



# BOARD OF TRUSTEES

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

**July 12, 2010**

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

*For information and disability access to materials, call 650-949-6100.*

*Requests for accommodation should be made no later than one business day prior to meeting. Meetings are held in a location accessible to the disabled.*

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

## **AGENDA** **Regular Meeting**

### CALL TO ORDER

### REPORTING OUT FROM CLOSED SESSION

June 23, 2010

**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 MINUTES

**ACTION**

June 7, 2010  
June 14, 2010

### APPROVAL OF CONSENT CALENDAR

**ACTION**

1. [BP 3217 Non-Smoking Areas \(2<sup>nd</sup> Reading\)](#) (Thor x6104)
2. [Ratification of Contracts and Agreements](#) (Dunn x6201)
3. [Resolution Authorizing Child Care Agreement #CCTR-0326](#) (Dunn x6201)
4. [Resolution Authorizing Child Care Agreement #CSPP-0577](#) (Dunn x6201)
5. [Grant Agreement #1012-58: CDC-WORKs! Program](#) (Swett x6952)
6. [International Travel Approval](#) (Murphy x8705)
7. [Sale of Surplus District Berkel Slicer](#) (Redmond x6166)
8. [Sale of Surplus District X-Ray Viewbox](#) (Redmond x6166)

9. [Sale of Miscellaneous Surplus Electronic Equipment \(Redmond x6166\)](#)
10. [Human Resources Report \(Novotny x6211\)](#)
11. [Personnel Actions as Follows: \(Novotny x6211\)](#)

Resignation for Purpose of Retirement – Karen Alfsen, Foothill Instructor  
Employment – Danielle M. Altman, De Anza Instructor  
Unpaid Leave – Jose Arenas, Foothill Instructor  
Employment Correction from 11 months to 12 months – Rachelle A. Campbell, Foothill Instructor  
Employment Correction from 11 months to 10 months – Milissa M. Carey, Foothill Instructor  
Extension of Contract – Andy Dunn, Central Services Vice Chancellor  
Resignation – Andy Dunn, Central Services Vice Chancellor  
Employment Correction from 11 months to 10 months – Lisa Drake, Foothill Instructor  
Resignation for Purpose of Retirement under Article 20 – Mary Hawkins, Foothill Instructor  
Employment – Mary L. Holland, Foothill Instructor  
Resignation – Howard J. Irvin, Jr., De Anza Dean  
Employment – Kevin McElroy, Central Services Vice Chancellor  
Resignation – James McMahon, Central Services Director  
Resignation for Purpose of Retirement – Eloise Orrell, Foothill Interim Vice President  
Resignation for Purpose of Retirement under Article 20 – John Walter Perry, De Anza Instructor  
Resignation – Barbara Peurifoy, De Anza Instructor  
Employment Correction from 11 months to 10 months – Tiffany Rush, Foothill Instructor  
Employment – Roseanne Sciacchitano, Central Services Project Manager  
Employment Correction from 11 months to 10 months – Jennifer M. Sinclair, Foothill Instructor  
Resignation for Purpose of Retirement under Article 19 – Frank Soler, De Anza Instructor  
Resignation for Purpose of Retirement under Article 20 – Randolph Splitter, De Anza Instructor  
Extension of Interim Assignment – Phyllis Spragge, Foothill Interim Dean  
Employment Correction from 11 months to 10 months – Teresa A. Zwack, Foothill Instructor  
Approve New Classification – De Anza Dean, Learning Resources  
Reclassify Position to Higher Level to reflect increased responsibilities – Director, Human Resources  
Reclassify Position to Dean, Technology and Innovation to reflect increased responsibilities – Foothill Dean

## BOARD BUSINESS

12. [2009-10 Board Self-Evaluation \(Thor x6104\)](#)

## **INFORMATION**

- |  |               |
|--|---------------|
| 13. <a href="#">Legislative Goals for 2010-11</a> (Thor x6104) | <b>ACTION</b> |
| 14. <a href="#">2010-11 Board Priorities</a> (Thor x6104)      | <b>ACTION</b> |

BUSINESS AND FINANCE

- |  |               |
|--|---------------|
| 15. <a href="#">District-Wide Electricity Services</a> (Allen x6150) | <b>ACTION</b> |
|--|---------------|

FACILITIES

MEASURE E FACILITIES

- |   |               |
|---|---------------|
| 16. <a href="#">Project 283 Combined Site Improvements, De Anza College Project Authorization Amendment D-001 to Sandis Master Form of Agreement Dated 07/12/10</a> (Allen x6150) | <b>ACTION</b> |
|---|---------------|

MEASURE C CONSENT

- |   |               |
|---|---------------|
| 17. <a href="#">Measure C Consent</a> (Allen x6150) ( <i>See Public Memo for backup</i> ) | <b>ACTION</b> |
|---|---------------|

The aggregate amount of these items is \$410,733

**De Anza College**

- A) Architectural Resources Group – Revision #1 to PO #G979220/PAA-3C – Baldwin Winery & East Cottage - \$0
- B) John Plan Construction, Inc. – Change Order #3 – Seminar Building and Multicultural Center - \$29,667
- C) S. J. Amoroso, Inc. – Change Order #13 – S2-S6 Phase II – Utility Master Plan – Phase I - \$118,930

***Foothill College***

- D) City of Palo Alto – Rental Contract for Period 8/16/10 through 10/15/10 – Soccer and Softball Complex - \$4,845
- E) Cleary Consultants, Inc. – Professional Services – Physical Education and Engineering Center - \$114,000
- F) Gilbane/Maas – Change #1 to Agreement for Services – Library and ISC - \$0
- G) HP Inspections – Agreement for Services – Photovoltaic Array Los 2/3 - \$37,041
- H) Qualicon – Agreement of Services – Photovoltaic Array Lots 2/3 - \$28,200
- I) YESCO – Change Order #1 – Exterior Signage - \$3,409
- J) YESCO – Change Order #3 – Exterior Signage - \$989
- K) Zolman Construction and Development, Inc. – Change Order #4 – Modernization of Administration Building and General Classrooms - \$73,652

MEASURE C PROJECTS

18. Project 203 - East Cottage & Baldwin Winery Project: Redesign of the East Cottage (Allen x6150) ACTION
19. De Anza College, Measure C - Project 251 - Install Photovoltaic Arrays – Campus-wide Contract for Services: Photovoltaic Solar Energy Engineering Services, the Preparation of a Request for proposal Solicitation, and for Evaluation Services for the Installation of Photovoltaic Arrays Campus-wide (Allen x6150) ACTION
20. Measure C Project List Revision with De Anza Budget Transfers #23 and 24 (Allen x6150) ACTION
21. Change Order #14 to SJ Amoroso, Inc. for Project 241 – S2 and S6 Phase II Utility Master Plan (Allen x6150) ACTION
22. Request for Authorization to Negotiate and Approve Change Orders in Excess of \$50,000 (Allen x6150) (See Public Memo for backup) ACTION
23. Accept a list of Electrical Subcontractors as Prequalified to Bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1 (Redmond x6166) ACTION
24. Accept a list of General Contractors as Prequalified to Bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1 (Redmond x6166) (See Public Memo for backup) ACTION
25. Accept a List of General Contractors as Prequalified to Bid on the Foothill College Measure C Project #110-Renovation 6200, 6300, & 6500 (Redmond x6166) ACTION
26. Authorize Use of Piggyback Contracts for Two Measure C Furniture Purchases (Redmond x6166) (See Public Memo for backup) ACTION
27. Authorize Withdrawal of Bid for Bid #1266 ATC 112 Television Studio Equipment (Redmond x6166) (See Public Memo for backup) ACTION

#### ADJOURNMENT

#### DATES TO REMEMBER / FUTURE AGENDA ITEMS

- Aug. 2 - Study Session and Regular Board Meeting
- Aug. 30 – Regular Meeting

**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT**

**Office of the Chancellor**

TO: Members of the Board of Trustees

FROM: Linda M. Thor, Chancellor

DATE: December 6, 2011

RE: Public Session — **July 12, 2010**

**1. BP 3217 Non-Smoking Areas (2<sup>nd</sup> Reading)**

The attached board policy was presented to the board on June 21, 2010 for a first reading. There were no changes to the suggested re-wording.

The policy is being presented to the board for a second reading and approval.

Chancellor Linda Thor recommends **approval** of the attached board policy.

**2. 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**.

**3. Resolution Authorizing Child Care Agreement #CCTR-0326**

This resolution authorizes the District to enter into a contract with the California Department of Education for the purpose of providing child care and development services for contract #CCTR-0326 for a maximum reimbursable amount of \$63,486 for fiscal year 2010-11.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve** Resolution #2010-12 for Child Care Contract #CCTR-0326.

**4. Resolution Authorizing Child Care Agreement #CSPP-0577**

This resolution authorizes the District to enter into a contract with the California Department of Education for the purpose of providing child care and development services for contract #CSPP-0577 for a maximum reimbursable amount of \$218,758 for fiscal year 2010-11.

Vice Chancellor of Business Services Andy Dunn recommends that the Board **approve** Resolution #2010-13 for Child Care Contract #CSPP-0577.

**5. Grant Agreement 1012-58: CDC-WORKs! Program**

The purpose of the CDC-WORKs! program is to recruit and train California Community College students who are current or former cash aid recipients and are interested in pursuing careers in the professional field of child development and early childhood education. The CDC-WORKs! program provides educational support for students in order to place them on the career ladder based on the California Child Development Permit Matrix.

In addition to tuition reimbursement and job placement assistance, the program offers a range of support services and resources to students. Participants have access to book and transportation grants, tutors, mentors, workshops, and on-campus support groups.

This grant will support 10 students and is under the supervision of the Associate Vice President at Middlefield Campus. Foothill College is one of 50 community colleges in California implementing this additional support program for students.

CDC-WORKs! Program was formerly Temporary Assistance for Needy Families-Child Development Careers (TANF-CDC) program. This grant is for 2010-11 academic year.

Associate Vice President Denise Swett recommends board **approval**.

**6. International Travel Approval**

In conjunction with District Board Policy 4176, board approval is requested for international travel on behalf of two De Anza College faculty members.

Jacquelyn V. Reza has requested travel to Vancouver, Canada from October 27 – 29, 2010 to attend the North American Council for Staff, Program and Organizational Development Annual Conference (NCSPOD). She plans to develop programming to implement at De Anza College for staff, faculty and/or administrators.

Karl Schaffer has requested travel to Pecs, Hungary from July 24-28 to attend and present at the Bridges 2010 Conference, and August 16-20 to attend the Constructionism Conference in Paris, France. These conferences bring mathematicians, scientists, artists, educators, musicians, writers, and dancers to hands-on workshops and working sessions that bridge these disciplines and cross mathematics-arts boundaries.

President Brian Murphy recommends **approval**.

**7. Sale of Surplus District Berkel Slicer**

The District has one Berkel slicer that has been determined by the Campus Center Kitchen to be of no further use to the District. The estimated aggregate market value of the Berkel slicer is \$200.00.

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 on the Public Surplus website. Proceeds will be deposited to the District 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).

#### **8. Sale of Surplus District X-Ray Viewbox**

The District has one X-ray viewbox that has been determined by the Foothill Campus Furniture, Fixture and Equipment Coordinator to be of no further use to the District. The estimated aggregate market value of the X-ray viewbox is \$200.00.

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 on the Public Surplus website. Proceeds will be deposited to the District 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).

#### **9. Sale of Miscellaneous Surplus Electronic Equipment**

The District has ten pallets of computers, monitors, printers, and miscellaneous electronic equipment (See attached Surplus Forms, 15 pages). The District's Educational Technology Services Department (ETS) staff has determined that the items are obsolete and of no further use to the District. De Anza College Occupational Training Institute 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 may be sold only to authorized State of California Cathode Ray Tube (CRT) material handlers, collectors and recyclers. 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).

#### **10. 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**.

#### **11. Personnel Actions as Follows:**

*Name:* **Karen Alfsen**  
*Position:* Instructor  
*Department:* Language Arts  
*Division:* Language Arts  
*College:* Foothill College  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 24, 2011

*Name:* **Danielle M. Altman**  
*Position:* Instructor  
*Department:* Athletics  
*Division:* Physical Education  
*College:* De Anza College  
*Action:* **Employment**  
*Effective Date:* September 1, 2010 *# of Months: 10*  
*Salary:* Column II / Step D @ \$6391.18/month

*Name:* **Jose Arenas**  
*Position:* Instructor  
*Department:* Fine Arts & Communication  
*Division:* Fine Arts & Communication  
*College:* Foothill College  
*Action:* **Unpaid Leave**  
*Effective Date:* September 1, 2010 through June 30, 2012

*Name:* **Rachelle A. Campbell**  
*Position:* Instructor  
*Department:* Radiologic Technology  
*Division:* Biological & Health Sciences  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 12 months**  
*Effective Date:* September 1, 2010 *# of Months: 12*



*Compensation:* Column III / Step A @ \$5,827.63/month

*Name:* **Milissa M. Carey**  
*Position:* Instructor  
*Department:* Music  
*Division:* Fine Arts & Communication  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 10 months**  
*Effective Date:* September 1, 2010 # of Months: 10  
*Compensation:* Column III / Step E @ \$6954.74/month

*Name:* **Andy Dunn**  
*Position:* Vice Chancellor  
*Department:* Business Services  
*Division:* Business Services  
*College:* Central Services  
*Action:* **Extension of Contract**  
*Effective Date:* July 1, 2010 through August 15, 2010

*Name:* **Andy Dunn**  
*Position:* Vice Chancellor  
*Department:* Business Services  
*Division:* Business Services  
*College:* Central Services  
*Action:* **Resignation**  
*Effective Date:* August 15, 2010

*Name:* **Lisa Drake**  
*Position:* Instructor  
*Department:* Accounting  
*Division:* Business & Social Sciences  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 10 months**  
*Effective Date:* September 1, 2010 # of Months: 10  
*Compensation:* Column II / Step B @ \$5827.63/month

*Name:* **Mary Hawkins**  
*Position:* Instructor  
*Department:* Adaptive Learning  
*Division:* Adaptive Learning Division & Disability Services  
*College:* Foothill College  
*Action:* **Resignation for the purpose of retirement under Article 20**  
*Effective Date:* June 24, 2010

*Name:* **Mary L. Holland**  
*Position:* Instructor  
*Department:* Chemistry  
*Division:* Physical Sciences, Math & Engineering  
*College:* Foothill College

*Action:* **Employment**  
*Effective Date:* September 1, 2010  
*Compensation:* Column V, Step A @ \$6,391.18/month

*# of Months:* 10

*Name:* **Howard J. Irvin, Jr.**  
*Position:* Dean  
*Department:* Counseling and Matriculation  
*Division:* Counseling and Matriculation  
*College:* De Anza College  
*Action:* **Resignation**  
*Effective Date:* August 5, 2010

*Name:* **Kevin McElroy**  
*Position:* Vice Chancellor  
*Department:* Business Services  
*Division:* Business Services  
*College:* Central Services  
*Action:* **Employment**  
*Effective Date:* August 16, 2010 through June 30, 2011  
*Compensation:* Range 12, Step C @ \$14,772.57/month

*Name:* **James McMahon**  
*Position:* Director  
*Department:* Safety & Security  
*Division:* District Safety & Security  
*College:* Central Services  
*Action:* **Resignation**  
*Effective Date:* June 30, 2010

*Name:* **Eloise Orrell**  
*Position:* Interim Vice President  
*Department:* Instruction & Institutional Research  
*Division:* Instruction & Institutional Research  
*College:* Foothill College  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 30, 2011

*Name:* **John Walter Perry**  
*Position:* Instructor  
*Department:* Computer Information Systems  
*Division:* Business/Computer Systems  
*College:* De Anza College  
*Action:* **Resignation for the purpose of retirement under Article 20**  
*Effective Date:* June 24, 2011

*Name:* **Barbara Peurifoy**  
*Position:* Instructor  
*Department:* Nursing  
*Division:* Biological, Health & Environmental Sciences

*College:* De Anza College  
*Action:* **Resignation**  
*Effective Date:* June 24, 2011

*Name:* **Tiffany Rush**  
*Position:* Instructor  
*Department:* Respiratory Therapy  
*Division:* Biological & Health Sciences  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 10 months**  
*Effective Date:* September 1, 2010 *# of Months: 10*  
*Compensation:* Column III / Step D @ \$6,672.96/month

*Name:* **Roseanne Sciacchitano**  
*Position:* Project Manager  
*Department:* Operations  
*Division:* Operations  
*College:* Central Services  
*Action:* **Employment**  
*Effective Date:* August 2, 2010 through June 30, 2011 *# of Months: 12*  
*Compensation:* Level G, Step 1 @ \$7,078.49/month

*Name:* **Jennifer M. Sinclair**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Sciences, Math & Engineering  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 10 months**  
*Effective Date:* September 1, 2010 *# of Months: 10*  
*Compensation:* Column II / Step I @ \$7800.06/month

*Name:* **Frank Soler**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Sciences, Math & Engineering  
*College:* De Anza College  
*Action:* **Resignation for the purpose of retirement under Article 19**  
*Effective Date:* December 11, 2010

*Name:* **Randolph Splitter**  
*Position:* Instructor  
*Department:* English  
*Division:* Language Arts  
*College:* De Anza College  
*Action:* **Resignation for the purpose of retirement under Article 20**  
*Effective Date:* June 24, 2011

*Name:* **Phyllis Spragge**  
*Position:* Interim Dean

*Department:* Biological & Health Sciences  
*Division:* Biological & Health Sciences  
*College:* Foothill College  
*Action:* **Extension of Interim Assignment**  
*Effective Date:* July 1, 2010 through August 31, 2010

*Name:* **Teresa A Zwack**  
*Position:* Instructor  
*Department:* Mathematics  
*Division:* Physical Science, Math & Engineering  
*Location:* Foothill College  
*Action:* **Employment correction from 11 months to 10 months**  
*Effective Date:* September 1, 2010 *# of Months: 10*  
*Compensation:* Column II / Step I @ \$7800.06/month

*Position:* **Dean**  
*Department:* Instruction  
*Division:* Learning Resources  
*College:* De Anza College  
*Action:* **Approve New Classification**  
*Effective Date:* July 13, 2010 *# of Months: 12*  
*Compensation:* Level J  
*Comments:* In accordance with Chapter XI of the Administrators Handbook

*Position:* **Director, Human Resources**  
*Department:* Human Resources and Equal Opportunity  
*Division:* Human Resources and Equal Opportunity  
*College:* Central Services  
*Action:* **Reclassify Position to Higher Level to reflect increased responsibilities**  
*Effective Date:* August 1, 2010 *# of Months: 12*  
*Compensation:* Level K  
*Comments:* In accordance with Chapter XI of the Administrators Handbook

*Position:* **Dean**  
*Department:* Workforce Development and Instruction  
*Division:* Technology and Innovation  
*College:* Foothill College  
*Action:* **Reclassify position to Dean, Technology and Innovation to reflect increased responsibilities**  
*Effective Date:* August 1, 2010 *# of Months: 12*  
*Compensation:* Level J  
*Comments:* In accordance with Chapter VI and Chapter XI of the Administrators Handbook

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

**12. 2009-10 Board Self-Evaluation**

This item provides an opportunity for the Board of Trustees to engage in its annual self-examination of its effectiveness and functionality. The Mission of the Board of Trustees, amended on July 12, 2004, stipulates that the Board “works constantly to improve the Board’s quality of trusteeship through orientation, education and assessment of its own performance.” A self-evaluation instrument was created based on the Board’s Philosophy and Mission and the Board’s Code of Ethics. A summary of the trustees’ responses is attached.

**13. Legislative Goals for 2010-11**

These goals will be used in advocating the Board’s priorities to the legislature and the public in preparing for the 2010-11 fiscal year. The District affirms its continued commitment to the California Master Plan for Higher Education and its dedication to student access, equity, affordability and success.

Chancellor Linda Thor recommends that the Board **approve** the Legislative Goals for 2010-11.

**14. 2010-11 Board Priorities**

The Board has identified the goals it wishes to accomplish for the 2010-11 year which includes the following priorities:

- Keep focus on student access and success
- Ensure that district facilities are modern and effective learning/working spaces
- Maintain budget stability and seek alternative revenue sources
- Ensure that planning is integrated and progressing

Ongoing priorities include:

- Community relations and outreach
- Legislative advocacy
- Institutional research
- Pedagogical excellence
- Open educational resources
- Environmental scanning/workforce gap analysis
- Staffing
- Budget
- Participation in Trustee organizations
- Healthcare

Chancellor Linda Thor recommends board **approval** of the stated priorities for 2010-11.

**15. District-Wide Electricity Services**

In May the Board ratified electricity rates, as negotiated by the Community College League of California’s Electricity Consortium on behalf of the District for the 2010 / 2011 year at a

level that is 25% below our current rate. The 2010 / 2011 rate of \$56/megawatt hour will equate to an approximate savings in (2010 / 2011) of \$250,000 as compared to the 2009 / 2010 rates.

Now, in conjunction with the League's Electricity Consortium, we have been able to lock in very favorable rates for both the 2011 / 2012 and the 2012 / 2013 years at rates that are relatively small increases over the 2010 / 2011 year, but are still the lowest rates since July 2003. The rate for 2011 / 2012 will be \$62/megawatt hour and the rate for 2012 / 2013 will be \$65/megawatt hour.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends **ratification** of the attached Fixed Price Solutions Pricing Schedule with Constellation NewEnergy, Inc. for electricity services for the period July, 2011 – July, 2012 and for the period July, 2012 – July, 2013.

**16. Project 283 Combined Site Improvements, De Anza College  
Project Authorization Amendment D-001 to Sandis Master Form of Agreement dated 07/12/10**

Measure E - Project #283 Combined Site Improvements at De Anza College was recently established through the consolidation of several smaller site improvement projects to create a more efficient delivery of design, planning, and construction phasing. It requires the expertise of an experienced Master Architect Engineering firm skilled in planning, phasing, design integration, estimating, and Division of the State architect (DSA) experience. Selection of a qualified Architect / Engineering design firm was undertaken by a committee assembled by the District, College, and Program Management staff. The Board of Trustees authorized the District to negotiate with the selected firm. The negotiations with Sandis resulted in the PAA presented here in the amount of \$436,656.

**PAA D-001** will assign the first two phases to the Sandis team for the following services:

**Phase 1 – Programming & Integration:** The Consultant will compile site improvement designs, evaluate the various components including the Master Plans, review all drawings & specifications, and develop a program & phasing plan for this project. Efforts will include, but not limited to, civil, landscaping & irrigation, site lighting, and pedestrian walkway improvements.

Additional scope will include: Campus Drive lighting analysis, Stelling Entrance traffic studies, Campus storm drain analysis including flushing & video documentation of the storm lines, and development of several new walkways from Campus Entries & Bus Stops.

**Phase 2.0 – Schematic Design:** The Consultant will prepare and present a Final Integrated Schematic Design (SD) that incorporates all site design elements, a detailed Phasing Plan that incorporates priorities & cost components, and a SD Cost Estimate.

Additional scope will include reports & recommendations for: Campus Drive Lighting, Stelling Entrance Traffic Modifications, and a Campus Fire Lane improvement plans.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve** Project Authorization Amendment D-001 with Sandis.

## **17. Measure C Consent**

The aggregate amount of these items is: \$410,733.

- A. *Title:* Rental Contract for Period of 8/16/10 through 10/15/10  
*Vendor:* City of Palo Alto  
*Agreement Date:* June 9, 2010  
*Campus:* Foothill College  
*Project No.:* 142  
*Project Name:* Soccer and Softball Complex  
*Amount:* \$4,845  
*For:* Field rental for Foothill Intercollegiate Soccer while Project 142, Soccer and Softball Complex is under construction  
*Action:* Ratification
- B. *Title:* Professional Services  
*Vendor:* Cleary Consultants, Inc.  
*Agreement Date:* July 21, 2010  
*Campus:* Foothill College  
*Project No.:* 160  
*Project Name:* Physical Education and Engineering Center  
*Amount:* \$114,000  
*For:* Geotechnical engineering services consisting of testing, inspecting, providing recommendation to the design and construction teams, and DSA reporting.  
*Action:* Approval
- C. *Title:* Change #1 to Agreement for Services  
*Vendor:* Gilbane/Maas  
*Agreement Date:* April 1, 2010  
*Campus:* Foothill College  
*Project No.:* 121  
*Project Name:* Library and ISC  
*Amount:* \$0  
*For:* The agreement makes no changes to the services to be delivered to the District; it merely extends contract time to include modifications requested by the State Chancellors Office.

- Action:* Ratification
- Agreement for Services
- D. *Title:*
- Vendor:* HP Inspections
- Agreement Date:* June 18, 2010
- Campus:* Foothill College
- Project No.:* 154
- Project Name:* Photovoltaic Array Lot 2/3
- Amount:* \$37,041
- For:* Special inspections and construction material testing services for the Photovoltaic Arrays Lots 2/3 project.
- Action:* Ratification
- E. *Title:* IOR Agreement for Services
- Vendor:* Qualicon
- Agreement Date:* June 18, 2010
- Campus:* Foothill College
- Project No.:* 154
- Project Name:* Photovoltaic Array Lot 2/3
- Amount:* \$28,200
- For:* Inspector of Records (IOR) services of the Photovoltaic Arrays Lot 2/3 project.
- Action:* Ratification
- F. *Title:* Change Order #1
- Vendor:* YESCO
- Agreement Date:* February 23, 2010
- Campus:* Foothill College
- Project No.:* 134
- Project Name:* Exterior Signage
- Amount:* \$3,409
- For:* Signage revisions adding two signs beyond the existing scope, and minor revisions due to field conditions & drawing clarifications.
- This change plus all previously approved change orders equal to 3.1 % of the base contract value.
- Action:* Ratification
- G. *Title:* Change Order #3
- Vendor:* YESCO
- Agreement Date:* February 23, 2010
- Campus:* Foothill College
- Project No.:* 134
- Project Name:* Exterior Signage
- Amount:* \$989
- For:* Signage revisions due to changed ADA code requirements, and a no-cost time extension of 74 days, due to modifications and



changes.

This change plus all previously approved change orders equal to 14.2% of the base contract value.

*Action:* Ratification

- H. Title:* Change Order #4  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* July 12, 2010  
*Campus:* Foothill College  
*Project No.:* 112  
*Project Name:* Modernization of Administration Building and General Classrooms  
*Amount:* \$73,652  
*For:* Miscellaneous architectural, electrical, plumbing and functional changes to improve energy efficiency, appearance and functionality, and a no-cost eighteen-day time extension due to under floor electrical duct changes.

This change represents 1.55% change to the contract value.  
Total project changes represent a 3.88% change to the contract value.

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

- I. Title:* Revision #1 to Purchase Order #G979220/PAA-3C  
*Vendor:* Architectural Resources Group  
*Agreement Date:* November 6, 2007  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Baldwin Winery & East Cottage  
*Amount:* \$0  
*For:* Extend contract time – Baldwin Winery portion only  
*Action:* Ratification

- J. Title:* Change Order #3  
*Vendor:* John Plane Construction, Inc.  
*Agreement Date:* March 18, 2010  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building and Multicultural Center  
*Amount:* \$29,667  
*For:* Miscellaneous change orders:  
PCO 18: Provide Powersmiths transformer in lieu of Square D at MCC.  
PCO 16: Expose and replace existing catch basin at MCC.  
PCO 13: Revise area drain at MCC.  
PCO 6: Remove additional gypsum during abatement at

Seminar.

PCO 21: Replace termite damaged wood at Seminar and MCC.

The total Change Orders to date represent 1.3% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

K. *Title:* Change Order #13  
*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:* \$118,930  
*For:* Miscellaneous changes: credit for hose bibs at Cooling Tower, provide fittings at Close Coupled Pumps, credit for splices at MH7, modify enclosure at TX6 & 6A, provide data to Print Shop, provide power to Building E1, Credit for Valve at PE-3, provide data cable to Alarm Panel in S2&S6, revise footing of post in conflict with storm drain pipe at TX24, abate hydronic pipe insulation at Learning Center, provide power to Learning Center, provide breakers for temporary power to E1

The total Change Orders to date represent 10.3 % against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

*Amount:* \$37,041

*For:* Special inspections and construction material testing services for the Photovoltaic Arrays Lots 2/3 project.

*Action:* Ratification

#### **18. Project 203 - East Cottage & Baldwin Winery Project: Redesign of the East Cottage**

On June 2, 2010, the East Cottage collapsed while under construction. The unsupported chimney shifted and fell, which pulled a majority of the wall and roof structure down with it. As a safety precaution, the site was secured by the District. The Architect (ARG) and their Structural Engineer visited the site on two separate occasions to document and make an assessment of the building's condition and subsequently prepared and reported their findings to the Division of the State Architect. (DSA). The design team and De Anza College's Bond Manager met with DSA senior staff to discuss the acceptable path forward. It was agreed that ARG would design and submit a "new building" project with the exact same physical layout to DSA for review. The undamaged foundation and some of the under floor framing will remain and be used in the new design. Both the Design team and DSA agreed to accelerate the design and review time so that work to the East Cottage can resume promptly.

Upon completion of a full review of the collapse, receipt of approved DSA reconstruction drawings and a compilation of all associated cost impacts, it is our plan to seek repayment for the costs of these services from the responsible parties.

This Project Authorization Amendment (PAA-2D) with Architectural Resources Group (ARG) is for professional services to re-design and provide construction administration for the East Cottage reconstruction.

- The scope includes: ARG will develop all necessary new design documents for the reconstruction of the East Cottage based on the outcome of the collapse investigation and consultation with the DSA. The design will be a replica of the original building using new framing materials and specific salvaged architectural elements. The Architect will procure DSA approvals of the project documentation. The Architect will also actively conduct oversight of construction activities including observing and documenting construction techniques through the course of the project. The Architect will conduct up to ten (10) site visits during construction, and provide close-out documentation. These fees are in addition to the existing contract.
- A fee of \$194,290 has been negotiated for these services.

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends that the Board **approve** this Measure C De Anza College PAA-2D with Architectural Resources Group.

**19. De Anza College, Measure C - Project 251 - Install Photovoltaic Arrays – Campus-wide Contract for Services: Photovoltaic Solar Energy Engineering Services, the Preparation of a Request for proposal Solicitation, and for Evaluation Services for the Installation of Photovoltaic Arrays Campus-wide**

De Anza Measure C Project #251 Install Photovoltaic Arrays – Campus wide will provide on-site electrical generation to offset electrical usage purchased from outside sources. The first portion of this project included the installation in Summer 2009 of a fixed canopy array south of the Stelling Parking structure that generates approximately 100,000 Kw of power. A small educational demonstration system is planned for installation at the Kirsch Center for Environmental Studies in summer 2010. The final portion of this project - and the eventual outcome of this RFQ/RFP process - will be the installation in summer 2011 of at least a one (1) Megawatt system on campus, likely in parking lots A & B. This project is intended to support the College's desires to improve energy sustainability by reducing the Colleges' present operating costs while demonstrating sustainability to the community.

At the June 21, 2010 Board of Trustees meeting, the Board authorized the District to enter into contract negotiations with the selected firm – Newcomb Anderson McCormick. The outcome of contract negotiations resulted in a comprehensive consulting services proposal from Newcomb Anderson McCormick which includes: energy production /cost analysis; schematic level system design with mechanical / electrical layouts; develop technical specifications to support (RFQ) Request for Quotation and (RFP) Request for Proposals process; review contractor's qualifications; and RFP review / negotiation support. Newcomb Anderson

McCormick will ensure that system design will accommodate on-going campus operations, parking needs, traffic circulation, construction timing, and aesthetic issues.

The fees associated with these services in the amount of \$126,040 appear to be comprehensive and should provide quality and cost effective proposals from interested Solar Energy firms for the construction of new Photovoltaic systems at De Anza College.

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends that the Board **approval**.

**20. Measure C Project List Revision with De Anza Budget Transfers #23 and #24**

This revision to the Measure C Project List is being presented to transfer funding between the budgets of four projects.

This revision is required to implement project planning efforts on behalf of the Bond Management Team to plan and prioritize project scope and funding at De Anza College and consists of two Budget Transfers #23 and #24. :

De Anza Budget transfer #23 includes the following item:

- Scope and funding transfer of \$1,412,000 from Project #200 Scheduled Maintenance to Project #236 Repair Tile Roofs

This transfer item from Project #200 Scheduled Maintenance to Project #236 Repair Tile Roofs is recommended to include repairs and replacement of flat roofs along with the repairs to the adjacent tile roofs and parapet walls to provide a complete system. It is packaged for economies of scale and to avoid disruption of the building occupants multiple times.

De Anza Budget transfer #24 includes the following item:

- Funding transfer of \$450,000 from Project #226 Campus Wide Replacement/Repair of Interior and Exterior to Project #241 S2-S6 Phase II -Utility Master Plan - Phase I

The transfer item from Project #226 Campus Wide Replacement/Repair of Interior and Exterior to Project #241 S2-S6 Phase II -Utility Master Plan - Phase I is required due to unforeseen underground and structural construction discoveries as well as asbestos mitigation. The District will derive benefits from this expenditure via increased structural integrity and mitigation of asbestos in two primary mechanical equipment buildings that support one third of the campus as well as the new MLC building. Extensive underground infrastructure upgrades to both the electrical and HVAC piping distribution systems have revealed many unforeseen conditions. These unforeseen conditions were not anticipated and have resulted in serious challenges to the project schedule and budget. The level of complexity including approximately one mile of underground construction have translated into a list of lessons learned that will be applied to future large and small projects for the District.

This transfer will fund the completion of this project and the unforeseen construction discoveries and corrective actions as forecasted at this time. The funding incorporates all known construction discrepancies and has an assigned value included in the forecast.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve** the Bond Project List Revision with De Anza Budget Transfer #23 and #24.

**21. Change Order #14 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 136 (\$107,939) – 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. Portion of this work was approved under CO #10 (at \$51,349) at the June 7, 2010 BOT Meeting and is currently being undertaken. The reinforcement of roof framing at S6 is required (PCO 136) in order to support existing and new pipes and conduits. PCO 136 covers these structural repairs at Building S6. Design is pending for repair of roof waterproofing and will be submitted once those costs are negotiated. The reinforcement work at Building S6 will be performed on a Time and Material basis, with this work's total cost not-to-exceed \$107,939 under Construction Change Directive #35 (CCD). A Change Order with actual cost will be submitted for approval upon completion of the work. Therefore, this update is for information only and acknowledges the issuance of a CCD directing work strictly related to this item.

RE: Item 2 above: Approved under CO #10 on June 7, 2010 BOT Meeting. Complete.

RE: Item 3 above: Approved under CO #10 on June 7, 2010 BOT Meeting. Complete.

RE: Item 4 above: PCO 156 (\$131,362) – Temporary Cooling cost was partially covered with the existing Contract Allowance #2 value built into the base contract of \$90,000. Cost of \$41,362 beyond Cash Allowance #2 will be covered under CO #14. Additional Cost for Temporary Cooling may be incurred and will be submitted for approval once these costs are negotiated.

This Change Order #14 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 and #4. This change is required due to unforeseen field conditions.

|                          |              |
|--------------------------|--------------|
| Original Contract Value: | \$ 9,397,000 |
| Prior Revisions:         | \$ 970,020   |
| Current Contract Value:  | \$10,367,020 |

|                                  |              |
|----------------------------------|--------------|
| Value of CO #14 (Not to Exceed): | \$ 41,362    |
| New Total Contract Amount:       | \$10,408,382 |

The total Change Orders to date represent 10.8% 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 |

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.

**22. Request for Authorization to Negotiate and Approve Change Orders in Excess of \$50,000**

De Anza Project # 241 S2/S6 Phase II - Utility Master Plan Phase 1 includes infrastructure upgrades and defines multiple project milestones that must be met in order to maintain the overall project schedule. These milestones were established to allow necessary disruptive contract work to be performed during pre-determined periods of time with minimal impact to College operations. Scheduled work activities leading up to the milestones must be completed on time to ensure that the milestone work can be completed within the previously established time periods.

The project team is currently working on one changed condition valued at over \$50,000, which will require Board authorizations to proceed before the next Board meeting in August to minimize or avoid delays to the project.

**Item #5:** The item involves unforeseen deficiencies at the existing high voltage conduits connecting the De Anza Campus Main Switch Board to the PG&E power supply at Stelling Road. During inspection and proof testing of the existing conduits it was discovered that at least in one significant area, the conduits were obstructed or damaged and may not be able to accommodate the new high voltage (12KV) feeders or they may be impossible to install during their scheduled installation. The Contractor notified the Construction Manager that they can not warranty the feeders for forty years if installed in the existing conduits. The new feeders are replacing the fifty year old power infrastructure and are needed in order to match the increased power demand introduced by the addition of the Mediated Learning Center and other construction and renovation activities. The installation of the new conduits must be completed prior to the last scheduled Campus Wide Power Shutdown September 3<sup>rd</sup> thru 6<sup>th</sup> at which time the new cables will be installed and terminated at the PG&E vault.

The estimated cost of installing the new conduits and pull box in addition to the currently contracted PG&E Allowance value for new PG&E feeders is approximately \$250,000. Currently, \$7,000 of the \$150,000 contracted Allowance value has been expended on PG&E fees as part of previous shutdowns, leaving approximately \$143,000 remaining to cover the

PG&E work. An additional \$107,000 is needed to fund this new conduit and pull box change.

The Project Team will need to expedite contractor pricing and change order negotiations and authorize the work to proceed prior to the August 2<sup>nd</sup> Board of Trustees meeting to minimize delays associated with this issue. The Project team is actively working to expedite these efforts to minimize potential impact to the current schedule.

Executive Director of Facilities, Operation and Construction Management Charles Allen requests that the Board of Trustees **authorize** him to negotiate and approve the construction change order identified above for a not-to-exceed amount of \$107,000 prior to the next Board meeting on August 2, 2010, at which time any such negotiations will be presented to the Board.

**23. Accept a List of Electrical Subcontractors as Prequalified to Bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1**

On March 1, 2010, the Board of Trustees authorized the implementation of a procedure that prequalifies Electrical Subcontractors for the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.

On March 12 and March 19, 2010, Purchasing Services advertised the Request for Prequalification, RFQ 1256, in the San Jose Post Record and on Bidnet. Five (5) contractors submitted the completed questionnaire to the District by the May 12, 2010 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Projects Director evaluated the responses and determined that CH Reynolds Electrical and Edward W. Scott Electrical Co., Inc. do not meet the minimum requirements of the prequalification questionnaire. Therefore, Purchasing Services notified CH Reynolds Electrical and Edward W. Scott Electrical Co., Inc. (see attached letters) that it would recommend that the District's Board of Trustees should not prequalify them to bid on this Measure C Project.

| <b>SUMMARY OF RESULTS</b>            |                     |
|--------------------------------------|---------------------|
| <b>SUBCONTRACTOR</b>                 | <b>PREQUALIFIED</b> |
| CH Reynolds Electrical               | No                  |
| Contra Costa Electric                | Yes                 |
| Edward W. Scott Electrical Co., Inc. | No                  |
| Rosendin Electrical                  | Yes                 |
| St. Francis Electric                 | Yes                 |

The Board can choose to either:

1. Accept the list of three (3) Electrical subcontractors who met all of the prequalification requirements as the only subcontractors who are "prequalified" to

participate in the Foothill College Measure C Project #135-Utility Infrastructure Phase 1, OR

2. Cancel the prequalification procedure for this project.

Director of Purchasing Carmen Redmond recommends the board make a determination that CH Reynolds and Edward W. Scott Electrical Co. Inc. are not prequalified and **accept** the list of three (3) Electrical Subcontractors who met all of the prequalification requirements as the only electrical subcontractors who are “prequalified” to participate in the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.

**24. Accept a list of General Contractors as prequalified to bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1**

On March 1, 2010, the Board of Trustees authorized the implementation of a procedure that prequalifies General Contractors to bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.

On March 12 and March 19, 2010, Purchasing Services advertised the Request for Prequalification, RFQ 1265, in the San Jose Post Record and on Bidnet. Five (5) contractors submitted the completed questionnaire to the District by the May 12, 2010 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Projects Director evaluated the responses and determined that all five (5) meet the minimum requirements of the prequalification questionnaire.

| SUMMARY OF RESULTS       |              |
|--------------------------|--------------|
| CONTRACTOR               | PREQUALIFIED |
| Cupertino Electric       | Yes          |
| Midstate Construction    | Yes          |
| SJ Amoroso               | Yes          |
| Taber Construction, Inc. | Yes          |
| Zolman Construction      | Yes          |

The Board can choose to either:

1. Accept the list of five (5) General Contractors who met all of the prequalification requirements as the only prime contractors who are “prequalified” to bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1, OR
2. Cancel the prequalification procedure for this project.

Director of Purchasing Carmen Redmond recommends the board **accept** the list of five (5) General Contractors who met all of the prequalification requirements as the only General Contractors who are “prequalified” to participate in the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.



**25. Accept a List of General Contractors as Prequalified to Bid on the Foothill College Measure C Project #110-Renovation 6200, 6300, & 6500**

On March 1, 2010, the Board of Trustees authorized the implementation of a procedure that prequalifies General Contractors to bid on the Foothill College Measure C Project #110-Renovation 6200, 6300, & 6500.

On May 7 and May 14, 2010, Purchasing Services advertised the Request for Prequalification, RFQ 1246, in the San Jose Post Record and on Bidnet. Thirteen (13) contractors submitted completed questionnaires to the District by the May 12, 2010 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Projects Director evaluated the thirteen responses and determined that four (4) General Contractors (see list below) do not meet the minimum requirements of the prequalification questionnaire. Therefore, Purchasing Services notified them (see attached letters) that it would recommend that the District's Board of Trustees should not prequalify them to bid on this Measure C Project.

| SUMMARY OF RESULTS               |              |
|----------------------------------|--------------|
| CONTRACTOR                       | PREQUALIFIED |
| Albay Construction Company       | Yes          |
| Beals Martin and Associates, Inc | No           |
| Big-D Construction               | Yes          |
| Calstate Construction, Inc.      | Yes          |
| John Plane Construction, Inc.    | No           |
| Lyncon Construction              | Yes          |
| McCrary Construction Company     | Yes          |
| Midstate Construction            | Yes          |
| Rodan Builders                   | No           |
| Roek Construction                | Yes          |
| Swenson & Associates             | Yes          |
| West Coast Contractors, Inc.     | No           |
| Zolman Construction              | Yes          |

The Board can choose to either:

1. Accept the list of nine (9) General Contractors who met all of the prequalification requirements as the only prime contractors who are "prequalified" to bid on the Foothill College Measure C Project #110-Renovation 6200, 6300, & 6500, OR
2. Cancel the prequalification procedure for this project.

Director of Purchasing Carmen Redmond recommends the board **accept** the list of nine (9) General Contractors who met all of the prequalification requirements as the only General Contractors who are "prequalified" to participate in the Foothill College Measure C Project

#110-Renovation 6200, 6300, & 6500.

**26. Authorize Use of Piggyback Contracts for Two Measure C Furniture Purchases**

De Anza College requires faculty furniture at a cost of \$116,022.00 to be delivered and installed no later than August 23, 2010. Additionally, Foothill College requires furniture at a cost of \$80,396.00 for the Language Arts 6400 building to be delivered and installed no later than August 25, 2010. This timeline does not allow adequate time to conduct an advertised, sealed bid in accordance with Public Contract Code 20651. For example, here is the timeline without an advertised seal bid and even it does not achieve the college's desired delivery date:

Estimated Purchase Order Issuance Date: July 13, 2010

Required Vendor Time for Manufacture and Delivery (8-10 weeks): September 21, 2010

If an advertised sealed bid were added to this timeline, it would add 90-120 days to the process and would result in a delivery date between December 21, 2010 and January 21, 2011.

However, Public Contract Code 20652 provides that the District may utilize contracts that have been awarded by other public entities. This process is commonly known as "piggybacking". There is a Foundation for California Community Colleges (FCCC) contract available that includes the items required by the two colleges. In August 2009, FCCC conducted a competitive bid process for office furniture. Based upon the evaluation of the proposals, FCCC awarded a contract to Kruger International (KI). The contract establishes discounts for furniture inclusive of specification development services, space planning services, installation drawings, shipping and delivery costs, a 15-year non-prorated parts and labor warranty based upon 18 hours/6 days weekly usage, or 12 years based upon 24/7 usages, and installation services. The contracts are valid through August 24, 2012.

Additionally, there is a State of California Multiple Award Schedule (CMAS) contract available for KI furniture that includes some of the items needed by the two colleges, and the prices tend to be lower than on the FCCC contract. Purchasing Services requires KI to provide two quotes, one pursuant to the FCCC contract and one pursuant to the CMAS contract. When Purchasing issues each purchase order, it will be based upon the least costly quotation. It is unlikely that a separate bid process conducted by our District would result in more favorable prices, terms, and conditions than the FCCC and CMAS contracts for the same goods and services.

Director of Purchasing Carmen Redmond recommends the board **authorize** the Director Purchasing Services to issue a purchase order for De Anza College faculty furniture at a cost of \$116,022.00 and a purchase order for Foothill College furniture at a cost of \$80,396.00 for the Language Arts 6400 building to Kruger International pursuant to the FCCC and CMAS contracts described above.

**27. Authorize Withdrawal of Bid for Bid #1266 ATC 112 Television Studio Equipment**

Invitation to Bid #1266 called for bids to provide Television Studio Equipment for Building ATC 112 at De Anza College. It was legally advertised in the San Jose Post Record on May 21, 2010 and May 28, 2010.

On June 21, 2010 at 2:00 p.m., the District received and opened one (1) bid. The bid was submitted by VMI, Inc.

The bidder proposed four substitute products that De Anza College and Purchasing Services determined did not substantially meet the bid specifications. On June 29, 2010, Purchasing Services notified the bidder that, in accordance with Bid #1266, the company would be required to provide the specified items rather than the proposed substitute products. On June 30, 2010, the vendor replied that it could not offer the specified equipment at the bid price and it asked to withdraw its bid.

Purchasing Services and De Anza College recommend acceptance of VMI, Inc.'s withdrawal and the issuance of a new bid

Director of Purchasing Carmen Redmond recommends the board accept VMI, Inc.'s request to withdraw its bid, and **authorize** the Director of Purchasing Services to call for new bids.