # of Months: 11  
*\* Compensation:* Column 2 / Step B @ \$5827.63/month

*Name:* **April Flowers**  
*Position:* Instructor  
*Department:* English as a Second Language (ESL)  
*Division:* Language Arts  
*Location:* Foothill College  
*Action:* **Resignation for the purpose of retirement per Article 19**  
*Effective Date:* June 25, 2010

*Name:* **Sharon Hack**  
*Position:* Instructor  
*Department:* Travel Careers  
*Division:* Business & Social Sciences  
*Location:* Foothill College  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 25, 2010

*Name:* **Kimberly Lane**  
*Position:* International Counselor / Special Programs Liason  
*Department:* Counseling  
*Division:* Counseling & Student Services

*Location:* Foothill College  
*Action:* **Partial 40% unpaid leave of absence**  
*Effective Date:* Summer 2010 through Fall 2011

*Name:* **Andrew LaManque**  
*Position:* Executive Director,  
*Department:* Institutional Research  
*Division:* Educational Technology Services  
*Location:* Central Services  
*Action:* **Employment**  
*Effective Dates:* June 8, 2010 through June 30, 2011  
*Compensation:* Range/Step = K/4 @ \$11,348.14/month

*Employee* **Loraine Moen**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Sciences, Math & Engineering  
*Location:* De Anza College  
*Action:* **Partial 22.2% unpaid leave of absence**  
*Effective Date:* Winter 2011 and Spring 2011

*Employee:* **Tesha McCord Poe**  
*Position:* Instructor  
*Department:* Paralegal  
*Division:* Social Science  
*Location:* De Anza College  
*Action:* **Resignatio**  
*Effective Date:* June 25, 2010

*Name:* **Tiffany Rush**  
*Position:* Instructor  
*Department:* Respiratory Therapy  
*Division:* Biological & Health Sciences  
*Location:* Foothill College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010  
*\* Compensation:* Column 3 / Step D @ \$6,672.96/month

*\* # of Months: 11*

*Name:* **Jennifer M. Sinclair**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Sciences, Math & Engineering  
*Location:* Foothill College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010  
*\* Compensation:* Column 2/ Step I @ \$7800.06/month

*\* # of Months: 11*

*Name:* **Tim Woods**  
*Position:* Dean

*Department:* Computers, Technology & Information Systems  
*Division:* Computers, Technology & Information Systems  
*Location:* Foothill College  
*Action:* **Resignation**  
*Effective Date:* June 25, 2010

*Name:* **Teresa A Zwack**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Science, Math & Engineering  
*Location:* Foothill College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010 \* # of Months: 11  
*\* Compensation:* Column 2 / Step I @ \$7800.06/month

**17. Update on 2010-11 Budget**

Attached is a memo and a series of exhibits that will be discussed with the Board regarding development of the 2010-11 Tentative Budget. This is an information item only as the action to approve the Tentative Budget will take place at the June 21 Board meeting.

**18. 2009-10 Third Quarter Report**

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

**19. Resolutions to Adopt Third Quarter Budget Transfers and Revisions**

Presented to the Board for adoption are the 2009-10 third quarter budget transfers and revisions.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve** Resolution #2010-09 (Budget Transfers) and Resolution #2010-10 (Budget Revisions).

**20. Award a Contract Pursuant to Bid Document 124-415 Phase II EVR Enhance Vapor Recovery, Foothill College**

This project provides for the installation of a new Healy Model 9961 clean air separator to collect vapors and replaces the existing gasoline dispenser with a new Gasboy 9853K dispenser at the Central Services gasoline refueling station. These modifications to the Central Services gasoline refueling station will bring it into compliance with current Air Resources Board Enhanced Vapor Recovery Phase II regulations. Trans Tech Consultants prepared the construction documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1224-415 was legally advertised on April 7 and April 14, 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](http://www.govbids.com). Bids were publicly opened and read in Purchasing Services. Nine (9) contractors submitted bids. Bid results are



below:

### **BID RESULTS**

<b>General Contractors</b>	<b>Base Bid Proposal Amount</b>
<b><i>Paradiso Mechanical, Inc.</i></b>	<b><i>\$39,250.00</i></b>
American Construction & Environmental Services, Inc.	\$43,443.00
Technology Engineering and Construction, Inc.	\$47,699.00
Triton Construction	\$55,875.00
Controlled Environmental Services Inc.	\$57,400.00
Edward R. Bacon Company, Inc.	\$60,742.50
Fillner Construction, Inc.	\$63,769.00
Gems Environmental Management Services, Inc.	\$64,420.00
R. C. Benson & Sons, Inc.	\$92,270.00

Paradiso Mechanical, Inc. is the lowest bidder. Paradiso Mechanical, Inc. has successfully completed many public works projects for other public agencies including Sonoma Valley County Sanitation, Mendocino College, City of Santa Rosa, and PG&E.

The bid documents provide that bidders must acknowledge bid amendments on the bid proposal form. Paradiso Mechanical, Inc. did not initially acknowledge bid amendments as required, however they did acknowledge them by e-mail prior to the bid opening. They also acknowledged the amendments on a revised bid proposal form, which they submitted before 5:00 p.m. on the bid opening date.

The bid price of \$39,250 submitted by Paradiso Mechanical, Inc. is well within the construction estimate of \$43,600. The project will be funded through Measure E.

Director of Purchasing and Material Services Carmen Redmond recommends the board Waive as a minor irregularity that Amendment 1 and Amendment 2 were not initially acknowledged with the bid proposal submitted by Paradiso Mechanical, Inc. and **authorize** the Director of Purchasing and Material Services to award a contract pursuant to 1224-415 in the amount of \$39,200 to Paradiso Mechanical, Inc.

#### **21. Project 283 Combined Site Improvements Master Architect/Engineer Selection, De Anza College**

De Anza Measure E Project #283 - Combined Site Improvements was recently established through the consolidation of several smaller site improvement projects to create a more effective and efficient method for completing the planning and design efforts and for preparing phased construction delivery packages. The scope of this project requires the expertise of an experienced Architect / Engineering firm skilled in planning and phasing, multi-disciplinary coordination and design integration, estimating and cost forecasting, and experience working with the Division of the State Architect (DSA).

A Request for Qualifications (RFQ) package for Architectural / Engineering Services was issued to various local firms and published on the Purchasing Department's designated public web site - Bid Net. The District received five (5)

completed RFQ response packages. The selection criteria for this project required that the successful team be able to: review and coordinate several existing project plans, integrate several independent designs that are at various stages of development, produce complete design documents based on College-directed phasing requirements, and oversee the regulatory agency submission and obtain their approval.

Of the five (5) RFQ packages received, the selection committee felt that the RFQ response submitted by Sandis proposed a project team that could leverage previous design efforts most effectively, could provide the necessary efforts in a timely and cost-effective manner, and would provide the best value to the College and District for this project. The selection committee concluded that the team presented by Sandis best met the RFQ requirements and was determined to be the most qualified firm to perform the work.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends the board **approve** the Selection Committee's recommendation and authorize the District to enter into contract and fee negotiations for all necessary Architectural / Engineering design services for this project.

## **22. Measure C Consent**

The aggregate amount for these items is \$434,349

- |           |                        |                                                                                                                                                                                                                                           |
|-----------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A.</b> | <b>Title:</b>          | Revision #1 to PAA #04A, Agreement for Services                                                                                                                                                                                           |
|           | <b>Vendor:</b>         | Architectural Resources Group, Inc.                                                                                                                                                                                                       |
|           | <b>Agreement Date:</b> | March 2, 2010                                                                                                                                                                                                                             |
|           | <b>Campus:</b>         | De Anza College                                                                                                                                                                                                                           |
|           | <b>Project No.:</b>    | 230                                                                                                                                                                                                                                       |
|           | <b>Project Name:</b>   | Sunken Garden                                                                                                                                                                                                                             |
|           | <b>Amount:</b>         | \$0                                                                                                                                                                                                                                       |
|           | <b>For:</b>            | Extend contract schedule to incorporate information to be provided upon completion of campus-wide civil survey by another firm.                                                                                                           |
|           | <b>Action:</b>         | Ratification                                                                                                                                                                                                                              |
| <br>      |                        |                                                                                                                                                                                                                                           |
| <b>B.</b> | <b>Title:</b>          | Revision #01 to PAA #01                                                                                                                                                                                                                   |
|           | <b>Vendor:</b>         | Cogent Energy                                                                                                                                                                                                                             |
|           | <b>Agreement Date:</b> | December 2, 2008                                                                                                                                                                                                                          |
|           | <b>Campus:</b>         | De Anza College                                                                                                                                                                                                                           |
|           | <b>Project No.:</b>    | 261                                                                                                                                                                                                                                       |
|           | <b>Project Name:</b>   | Mediated Learning Center                                                                                                                                                                                                                  |
|           | <b>Amount:</b>         | \$3,626                                                                                                                                                                                                                                   |
|           | <b>For:</b>            | Additional design review, revisions to the Owner's Project Requirements for commissioning, and revisions related to Building Management Systems upgrades as requested by the District. Total costs in the amount of \$7,252 will be split |

between the De Anza College Mediated Learning Center and the Foothill College Physical Sciences and Engineering Center projects.

The PAA schedule will also be revised to reflect additional DSA document review time and Lease-Leaseback procurement.

This PAA can be extended, at no additional cost, by mutual agreement for up to two additional three-month periods.  
Ratification

*Action:*

- C.** *Title:* Change Order #1  
*Vendor:* John Plan Construction, Inc.  
*Agreement Date:* March 18, 2010  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building/Multicultural Center  
*Amount:* \$1,061  
*For:* Install concrete paving in lieu of contracted asphalt paving walkway at the Multicultural Center.

The total Change Orders to date represent <0.1% against the original contract amount. Funding is included in the current budget.

*Action:*

Ratification

Revision #3 to PAA #1C, Agreement for Services

- D.** *Title:* Revision #3 to PAA #1C, Agreement for Services  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building/Multicultural Center  
*Amount:* \$12,380  
*For:* Design services required to incorporate the new District Building Management System (BMS) standard into the Seminar Building and Multicultural Center project documents. Work also includes adding electrical sub-metering.

*Action:*

Ratification

- E.** *Title:* Revision #5 to Agreement  
*Vendor:* The Ratcliff Architects  
*Agreement Date:* June 17, 2008  
*Campus:* De Anza College  
*Project No.:* 261  
*Project Name:* Mediated Learning Center  
*Amount:* \$39,200  
*For:* Provide contractor selection services including RFQ/RFP

refinement, SOQ evaluation and contractor interviews during the design and bidding phase.

Provide design and construction administration services required to include 2 fully functioning rooftop mounted satellite dishes for receiving and broadcasting (includes design and spec for hardware, connections, programming, etc).

Provide design and construction administration services necessary to refine District ETS standards and incorporate resultant changes in the project documents.

Assist with District development of a revised Building Automation System specification and provide design and construction administration services required to incorporate this document into the project.

*Action:*

Ratification

**F.** *Title:* Revision #6 to Agreement  
*Vendor:* The Ratcliff Architects  
*Agreement Date:* June 17, 2008  
*Campus:* De Anza College  
*Project No.:* 261  
*Project Name:* Mediated Learning Center  
*Amount:* Not to Exceed \$50,000  
*For:* Provide pre-construction services on a time and materials basis. Services include, but are not limited to, participation in constructability review with potential LLB Contractor, cost analysis of potential changes to the project documents and revision of documents for District approved changes. Ratcliff's consultants' services shall be included with this scope.

*Action:*

Ratification

**G.** *Title:* Revision #4 to Agreement  
*Vendor:* Salas O'Brien Engineers  
*Agreement Date:* September 9, 2008  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* \$94,380  
*For:* Revise Standard Form of Agreement to allow Salas O'Brien Engineers to provide: submittal review and support, Construction Administration services beyond contracted efforts, redesign of power generators during Shutdown 4, design for structural fix at Buildings S2 and S6, change order review beyond contracted efforts, design temporary cooling system, re-design enclosure for transformers TX6&6A, design conduit support/attachments for conduits, document field

changes, Site Observations and Supplementary Instructions. Funding is available within the project budget for this change

*Action:* Approval

**H.** *Title:* Change Order #6  
*Vendor:* Tricon Construction, Inc.  
*Agreement Date:* November 2, 2009  
*Campus:* De Anza College  
*Project No.:* 200B  
*Project Name:* Pool Chlorination systems  
*Amount:* <\$16,236>  
*For:* PCO #32: Deductive change order to recover in full, all costs incurred by the District due to the chlorine gas incident that occurred on 3/10/10. Costs are as follows:

\$7,675	Clean Harbors: Invoice for removal and disposal of affected water.
\$3,068	Campus Police: Time expended by personnel responding to the incident.
\$5,493	GilbaneMAAS: Time expended by personnel responding to the incident and coordination efforts.

*Action:* Approval

**I.** *Title:* Change Order #11  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* \$47.370  
*For:* Miscellaneous changes: Revise location for Switchgear #6 / #7, credit for splices, level and grout transformers TX1 and TX1A, credit for power generators during Shutdown #3, survey crew standby time, revise point of connection for Autotech building, provide shunt trip device for Switchgear H24, revise feeders from MH-6 to TX-24&24A, reroute conduits and provide EMT in lieu of GRC at S6, provide power for Dolphin System at Cooling Tower, relocate area drain at MH-21A, relocate fire hydrant at MLC, provide structural reinforcement of concrete footing at S6, premium time for Schedule Recovery.

The total Change Orders to date represent 8.7 % against the original contract amount. Funding is included in the current budget.

*Action:* Approval

**J.** *Title:* Revision #1 to PO #PG876096  
*Vendor:* Energy Resource Associates, Inc.  
*Agreement Date:* October 2, 2007  
*Campus:* Foothill College  
*Project No.:* 161  
*Project Name:* Fire Alarm systems Replacement Phase II  
*Amount:* \$0  
*For:* No-cost time extension to the contract to accommodate a delay in the project due to problems discovered in the fire alarm network wiring system.  
*Action:* Ratification

**K.** *Title:* Revision to PAA #F-HMC-#3A  
*Vendor:* HMC Architects  
*Agreement Date:* July 17, 2009  
*Campus:* Foothill College  
*Project No.:* 120  
*Project Name:* Smithwick Theater  
*Amount:* \$141,000  
*For:* Professional services agreement to provide design, bidding & negotiation, construction administration, and DSA closeout services for Smithwick Theater.

The added scope of work includes ADA accessibility upgrades, HVAC work for those areas below the ceiling diaphragm, electrical improvements, door hardware, increased storage, and exterior refinishing. This is in addition to the current structural and HVAC improvements under design.

*Action:* The funding is included in the current budget.  
Ratification

**L.** *Title:* Change Order #2  
*Vendor:* Quali-Con Enterprise, Inc.  
*Agreement Date:* June 23, 2008  
*Campus:* Foothill College  
*Project No.:* 161  
*Project Name:* Fire Alarm Systems Replacement Phase II  
*Amount:* \$3,000  
*For:* Time extension to contract due to unforeseen conditions in the fire alarm network wiring system that caused a delay to the project.

Qualicon is to provide additional services required in order to verify the modified system meets code requirements.

*Action:* Ratification

- M. Title:** Change Order #2  
**Vendor:** YESCO  
**Agreement Date:** February 23, 2010  
**Campus:** Foothill College  
**Project No.:** 134  
**Project Name:** Exterior Signage  
**Amount:** \$11,113  
**For:** This change order addresses signage in CCD 001, refinishing of entire ST-8 signs and minor signage revisions due to field conditions & drawing clarifications.
- This change plus all previously approved change orders equal to 13.3% of the base contract value.
- Action:** Ratification
- N. Title:** Change Order #2  
**Vendor:** Zolman Construction and Development, Inc.  
**Agreement Date:** February 12, 2010  
**Campus:** Foothill College  
**Project No.:** 112  
**Project Name:** Modernization of Administration Building and General Classrooms  
**Amount:** \$47,455  
**For:** This change order addresses work directed by existing field conditions. Electrical raceway to 5500 will be upsized and replaced due to the condition of the existing feeder. Entrance to classroom 6402 will be made ADA accessible. Walker duct revisions for raceways in 5500 and 6400 were made in the submittal phase. Walls in 6400 are being furred out to cover exposed electrical raceways. Transformers will be upgraded from aluminum to copper windings for longevity and energy savings.
- This change represents 1.00% change to the contract value. Total project changes represent a 2.32% change to the contract value.
- The funding for this change is within the current budget.
- Action:** Ratification

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

**23. Measure C Project List Revision and De Anza College Budget Transfer #22**

This revision to the Measure C Project List is being presented to recognize efforts on behalf of representatives from DeAnza College, the District, and the Program Management Team to plan and prioritize project scope and funding at DeAnza College:

De Anza Budget Transfer #22 includes the following items:

- Bid savings from Project 205 Seminar Building & Multicultural Center are being reallocated to the following projects:
- 228 CDC Playground Maintenance and Shade Structure to cover the cost of design schedule extension and to fund the estimated cost at completion
- 217 Secured Bicycle Storage for Students to enhance the project scope and to fund the estimated cost at completion
- 211 L-Quad Seating to cover the cost of construction schedule extension and to fund the estimated cost at completion
- Funding transfer from Project 226 Campus Wide Replacement/Repair of Interior and Exterior Finishes to Project 241 S2-S6 Phase II -Utility Master Plan - Phase I for additional project scope related to unforeseen conditions.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends the Board **approve** the Bond Project List Revision and De Anza Budget Transfer #22.

**24. Award a Contract Pursuant to Bid Document 1259-217 Secured Bicycle Storage for Students at De Anza College**

This project will provide 109 bicycle racks and 100 lockers in a secure fenced area in front of the Student & Community Services Building. The Work shall include, but not be limited to: supply and installation of a concrete pad, fencing and gates, bicycle racks, lockers, site lighting, and a charging pedestal for the District's electric carts. Site preparation, grading, and modifications to adjoining surfaces are also included in the project. Sandis prepared the construction documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1259-217 was legally advertised on April 9 and April 16, 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](http://www.govbids.com). Bids were publicly opened and read on May 11, 2010 at 2:00 p.m. in Purchasing Services. Three (3) contractors submitted bids. Bid results are below:

**BID RESULTS**

<b>General Contractors</b>	<b>Base Bid Proposal Amount</b>
<b><i>R. C. Benson &amp; Sons, Inc.</i></b>	<b><i>\$153,000</i></b>
Omni Construction Services, Inc.	\$174,000
Guerra Construction Group	\$175,875



R. C. Benson & Sons, Inc. is the lowest responsive and responsible bidder. They have successfully completed many public works projects including an ADA elevator/restrooms project at Foothill College, an infrastructure upgrade and renovation project at Westmont High School, and a project at Stanford Hospital. Additionally, R.C. Benson was recently awarded the Kirsch Door Replacement project at De Anza College and the Emergency Generator Remote Fueling Station project at Foothill College.

The project will be funded by Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board authorize the Director of Purchasing and Material Services to award a contract pursuant to Bid 1259-217 in the amount of \$153,000 to R. C. Benson & Sons, Inc.

**25. Authorize Award of a Non-Exclusive One-Year Moving and Modular Furniture Installation Services Contract Pursuant to Bid 1198A**

Invitation to Bid 1198A called for bids to provide moving and modular furniture installation services for the Foothill-De Anza Community College District. Due to building renovation and construction activity, Foothill College and De Anza College must frequently move programs to alternate locations.

Bid 1198A was legally advertised in the San Jose Post record on April 9, 2010 and April 16, 2010. The Invitation to Bid was distributed to nine vendors and advertised online at BidNet. Purchasing Services staff publicly opened and read the bids on May 12, 2010 at 2 p.m.

Nine vendors submitted bids. As provided in the bid instructions, the lowest responsive and responsible bidder is determined by using the bid rates to calculate the total cost for two typical jobs as described in the bid forms. The bid results are below. The lowest responsive and responsible bidder is Moving Solutions, Inc. with a grand total bid price of \$9,089.87.

<u><b>Vendor</b></u>	<u><b>Bid Price *</b></u>	<u><b>Estimated number of moves in 12 months</b></u>	<u><b>First year estimated price</b></u>
Moving Solutions, Inc,	\$9,089.87	15	\$136,348.05
McCollister's Transportation Group	\$9,749.10	15	\$146,236.50
Crown Worldwide Moving & Storage	\$9,918.50	15	\$148,777.50
Bekins	\$11,105.30	15	\$166,579.50
COR-O-VAN	\$11,517.27	15	\$172,759.05
Mont/Rose Moving System, Inc.	\$11,739.30	15	\$176,759.05
Rapid Installations	\$11,903.97	15	\$178,559.55
Service West, Inc.	\$13,180.00	15	\$197,700.00
Suddath Relocation Systems of Northern California, Inc.	\$15,642.23	15	\$234,631.95

\*Bid price is based upon two typical moves

The contract does not guarantee any minimum or maximum expenditure. It will be used as needed to perform various moves within the District, and it is not an exclusive contract. The contractor will perform moves only if requested in writing by Purchasing Services in the form of a District Purchase Order. The initial contract period is for a one-year period. Additionally, this contract may be extended for up to four (4) additional one-year periods under the same terms and conditions at the sole discretion of the District.

Moving Solutions, inc. provided excellent references. It has performed work for the Superior Court of California, West Contra Costa County, and De Anza College. In addition, De Anza College has recently used Moving Solutions, Inc. and was very pleased with its work.

It is expected that most of the upcoming moves at the Colleges will be funded by Measure C, but other funds may also be used.

Director of Purchasing and Material Services Carmen Redmond recommends he board **authorize** the Director of Purchasing and Materials Services to award a non-exclusive one-year contract for moving and modular furniture installation services pursuant to Bid 1198A to Moving Solutions, Inc. and to renew it up to four additional one-year periods.

**26. Award Lease-Leaseback Pre-Construction Services Agreement for Foothill College Physical Sciences & Engineering Project**

On December 7, 2009 and January 19, 2010, Charles Allen, Executive Director of Facilities, Operations, and Construction Management, provided information briefings to the Board regarding the use of the Lease-Leaseback project delivery method, including the contractor selection process, for the Physical Sciences and Engineering Center at Foothill College. The briefings included a discussion of the legal aspects of the process as well as its risks and benefits.

On February 1, 2010, the Board authorized the use of the Lease-Leaseback contractor selection process for this project in accordance with Education Code 81335.

The District's Selection Committee consisted of the Foothill College Vice President of Educational Resources and Instruction, Shirley Treanor; the Foothill College Division Dean of Physical Sciences, Math, and Engineering, Peter Murray; the Foothill College Director of Facilities and Special Projects, Brenda Davis Visas; the Measure C Bond Projects Director for Foothill College, Art Heinrich; and the District's Purchasing Services Director, Carmen Redmond. Additionally, two representatives from the District's Architect, Ratcliff, served on the committee and had one vote between them. Furthermore, three representatives from the District's Program Manager, Gilbane Building Company, also served on the committee and had one vote between them.

The contractor selection process consisted of three parts:

1. Request for Qualifications (RFQ): The RFQ consisted of an open invitation to Contractors to submit their Statements of Qualifications (SOQ's). The SOQ's included information about the contractor's past performance, claims history, safety record,

financial condition, bonding capacity, insurance, and project specific experience. The committee scored the SOQ's based upon a scoring system that was determined before the SOQ's were received. The Selection Committee awarded qualification points to each SOQ.

2. Interviews: Based upon responses to the RFQ, the District's Selection Committee ranked the contractors, created a list of finalists, and invited the four top-ranked finalists to be interviewed. During the interviews, the committee awarded qualification points to the contractors based upon contractor presentations and answers to eight (8) questions.
3. Request for Proposal (RFP): After the interviews, the four top-ranked contractors submitted responses to a Request for Proposal. The responses to the RFP included the proposed fees for lease-leaseback services. The final ranking of the four top-ranked contractors was determined by dividing their proposed fees by the total number of qualification points earned in step 1 and 2. The contractor with the lowest cost per qualification point achieved the top rank.

Purchasing Services advertised the Lease-Leaseback Request for Qualifications/Request for Proposals (RFQ/RFP) #1248-160 for the Physical Sciences & Engineering Center (PSEC) on February 5 and February 12, 2010. Purchasing Services also notified eleven Builders Exchanges and Plan Rooms, and advertised in the Daily Pacific Builder. Notice of the RFQ/RFP was also posted online at "BidNet" at [www.govbids.com](http://www.govbids.com). Additionally, Purchasing Services provided RFQ documents to fifty-two (52) companies.

The District conducted a mandatory pre-submittal conference on February 18, 2010, and representatives from thirty companies attended the conference.

On March 15, 2010, eighteen companies submitted Statements of Qualifications (SOQ's) in response to RFQ/RFP 1248-160.

During the SOQ evaluation, the District's Selection Committee disqualified eight of the companies for failing to meet one or more mandatory pass/fail criteria including insufficient project specific experience, failure to submit the three most recent years of audited or reviewed financial statements, and failure to submit the mandatory insurance declaration. The remaining ten companies were further scored and ranked. The Selection Committee invited the four top-ranked companies to continue to the interview and RFP steps. The four top-ranked companies (in alphabetical order) were: Hathaway Dinwiddie Construction Company, Hensel Phelps Construction Co., McCarthy Building Companies, Inc., and Sundt Construction, Inc.

The Selection Committee conducted interviews on April 15, 2010. During the interviews, each top-ranked contractor earned additional qualification points.

Responses to the RFP were due on May 5, 2010. Hathaway Dinwiddie Construction Company (HDCC) submitted the proposal with the lowest total fee for preconstruction services, construction services, contractor's contingency, and contractor's overhead and profit. This fact, in addition to its strong qualifications, earned HDCC the lowest cost per quality point and thus the top ranking.

The Selection Committee recommends award of the attached Preconstruction Services Agreement to Hathaway Dinwiddie Construction Company so that it can prequalify subcontractors, obtain competitive bids from subcontractors, develop an actual Guaranteed Maximum Price (GMP) and develop a Preliminary Construction Schedule. HDDC's fee for preconstruction services is \$74,500. The Preconstruction Services Agreement, paragraph VII(C) provides that the contractor will additionally be reimbursed at actual cost for reimbursable services defined as printing, advertising, and site condition confirmation. District staff estimates that reimbursable services will not exceed \$100,000.

The following items will be included in the GMP:

1. Direct Cost of the Work (See Exhibit A, Article V of the Preconstruction Services Agreement)
2. Contractor's Construction Services (equal to the proposed dollar amount in HDCC's RFP response)
3. Contractor's Overhead & Profit (Direct Cost of Work x percentage proposed in HDCC's RFP response)
4. Contractor's Contingency Fund (Direct Cost of Work x percentage proposed in HDCC's RFP response)

Provided that District staff and HDCC agree to a GMP and to project milestone dates and completion dates indicated in the Preliminary Construction Schedule, District staff plans to return to the Board on October 4, 2010 and recommend that the Board of Trustees award the Site Lease and Facilities Lease agreements to the HDCC to construct the project based upon DSA-approved construction documents within the agreed-upon duration for an amount not to exceed the GMP. Under the two agreements, the District will lease District-owned land to the HDCC and HDCC will agree to construct the Project pursuant to the District's Construction Provisions and HDCC's responses to RFQ/RFP 1248-160. The District will receive incremental title to the constructed property in accordance with payments made. The District will pay for and take title to all improvements no later than completion of construction of the Project, at which time the leases will be terminated.

The Physical Sciences & Engineering Center project is funded by Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to award the attached Preconstruction Services Agreement to Hathaway Dinwiddie Construction Company.

**27. Adopt a Resolution to Authorize a Validation Action for the Lease-Leaseback Project Delivery Method, RFQ/RFP 1248-160, Physical Sciences & Engineering Project at Foothill College**

On February 1, 2010, the Board authorized the use of the Lease-Leaseback contractor selection process for this project in accordance with Education Code 81335.

On June 7, 2010, the District's Selection Committee recommended award of a Preconstruction Services Agreement to the top-ranked contractor, Hathaway Dinwiddie Construction Company (HDCC).

District Staff expects to return to the Board on October 4, 2010, with HDCC's Guaranteed Maximum Price (GMP) and a recommendation to authorize award of the Facilities Lease and Site Lease Agreements in accordance with 100% DSA-approved construction documents to HDCC. Under the two agreements, the District will lease District-owned land to the HDCC and HDCC will agree to construct the Project pursuant to the District's Construction Provisions and HDCC's responses to RFQ/RFP 1248-160. The District will receive incremental title to the constructed property in accordance with payments made. The District will pay for and take title to all improvements no later than completion of construction of the Project, at which time the leases will be terminated.

Since this is the first lease leaseback arrangement that the District has used as a project delivery method in place of traditional design-bid-build or design-build, a Validation action will be filed in Santa Clara County Superior Court to ensure that this method is in conformity with the provisions of Education Code §81335, the California Constitution, and all other applicable laws and all requirements of all regulatory bodies, agencies or officials having authority over or asserting authority over same. The Validation action will thus seek a Court Order that the Site Lease, Facilities Lease, and related documents are lawful, valid and binding on the District upon execution. Staff and District legal counsel, Phillip Jaret, recommend that the Board adopt the attached resolution authorizing the filing of a Validation Action. The award of the Facilities Lease and Site Lease will occur after the Validation Action is complete.

Director of Purchasing and Material Services Carmen Redmond recommends the board (1) **approve** the Facilities Lease, Site Lease, and Construction Provisions as to form and content, and (2) **adopt** a resolution authorizing the filing of a Validation Action.

**28. Change Order #10 to SJ Amoroso, Inc. for Project 241 S2 and S6 Phase II Utility Master Plan**

At the May 3<sup>rd</sup> Board meeting, a Request for Authorization to Negotiate and Approve Change Orders in excess of \$50,000 was submitted for several items, specifically; 1- provide structural deficiency repairs, 2- removal of asbestos-containing materials, 3- demolition of underground utility vaults, and, 4- provision for temporary cooling design and implementation. The Board authorized the Executive Director to approve these change orders up to a not to exceed amount for each element of the change as follows:

Item #1: Structural Deficiencies, not-to-exceed \$350,000

Item #2: Removal and disposal of asbestos containing building materials, not-to-exceed \$75,000

Item #3: Concrete utility vaults, not-to-exceed \$95,000

Item #4: Temporary cooling, not-to-exceed \$350,000

RE: Item 1 above: PCO 137 and 140 (\$51,349) - During construction activities in the Mechanical Rooms at Building S2 and S6, it was discovered that existing structural roof framing members had signs of stress failure. The roof framing required to be shored (PCO 140) for safety reasons, before repair work begins; then reinforced (PCO 137) in order to support existing and new pipes and conduits. PCO 137 covers only the structural fix at Building S2. Design is pending for Building S6. Additional work will be required

to correct remaining structural deficiencies and will be submitted once those costs are negotiated.

RE: Item 2 above: PCO 95 (\$71,800) - During construction activities in the Mechanical Rooms at Building S2 and S6, it was discovered that the taping mud used during original construction contained asbestos. Abatement of gypsum board on the ceiling and some selected areas on the walls were required in order to perform the contract work.

RE: Item 3 above: PCO 120 (\$84,252) - Exploratory excavation in several locations of Heading M2 revealed that the depth of underground utility corridor (utilidor) was less than anticipated and depicted in the design documents. This field condition resulted in a condition where the new direct-burial heating and cooling piping would be too close to surface if installed according to the Construction Documents. In order to maintain proper backfill material coverage, selective demolition in defined areas of the utilidor was required.

RE: Item 4 above: Temporary cooling requirements are still under development and review. To be forwarded at a future date.

This Change Order #10 to the contractor, S.J. Amoroso Construction Co., Inc. provides a revision to the contract cost as detailed below to address S.J. Amoroso's work performed on items #1, #2 and #3. This change is required due to unforeseen field conditions.

Original Contract Value:	\$ 9,397,000
Prior Revisions:	\$ 561,427
Current Contract Value:	\$ 9,958,427
Value of CO #10 (Not to Exceed):	<u>\$ 207,401</u>
<b>New Total Contract Amount:</b>	<b>\$10,165,828</b>

The total Change Orders to date represent 8.2 % against the original contract amount. Funding is included in the current budget.

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

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