



## 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.*

**August 2, 2010**

**Study Session: 1:00**

District Board Room

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

Chancellor's Office

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

District Board Room

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

### STUDY SESSION

1. [Foothill De Anza CCD Grants and Resource Development \(Galope x7070\)](#)
2. [Measures E and C Highlights Update \(Allen x6150\)](#)
3. [Construction Change Order Processing \(Allen x6150\)](#)
4. [Architect/Engineer Compensation \(Allen x6150\)](#)
5. [Five-Year Construction Plan \(Allen x6150\)](#)
6. [Board Action on Personnel Transactions \(Novotny x6210\)](#)
7. [League for Innovation Reaffirmation \(Thor x6106\)](#) *(See Public Memo for backup)*
8. [Parcel Tax Allocations Guiding Principles \(Dunn x6201\)](#)

### AGENDA Regular Meeting

#### CALL TO ORDER

#### ADJOURN TO CLOSED SESSION

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: West Bay Builders v. Foothill-De Anza Community College District

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of Potential Cases: 1

#### CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny

Employee Organizations: All Represented and Unrepresented Groups

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**

PUBLIC HEARING

- |  |                    |
|--|--------------------|
| 9. Public Hearing Associated with Resolution 2010-14 Calling an Election for Voter Approval for an Educational Parcel Tax (Dunn x6201) | <b>INFORMATION</b> |
| 10. Adoption of Resolution 2010-14 Calling an Election for Voter Approval for an Educational Parcel Tax (Dunn x6201)                   | <b>ACTION</b>      |

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 16, 2010  
June 21, 2010  
July 12, 2010

APPROVAL OF CONSENT CALENDAR

**ACTION**

11. Ratification of Contracts and Agreements (Dunn x6201)
12. Listing of District Investments as of March 31, 2010 (Dunn x6201)
13. Foothill & De Anza Colleges Impact – Community Education Short Courses (Murphy x8705)
14. Microsoft Campus Agreement (Sherman x6120)
15. Sale of Miscellaneous Surplus Electronic Equipment (Redmond x6166) (See Public Memo for backup)
16. Recycle and Dispose Surplus Furniture (Redmond x6166) (See Public Memo for backup)

17. Donation of Surplus Furniture (**Redmond x6166**) (*See Public Memo for backup*)
18. Disposal of Surplus Stage (**Redmond x6166**) (*See Public Memo for backup*)
19. Approval of Administrative Training/Retraining Stipends 2010-2011 (**Novotny x6211**) (*See Public Memo for backup*)
20. Approval of Administrative Leave 2010-2011 (**Novotny x6211**) (*See Public Memo for backup*)
21. [Human Resources Report](#) (**Novotny x6211**)
22. Personnel Items (**Novotny x6211**) (*See Public Memo for backup*)

#### BOARD BUSINESS

23. [Board Calendar for 2011](#) (**Thor x6104**) **ACTION**
24. [Revisions to Board Policy 9200 – Conflict of Interest \(1<sup>st</sup> Reading\)](#) (**Thor x6104**) **INFORMATION**
25. [League for Innovation Statement of Reaffirmation](#) (**Thor x6104**) **ACTION**

#### BUSINESS AND FINANCE

26. [University Associates-Silicon Valley LLC Update](#) (**Allen x6150**) **INFORMATION**

#### FACILITIES

##### MEASURE E FACILITIES

27. Award a Contract Pursuant to Bid Document 1275-277.C, PE Women's Shower Repairs at De Anza College (**Redmond x6166**) (*See Public Memo for backup*) **ACTION**

##### MEASURE C CONSENT

28. [Measure C Consent](#) (**Allen x6150**)

The aggregate amount of these items is: \$458,057

##### **De Anza College –**

- A) Arch-Pac, Inc. – PAA #D01 – Pool tile and Plaster Replacement - \$99,840
- B) John Plane Construction, Inc. – Change Order #4 – Seminar Building and Multicultural Center - \$13,714
- C) Noll & Tam Architects – PAA # D07 to Master Agreement – Interior/Exterior Finishes – L Quad - \$127,784

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

- D) Noll & Tam Architects – Revision #2 to PAA #06A – Campus Center Renovation Phase II - \$3,103
- E) Petersen Dean Commercial, Inc. – Change Order #1 – Roof and Trellis Repair – PE1-2-6 & S7-8 - \$3,919
- F) Ratcliff Architects – Revision #7 to Standard Agreement – Mediated Learning Center - \$7,480
- G) S. J. Amoroso, Inc. – Change Order #15 – S2-S6 Phase II – Utility Master Plan – Phase I - \$15,618

**Foothill College -**

- H) Bugler Construction – Change Order #1 – Utility Lids – Phase 2 - \$1,803
- I) HMC Architects – Revision #3 to PAA F-HMC-3A – Modernization of Administration Building and General Classrooms - \$11,000
- J) Ratcliff Architects – Revision #8 – Professional Services – Physical Sciences & Engineering Center - \$37,295
- K) RC Benson & Sons, Inc. – Change Order #1 – Campus Center Remote Fueling Station - \$1,603
- L) Salas O'Brien – Revision #2 to PO #MC100391 – Utility and Technology Infrastructure Upgrades - \$109,194
- M) WRNS Studio, LLP – Revision #1 to PAA F-WRNS-2B – Parking & Circulation - \$10,000
- N) Zolman Construction and Development, Inc. – Change Order #5 – Modernization of Administration Building and General Classrooms - \$15,704

MEASURE C PROJECTS

- |     |  |               |
|-----|--|---------------|
| 29. | Measure C Bond Project List Revision with Foothill Budget Transfer #21 (Allen x6150)   | <b>ACTION</b> |
| 30. | Measure C Program Management Agreement for Services from Oct. 1, 2010 through June 30, 2012 (Allen x6150)  | <b>ACTION</b> |
| 31. | Measure C Standard Form of Agreement for Gilbane-MAAS Project Management Services for the De Anza College Mediated Learning Center (Allen x6150)                       | <b>ACTION</b> |
| 32. | Request for Approval to Award a Master Agreement for Design Services to Arch-Pac, Inc. for the Design of Aquatic Facilities (Allen x6150) (See Public Memo for backup) | <b>ACTION</b> |
| 33. | Authorize Use of Foundation for California Community Colleges (FCCC) Piggyback Contracts for Measure C Furniture Purchases (Redmond x6166)                             | <b>ACTION</b> |

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

Aug. 30 – Regular Meeting  
- Budget Hearing

Sept. 13 - 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: July 29, 2010

RE: Public Session — **August 2, 2010**

**1. Grants and Resource Development**

This presentation will provide an overview of the newly established Grants and Resource Development Office, and the efforts in pursuing large grants and Congressional earmarks.

The presentation can be viewed on the district's website at:

[http://www.fhda.edu/about\\_us/board/agenda](http://www.fhda.edu/about_us/board/agenda)

**2. Measures E and C Update**

Executive Director of Facilities, Operations and Construction Management Charles Allen will give a presentation on Measure C highlights at both colleges and a Measure E activity report.

**3. Construction Change Order Processing**

Executive Director of Facilities, Operations and Construction Management Charles Allen will give an overview of the construction change order process including what may prompt a change order, oversight, and change order rates.

**4. Architect/Engineer Compensation**

Executive Director of Facilities, Operations and Construction Management Charles Allen will review the selection process, requirements, services provided, and compensation criteria for architects engaged by the district.

**5. Five-Year Construction Plan, 2012 – 2016**

.....0000000000  
.....0000000000

Executive Director of Facilities, Operations and Construction Management Charles Allen will provide an update of the 2012-2016 Five-Year Construction Plan, touching on pending projects and funding of projects.

## **6. Board Action on Personnel Transactions**

### **Background:**

Under current procedures, all personnel transactions are taken to the Board for approval, typically prior to the effective date of the hire or personnel change. On occasion, and as provided under Board Policy 4125 (full text below), the Chancellor approves personnel actions subject to the ratification of the Board.

Board Policy 4125 (in its entirety)

*The Board authorizes the Chancellor when necessary, to authorize employment and other personnel actions pending Board ratification provided he/she has verified that all appropriate procedures and policies have been followed.*

### **Challenges and Concerns:**

Current procedures, which include Board approval prior to making a personnel action effective, create artificial barriers to the effective recruitment and hiring of staff, and diverts critical staff resources from more urgent service delivery.

- Hiring of critical positions is delayed.
- Staff are under pressure to meet deadlines to submit personnel actions for Board action.
- There is an increase in the number of errors which later requires more staffing resources for correction and additional Board action.
- A tremendous amount of staffing resources are spent creating Board documents, following up on details, making copies, delivering documents, tracking the Board transactions, later sending notifications and related activities.
- Reduces availability of scarce staffing resources for critical functions and services.

### **Recommendation:**

Given the reductions in staffing across the District we are compelled to find efficiencies in all areas of our operations, including Board activities. With this in mind, we propose the following.

*The Chancellor may, at his/her discretion, or as delegated by him/her to a duly authorized officer or administrator of the District, more regularly utilize the provisions of BP 4125, subject to verification that all appropriate procedures and policies have been followed.*

*All actions approved by the Chancellor and/or his/her duly authorized officer or administrator shall be presented to the Board for ratification following such approval.*

**7. League for Innovation Reaffirmation**

The district is in the process of seeking reaffirmation for board membership with the League for Innovation in the Community College. The review process is a rigorous one, requiring a self-study and site visit by League representatives. Only 19 colleges or districts are represented on the League board. Reaffirmation is required after a change in leadership.

The district is a charter member of the League; Chancellor Tom Fryer participated in the creation of the organization and served on the founding board. This presentation is designed to give Trustees an overview of the reaffirmation process, provide background about the League and its work, and outline the benefits and responsibilities of membership, which includes participation by trustees. At the regular session tonight, the board is asked to support a statement of commitment to League membership for inclusion in the self-study.

**8. Parcel Tax Allocations Guiding Principles**

On August 2, 2010, the Board of Trustees will consider placing a parcel tax on the November ballot. In anticipation of that action and the successful passage of the parcel tax, district senior staff and governance leaders have developed a set of principles for use by the college governance teams in allocating parcel tax funds. These principles are presented for your review and discussion.

**9. Public Hearing Associated with Resolution 2010-14 Calling an Election for Voter Approval for an Educational Parcel Tax**

Based on direction received by the Board of Trustees at their meeting of June 14, 2010, and in anticipation of the presentation of Resolution 2010-14, staff has posted a Notice of Public Hearing under the authority of Government Code 54954.6, which requires a 45 day notice of hearing prior to the date when the board must call for the election.

The Board of Trustees is asked to open the public hearing and take testimony as it relates to Resolution 2010-14.

**10. Adoption of Resolution 2010-14 Calling an Election for Voter Approval for an Educational Parcel Tax**

At the August 2, 2010, Study Session of the Board of Trustees the attached Resolution calling for an Educational Parcel Tax election was discussed.

This agenda item recommends the Board of Trustees adopt Resolution 2010-14 calling for an Educational Parcel Tax election to be placed on the November 2, 2010, ballot which, if approved by the voters, would establish an educational parcel tax for a period of six years, beginning July 1, 2011, at the rate of \$69 per year, on each assessor's parcel located within the Foothill-De Anza Community College District, and to implement accountability measures in connection with the temporary levy to ensure the funds are used to:

(a) maintain core academic classes such as math, science, and writing;



- (b) prepare students for careers in science, technology, engineering and math;
- (c) restore funding to increase the number of classes and lab offerings;
- (d) prepare students to transfer to four-year colleges and universities in a timely manner;
- (e) improve support services for students with disabilities;
- (f) keep the libraries open and maintain critical library services and resources;
- (g) prepare students for careers in computers and emerging technology;
- (h) maintain job re-training programs; and
- (i) provide essential student and support services

**11. 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 **approval/ratification** of the contracts and agreements as presented.

**12. Listing of District Investments as of March 31, 2010**

Provisions with SB 564 require local agencies to report all external investments on a quarterly basis. In accordance with the aforementioned requirement, attached is a listing of the District's investments as of March 31, 2010.

The District invested its cash, \$241,455,903.09 on March 31, 2010, in the County's Commingled Investments Pool. As of on March 31, 2010, the current yield on the commingled investments pool was 1.03%. As a comparison for the same time period, the yield on a two-year Treasury Note was 1.02%; the yield on a 6-month Treasury Bill was 0.23%; and the Local Agency Investment Fund (LAIF) was 0.54%.

In addition, the County Treasury held various securities totaling \$51,203,703.00 for Measure C Project Fund. The yield of the securities ranges from 3.75% to 6.13% with maturity date ranges from April 1, 2010 to March 15, 2012.

**13. Foothill & De Anza Colleges Impact – Community Education Short Courses**

Board approval is requested for the following Foothill-De Anza College Short Courses for the Fall 2010 Quarter.

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

**14. Microsoft Campus Agreement**

The Foundation for the California Community Colleges (FCCC) negotiates special pricing on behalf of the California Community Colleges for software and hardware products. The District participates in the Microsoft Campus Agreement plan through the FCCC, which

allows us to purchase an annual site license agreement for Microsoft products at a substantially reduced price based on our FTE faculty/staff count, less the percentage of faculty on overload teaching status and reduced by the number of faculty and staff on leave. The average cost savings compared to the normal Academic or Select license is approximately 60-70%. It provides a 20% reduction in the license cost from the retail group purchase price. ComputerLand of Silicon Valley is the vendor that administers this program. The cost to the district, for this year, is \$79,278.00 based on a Foothill College cost of \$30,528.00 and a De Anza cost of \$48,750.00. This is the third year of a three-year contract the FCCC has with Microsoft.

The agreement also allows our employees to purchase selected Microsoft applications for their personal use at a substantially reduced price through the FCCC.

Because the purchase is through the FCCC there is no need to participate in a formal bid process. The term of the contract will be October 1, 2010, through September 30, 2011.

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

The District has three pallets of computers, monitors, printers, and miscellaneous electronic equipment (See attached Surplus Forms, 7 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 Service 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).

#### **16. Recycle and Dispose Surplus Furniture**

The District owns miscellaneous surplus furniture (see attached list) that is in poor condition and has been replaced with new furniture. The used furniture is unsatisfactory for further use by 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 Service Carmen Redmond recommends the board make a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorize** the Director of Purchasing Services to recycle or dispose of the items in the local public dump.

#### **17. Donation of Surplus Furniture**

The District has surplus of (27) picnic tables that have been determined by the De Anza College Services Department of no further use by the District.

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 picnic tables 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 picnic tables be donated to the Santa Clara Unified School District.

Director of Purchasing Service Carmen Redmond recommends the board **authorize** the Director of Purchasing Services to make a donation of the picnic tables described herein to the Santa Clara Unified School District in accordance with Education Code 81450.5.

#### **18. Disposal of Surplus Stage**

The District owns 1 stage that is in poor condition and has been replaced with a new stage. The used stage is unsatisfactory for further use by 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 stage and recycle or dispose of the components appropriately.

Director of Purchasing Service Carmen Redmond recommends the board make a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorize** the Director of Purchasing Services to recycle or dispose of the stage in the local public dump.

#### **19. Approval of Administrative Training/Retraining Stipends 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 for a correction of 1 Administrative Training/Retraining Stipend award totaling \$950.00 instead of \$800.00.

<b><u>Training Retraining Stipend for 2010-2011</u></b>			
<b><u>Administrator</u></b>	<b><u>Campus</u></b>	<b><u>Div/Dept</u></b>	<b><u>Stipend Amount</u></b>
<b>Shirley Treanor Barker</b>	<b>FH</b>	<b>Educational Resources</b>	<b>\$950.00</b>

To attend the “Administration 201” Transformational Leadership Program that is being offered by the Association of California Community College Administrators (ACCCA). Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny and the Administrative Leave Committee recommend **approval**.

## **20. Approval of Administrative Leave 2010-2011**

Board approval is requested for an Administrative Leave for 2010-2011.

Blinick, Caron is requesting an Administrative Leave from September 1, 2010 through November 30, 2010 to research and develop several new course curricula in the 2011 Extended Year Program Catalog.

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

## **21. 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**.

## **22. Personnel Actions**

Employee:	<b>Mark Anderson</b>
Position:	Division Dean
Department:	Fine Arts and Communications
Division:	Fine Arts and Communications
College:	Foothill College
Action Requested:	<b>Employment</b>
Effective Date:	July 1, 2010 through June 30, 2011
Salary	Level J / Step 5 @ \$11,162.39/month

Employee: **Randy Claros**  
Position: Counselor  
Department: Counseling  
Division: Counseling & Matriculation  
College: De Anza College  
Action Requested: **Employment**  
Effective Date: September 16, 2010  
Salary: Column II / Step B @ \$5827.63/month

Name: **Lydia Hearn**  
Position: Interim Associate Vice President  
Department: Academic Services  
Division: Academic Services  
Location: De Anza College  
Action: **Change of Assignment End Date**  
Effective Date: From September 15, 2010 to August 31, 2010  
Comments: Will return to full-time faculty status effective September 1, 2010

Employee: **Michael Legarza**  
Position: Division Dean  
Department: Physical Education and Human Performance  
Division: Physical Education and Human Performance  
College: Foothill College  
Action Requested: **Employment**  
Effective Date: August 3, 2010 through June 30, 2011  
Salary: Level J / Step 2 @ \$9,830.28/month

Employee: **Edmundo Norte**  
Position: Division Dean  
Department: Intercultural and International Studies  
Division: Instruction  
College: De Anza College  
Action Requested: **Employment**  
Effective Date: August 3, 2010 through June 30, 2011  
Salary: Level J / Step 1 @ \$9,361.89/month

Employee: **Angela Su**  
Position: Program Director / Instructor  
Department: Biological and Health Sciences  
Division: Biological and Health Sciences  
College: Foothill College  
Action Requested: **Employment**  
Effective Date: September 1, 2010  
Salary: Column I / Step G @ \$6,954.74/month

Employee: **Jue Thao**  
Position: Counselor  
Department: Counseling

Division: Counseling & Matriculation  
College: De Anza College  
Action Requested: **Employment**  
Effective Date: September 16, 2010  
Salary: Column IV / Step B @ \$6391.18/month

Employee: **Rowena Tomaneng**  
Position: Associate Vice President  
Department: Instruction  
Division: Instruction  
College: De Anza College  
Action Requested: **Employment**  
Effective Date: August 3, 2010 through June 30, 2011  
Salary: Level K / Step 3 @ \$10,808.14/month

Position: **Dean**  
Department: Instruction  
Division: Learning Resources  
College: De Anza College  
Action: **Approve Position**  
Effective Date: August 3, 2010 # of Months: 12  
Compensation: Level J  
Comments: In accordance with Chapter XI of the Administrators Handbook

Position: **Project Manager**  
Department: Facilities, Operations and Construction Management  
Division: Operations  
Central Services  
Action: **Approve Position**  
Effective Date: August 3, 2010  
Compensation: Level G  
Comments: In accordance with Chapter XI of the Administrators Handbook

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

## **23. Board Calendar for 2011**

Presented to the Board for approval is the calendar of Board meeting dates for 2011. The list of proposed agenda items is subject to change.

Chancellor Linda Thor recommends **approval**.

## **24. Revisions to Board Policy 9200 – Conflict of Interest**

Every two years, as required by the Fair Political Practices Commission, public agencies must update their Conflict of Interest policies which includes a list of the designated positions within the reporting requirements for annual statements of economic interest.

The Santa Clara County Office of the County Counsel has specified amendments that must be made to the district's policy to bring it into compliance with the Political Reform Act. The revisions have been reviewed by the district's general counsel. Both the current board policy and the revised policy are included for your information and comparison. The revised policy is presented for a first reading.

Once approved by the Board, the revised policy must be submitted to the Santa Clara County Office of the County Counsel by October 29, 2010. It is important to note that final approval of the district's policy rests with the County Board of Supervisors.

**25. League for Innovation Statement of Reaffirmation**

The district is in the process of seeking reaffirmation for board membership with the League for Innovation in the Community College. The review process is a rigorous one, requiring a self-study and site visit by League representatives, which will include a discussion with the Board of Trustees. Only 19 colleges or districts are represented on the League board. Reaffirmation is required after a change in leadership.

The district has been a charter member since the League was established in 1968. The district has received many tangible and intangible benefits over the years from board membership with this international organization. Among the benefits has been high national visibility as an innovative community college district. The League is the single most influential membership organization working to advance the community college movement.

As part of the reaffirmation process, the board is asked to support this statement of commitment to membership in the League for Innovation for inclusion in the self-study. This request follows a presentation at the August 2, 2010 study session on the League and the responsibilities and benefits of League board membership. The chancellor and presidents also will submit detailed statements expressing their commitment to League participation for inclusion in the self-study.

**26. University Associates-Silicon Valley LLC Update**

The Board of Governors of the University Associates-Silicon Valley LLC (UA-SV) met on June 29, 2010. Attached is a memorandum for the Board of Trustees that provides an update on UA-SV activities as discussed at the June 21, 2010 meeting.

**27. Award a Contract Pursuant to Bid Document 1275-277.C, PE Women's Shower Repairs at De Anza College**

The project was established to provide necessary repairs, fix the leaks and water damage, and improve the waterproofing in the Women's Main Shower Room located in Physical Education Building #6 at De Anza College.

The scope of work includes the following:

1. Complete removal and rebuild of existing pair of showers
2. All associated framing, flooring, waterproofing, electrical, plumbing, coverings, tile, mortar, finishes, slope, drainage, fixtures
3. All associated structural attachments to existing building
4. All finishes to be approved and match existing

5. All sealants, caulking, coatings, and weather-stripping

Allana Buick & Bers, Inc. prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1275-277.C was legally advertised on June 1 and June 8, 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 July 7, 2010 at 2 p.m. in Purchasing Services. Eight (8) contractors submitted bids. Bid results are below:

**BID RESULTS**

<b>General Contractors</b>	<b>Base Bid Propo Amount</b>
<b><i>ICC General Contractors, Inc.</i></b>	<b><i>\$109,600.00</i></b>
Ron Paris Construction Co., Inc.	\$111,520.00
Hung Construction	\$114,800.00
M. L. Nielsen Construction, Inc.	\$124,780.00
South Valley Construction, Inc.	\$128,468.22
R. C. Benson & Sons, Inc.	\$148,900.00
Rodan Builders, Inc.	\$191,000.00
The G. B. Group	\$223,867.86

ICC General Contractors, Inc. (CA contractors license #765256) is the lowest responsive and responsible bidder. They have successfully completed many public works projects including a maintenance/security building modernization project at Gavilan Joint Community College District, a building renovation project at San Jose City College, and a several projects for San Jose Unified School District. The bid price of \$109,600 submitted by ICC General Contractors, Inc. is well within the construction budget of \$160,500. The project will be funded through Measure E.

Director of Purchasing Services Carmen Redmond recommends the board authorize the Director of Purchasing Services to **award** a contract pursuant to Bid 1275-277.C, PE Women's Shower Repairs at De Anza College in the amount of \$109,600 to ICC General Contractors, Inc.

**28. Measure C Consent**

The aggregate amount for these items is \$458,057

- A.** Title: PAA #D01  
Vendor: Arch-Pac, Inc.  
Agreement Date: August 3, 2010  
Campus: De Anza College  
Project No.: 200F  
Project Name: Pool Tile and Plaster Replacement  
Amount: \$99,840  
For: Provide investigation of both pools (50 meter Race Pool and



Dive Pool), preparation of design documents, DSA approval, bid phase services, construction administration and close out phase services for the replacement of tile, plaster, and associated pool fittings and appurtenances at the PE Quad on the De Anza Campus. Funding for this project is available within the current project budget.

Action: Approval

- B.** Title: Change Order #4  
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: \$13,714  
For: Miscellaneous change orders:  
PCO 5: Provide electrical sub-metering at Seminar and MCC.  
PCO 24: Insulate and support existing hot water lines at Seminar.  
The total Change Orders to date represent 1.84% against the original contract amount. Funding is included in the current budget.

Action: Ratification

- C.** Title: PAA #D07 to Master Agreement  
Vendor: Noll & Tam Architects  
Agreement Date: December 6, 2007  
Campus: De Anza College  
Project No.: 226C  
Project Name: Interior/Exterior Finishes – L Quad  
Amount: \$127,784  
For: Professional Services including: design, bid phase, construction administration, and closeout phase. The project includes interior and exterior finishes for the L Quad. Repairs and maintenance design will include the exterior finishes of 14 buildings and the interior finishes of 42 classrooms.  
Funding for this project is available within the current project budget.

Action: Approval

- D.** Title: Revision #2 to PAA #06A  
Vendor: Noll & Tam, Inc.  
Agreement Date: February 2, 2010  
Campus: De Anza College  
Project No.: 256  
Project Name: Campus Center Renovation Phase II  
Amount: \$3,103

For: Design services for sub-metering and replacement of chilled water isolation valves. Funding for this item is available within the project budget.

Action: Ratification

- E.** Title: Change Order #1  
Vendor: Petersen Dean Commercial, Inc.  
Agreement Date: March 16, 2010  
Campus: De Anza College  
Project No.: 273  
Project Name: Roof and Trellis Repair – PE 1-2-6 and S7-8  
Amount: \$3,919  
For: PCO #1: Install full caps instead of single cap; additive change for \$168. Architect Directed Design Change.  
PCO #2: Install new flashing to cover existing nail holes; additive change for \$3,031. Architect Directed Design Change.  
PCO #7: Relocate construction fencing around PE4 for graduation activities; additive change for \$720. Owner Directive.  
This change order represents 0.3% of the construction value.  
Funding for this project is available within the current project budget.  
Action: Ratification
- F.** Title: Revision #7 to Agreement  
Vendor: Ratcliff Architects  
Agreement Date: June 17, 2008  
Campus: De Anza College  
Project No.: 261  
Project Name: Mediated Learning Center  
Amount: \$7,480  
For: Survey and stake building footings at East end of the MLC. Provide ground-penetrating radar to develop plan and section drawings showing the utilities located. Also provide footing/utility sections for zone of influence review. Funding for this item is available within the current project budget.  
Action: Ratification
- G.** Title: Change Order #15  
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: \$15,618  
For: Miscellaneous changes: revise telecom conduits at heading

E10, coordinate Trench E10 with MLC building, revise conduit attachment at S2&S6, and install new PG&E feeder conduits.

The total Change Orders to date represent 10.92 % against the original contract amount. Funding is included in the current budget.

Action: Approval

- H.** Title: Change Order #1  
Vendor: Bugler Construction  
Agreement Date: February 1, 2010  
Campus: Foothill College  
Project No.: 130  
Project Name: Utility Lids – Phase 2  
Amount: \$1,803  
For: Additional signage and wheel stops for parking in the PE Quad and removal and replacement of concrete walkway adjacent to Bldg. 4300. This change order represents 0.97% of the base contract amount. The funding for this change is within the current budget.

Action: Ratification

- I.** Title: Revision #3 to PAA F-HMC-3A  
Vendor: HMC Architects  
Agreement Date: July 22, 2010  
Campus: Foothill College  
Project No.: 112  
Project Name: Modernization of Administration Building and General Classroom  
Amount: \$11,000  
For: Design services to add accessible path of travel to buildings 1900, 5500, and 6400 as required by Division of the State Architect for project approval. Funding for this item is within the project budget.

Action: Ratification

- J.** Title: Revision #8  
Vendor: Ratcliff Architects  
Agreement Date: February 3, 2009  
Campus: Foothill College  
Project No.: 160  
Project Name: Physical Sciences & Engineering Center  
Amount: \$37,295  
For: Additional design fees for revisions to the lab casework requested by the College, and additional meetings with the Chemistry faculty and staff to review full-scale laboratory mockups prior to fabrication of casework. Funding for this item is within the project budget.

Action: Ratification

- K.** Title: Change Order #1  
Vendor: RC Benson & sons, Inc.  
Agreement Date: April 19, 2010  
Campus: Foothill College  
Project No.: 153A  
Project Name: Campus Center Remote Fueling Station  
Amount: \$1,603  
For: The upgrade of the fueling alarm monitoring system with additional components and features to improve safety, and fueling instruction signage requested by the Fire Department.  
This change plus all previously approved change orders equal to 2.9% of the base contract value. The funding for this item is within the project budget.

Action: Ratification

- L.** Title: Revision #2 to PO #MC100391  
Vendor: Salas O'Brien  
Agreement Date: August 4, 2009  
Campus: Foothill College  
Project No.: 135  
Project Name: Utility and Technology Infrastructure Upgrades  
Amount: \$109,194  
For: Professional design engineering services to upgrade the campus electrical infrastructure to support the Measure C new projects and renovations, replace aged and failing electrical feeders and switchgear, and to provide a more reliable electrical system.  
The funding is included in the current budget.

Action: Ratification

- M.** Title: Revision #1 to PAA F-WRNS-2B  
Vendor: WRNS Studio, LLP  
Agreement Date: March 22, 2010  
Campus: Foothill College  
Project No.: 162  
Project Name: Parking and Circulation  
Amount: \$10,000  
For: Additional transportation consulting services relative to the Outer Campus Parking and Circulation projects.  
The funding is included in the current budget.

Action: Ratification

- N.** Title: Change Order #5  
Vendor: Zolman Construction and Development, Inc.  
Agreement Date: August 2, 2010

Campus: Foothill College  
Project No.: 112  
Project Name: Modernization of Administration Building and General Classroom  
Amount: \$15,704  
For: Fire alarm modifications to keep the fire alarm active during construction in occupied areas; Architect directed finish changes for improved mailroom and teachers lounge flooring; Owner directed change to data equipment installation to match District standard; and correction of a field condition to provide a quality drywall finish.

This change represents 0.33% change to the contract value. Total project changes represent a 4.21% change to the contract value.  
The funding for this change is within the current budget.

Action: Ratification

**29. Measure C Bond List Revision with Foothill Budget Transfer #21**

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 Foothill College and consists of Foothill Budget Transfer #21.

Foothill Project #154, Install Photovoltaic Arrays - Campus Wide will be augmented with scope and funding from Project #114, Lot 2 & 3 Security Improvements. This change will allow parking lot safety improvements which were planned to be accomplished at a later date under Project #114, Lots 2 & 3 Security Improvements to be accomplished in the next few months as part of the Project #154, Install Photovoltaics Array – Campus Wide.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve** the Bond Project List Revision with Foothill Budget Transfer #21.

**30. Measure C Program Management Agreement for Services from Oct. 1, 2010 through June 30, 2012**

Gilbane-Maas has been providing Program and Construction Management services for the Measure C Bond Program since its inception in early 2007. Historically, Gilbane-Maas agreements have included both Program and Construction Management Services, but due to accounting requirements these services were required to be invoiced and tracked separately. In an effort to ease administrative efforts, these services are now being contracted separately.

District staff has conducted detailed contract negotiations with Gilbane-MAAS regarding proposals from Gilbane-MAAS for Program level support for the Measure C construction program.

Historically, these agreements have been for a one year period, but to gain additional efficiencies in administrative efforts, stability in staffing assigned to the Measure C Bond Program and to provide a higher level of cost certainty related to staff rates for a longer period, the District has negotiated the term of this agreement to two years.

This agenda item presents the negotiated agreement for Gilbane-MAAS' Program Management Services for the Measure C Bond Program for the period of October 1, 2010 through June 30, 2012 in the amount of \$2,731,304. This amount is within the Measure C allocated budget for these services.

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends **approval** of the negotiated agreement for Measure C Program Management Services from Gilbane-Maas.

**31. Measure C Standard Form of Agreement for Gilbane-MAAS Project Management Services for the De Anza College Mediated Learning Center**

Gilbane-MAAS has been providing Program and Construction Management services for the Measure C Bond Program since its inception in early 2007. The majority of Measure C projects delivered to date have been delivered utilizing the Design-Bid-Build delivery method and previous agreements with Gilbane-MAAS have been structured to manage these types of projects. Based on the selection of the Lease-Lease Back delivery method for the De Anza College Mediated Learning Center, the District entered into negotiations with Gilbane-Maas to provide the management and administration services required for this unique delivery method.

A key difference between this agreement and all previous agreements is that it is "Lump Sum" as opposed to "Time and Material", and it includes all necessary resource requirements for the project through DSA and LEED certification giving the District a high level of cost certainty for the services provided under this agreement.

This agenda item represents the negotiated Standard Form of Agreement for Project Management Services for Gilbane-MAAS in the amount of \$1,426,850.

This amount is within the project budget for these services.

Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends **approval** of the Standard Form of Agreement for Gilbane-Maas for Project Management services for the Mediated Learning Center.

**32. Request for Approval to Award a Master Agreement for Design Services to Arch-Pac, Inc. for the Design of Aquatic Facilities**

Project 200F Pool Tile and Plaster Replacement requires Architectural/Engineer services for Design, DSA submission for approval, Bid Phase, Construction Administration and Closeout Services. This project entails performing maintenance and code upgrades for compliance with the Department of Health and the Virgin-Graeme-Baker Act (suction entrapment), and

for replacement of pool fittings and appurtenances for the De Anza Aquatic Facility, which includes a 50 meter race pool and a dive pool.

In 2008, Arch-Pac, Inc. was selected to provide professional design services for the Foothill pool renovation and for new chemical feed systems at both the Foothill and De Anza aquatic facilities. The District's consultant Gilbane-MAAS conducted an outreach program to nationally recognized, qualified aquatic design firms with offices in California. The selection process included aquatic design firms such as Counsilman-Hunsaker, Aquatic Design Group, and Arch-Pac, Inc. All firms were requested to provide evaluations of the District's existing facilities, including waterproofing options and recommendations for new water chemistry delivery systems for both campuses. Arch-Pac was the most responsive and thorough of all design firms solicited to provide a complete, professional design service package. Arch-Pac was awarded the design agreement for Project 100C/200B Pool Tile, Plaster, and Chlorination Replacement in 2008.

Project 200F Pool Tile and Plaster Replacement is similar in scope and effort to the Foothill pool renovation project designed by Arch-Pac in 2008. The project was completed on schedule and within the allocated budget. The District and both colleges (Foothill and De Anza) were satisfied with the successful completion of the project. Arch-Pac is recommended to provide aquatic facilities design services, because the current De Anza College pool renovation project is similar in scope, budget, and schedule. This effort would be less costly and a more efficient use of resources to continue working with Arch-Pac on the upcoming De Anza project.

Executive Director of Facilities, Operation and Construction Management Charles Allen requests that the Board **approve** this Master Agreement with Arch-Pac, Inc.

**33. Authorize Use of Foundation for California Community Colleges (FCCC) Piggyback Contracts for Measure C Furniture Purchases**

Foothill College and De Anza College expect to make several Measure C-funded purchases of Krueger International (KI) furniture during fiscal year 2010-11 and fiscal year 2011-12. Foothill College additionally plans to purchase \$50,000 of non-C funded KI furniture per fiscal year. Both colleges have standardized on KI furniture. The budgeted dollar amounts and the estimated installation dates are shown below.

**Foothill College**

Project	Budget Amount	Estimated Installation Date
Building 1900 East Side	\$50,000	June 30, 2011
Building 6201	\$50,000	June 30, 2011
Building 6300	\$62,000	June 30, 2011
Building 6500	\$52,000	June 30, 2011
Physical Sciences & Engineering Center	\$700,000	Fall 2012 or Winter 2013
Library	\$150,000	June 2012
Miscellaneous non-C 2010-11		During fiscal year 2010-11
Miscellaneous non-C 2011-12		During fiscal year 2011-12

Total estimate for Foothill = \$1,164,000

De Anza College

Project	Budget Amount	Estimated Installation Date
Baldwin Winery	\$100,000	Fall 2010
MCC	\$150,000	Fall 2010
Seminar	\$140,000	Fall 2010
East Cottage	\$50,000	Winter 2011
MLC	\$500,000	Fall 2012 or January 2013
Faculty 2011	\$116,000	Summer 2011
Corporation Yard	\$35,000	Winter 2011

Total estimate for De Anza = \$1,091,000

**Total estimated purchases for both colleges = \$2,255,000**

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 are two competitively bid Foundation for California Community Colleges (FCCC) contracts with Kruger International (KI) available that include the items required by the two colleges. The contracts establish 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.

Purchasing Services has negotiated with KI to obtain the highest tier discount on all of its purchases against the FCCC contracts regardless of the dollar amount of each individual purchase order. This is known as a “Tier” 8 discount. It varies depending on the product line within a range of 52% to 61% off list price. The proposed pricing agreement with KI is attached.

Comparison of the furniture purchase price for the Baldwin Winery project with and without Tier 8 pricing is indicated below:

Baldwin Winery Pricing without Tier 8 pricing agreement is \$101,284.46

Baldwin Winery Pricing with Tier 8 pricing agreement is \$93,110.22

The savings that will be realized using the Tier 8 pricing is \$8,174.24. This is an 8.06% savings.

Applying this savings rate to all the KI furniture purchases the colleges plan to make during the next two years results in an estimated savings of \$181,753.00.

It is unlikely that a separate bid process conducted by our District would result in more favorable prices, terms, and conditions than the FCCC contracts for the same goods and services.

As required by the FCCC contracts, KI makes a donation of 1% for all purchases to the California Community College Scholarship Endowment. All donations that result from the District’s purchases will be allocated to the District’s account and the resulting scholarships will go to Foothill-De Anza students.



Director of Purchasing Services Carmen Redmond recommends the board **authorize** the Director of Purchasing Services to sign the attached pricing agreement with Kruger International (KI) and to issue purchase orders for De Anza College and Foothill College KI furniture pursuant to FCCC contracts CB08-100 and CB09-100 throughout the term of the attached pricing agreement with KI.