



## 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.*

**September 13, 2010**

**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.*

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

#### CALL TO ORDER

#### ADJOURN TO CLOSED SESSION

#### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE-- CONSIDERATION OF COMPLAINT AGAINST EMPLOYEE

#### CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny  
Employee Organizations: All Represented and Unrepresented Groups

#### RECONVENE PUBLIC SESSION

#### REPORTING OUT FROM CLOSED SESSION

**INFORMATION**

#### CORRESPONDENCE

#### 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

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#### APPROVAL OF CONSENT CALENDAR

**ACTION**

1. [Ratification of Contracts and Agreements \(McElroy x6201\)](#)
2. [Changes to De Anza College Catalog \(Espinosa-Pieb x8958\)](#)
3. [Human Resources Report \(Novotny x6211\)](#)

BUSINESS AND FINANCE

4. [Adoption of 2010-11 Budget \(McElroy x6202\)](#)

**ACTION**

FACILITIES

MEASURE E CONSENT

5. [Measure E Consent \(Allen x6150\)](#)

**ACTION**

The aggregate amount for these items is \$632,230.

De Anza College –

A) Gilbane – Addendum #12 to Agreement for Services – Measure E Bond Program - De Anza College and Foothill College - \$631,418

Foothill College –

B) Paradiso Mechanical, Inc. – Change Order #1 – Phase II Enhanced Vapor Recovery - \$812

MEASURE C CONSENT

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

**ACTION**

The aggregate amount of these items is: \$297,930

De Anza College –

A) Consolidated Engineering Laboratories – Revision #1 to Agreement – Baldwin Winery & East cottage “Historic Renovation” - \$20,000

B) Guerra construction Group – Change Order #1 – CDC Playground Maintenance and Shade Structure - \$8,421

C) John Plane Construction, Inc. – Change Order #6 – Baldwin Winery and East Cottage “Historic Renovation” - \$20,849

D) John Plane Construction, Inc. – Change Order 35 – Seminar Building and Multicultural Center - \$12,378

E) Petersen Dean Commercial, Inc – Change Order #2 – Roof and Trellis Repair - PE 1-2-6 & S7-8 - \$2,419

F) R. C. Benson and Sons, Inc. – Change Order #1 – Secured Bicycle Storage for Students - \$3,392

G) S. J. Amoroso, Inc. – Change Order #17 – S2-S6 Phase II – Utility Master Plan – Phase I - \$14,687

Foothill College -

H) Chevron Energy Solutions – Change Order #1 – Photovoltaic Arrays – Parking Lots 2 & 3 - \$179,284

- I) Vlaming + Associates – Change #1 to Agreement – Program Overhead - \$20,000
- J) WRNS Studio, LLP – Revision #3 to PAA #F-WRNS – 3A – Exterior Signage - \$6,500

MEASURE C PROJECTS

- 7. [Construction Management Agreement for Services from October 1, 2010 through June 30, 2011 \(Allen x6150\)](#) **ACTION**
- 8. [Standard Form of Agreement for Gilbane-MAAS Project Management Services for the Foothill College Physical Sciences & Engineering Center Project \(Allen x6150\)](#) **ACTION**

OTHER BOARD BUSINESS

- 9. [Ratification of Board Warrants to Borel Private Bank & Trust Co. \(McElroy x6201\)](#) **ACTION**

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

- Oct. 4 - Regular Meeting
- Nov. 1 - Regular Meeting
  - Environmental Compliance Annual Update
  - Risk Management Report (3310)
  - 1<sup>st</sup> Quarter Report/Transfers & Revisions (3112)
  - Q Listing of District Investments (AP 3130)
- Dec. 6 - Regular Meeting
  - Annual Holiday Reception
  - Organization Meeting (9115, 9120, 9121)
    - Appointments to Audit & Finance, Foundation, School District Organization, Trustee Scholarship Interview
  - Financing Corporation
  - Audit Report - w/Audit & Finance Comm. (9123)
  - Appointments to Citizens' Bond Oversight Comm.
  - Delegation of Authority Resolutions
  - Resolution Authorizing Separate Bank Accts.
  - Destruction of Records (AP 3410)

# 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 — **September 13, 2010**

### 1. **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 Kevin McElroy recommends **ratification** of the contracts and agreements as presented.

### 2. **Changes to De Anza College Catalog**

The Board of Trustees is asked to review and approve De Anza College catalog changes for the 2010-2011 college catalog.

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

### 3. **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.

Included for board ratification are professional achievement awards for Foothill and De Anza faculty employees in accordance with Article 38 of the *Agreement* between the District and the Faculty Association; one administrative achievement award; and one temporary assignment/working out of class. Summaries of the professional achievement awards and the application for the administrative achievement award are available in Human Resources.

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

#### **4. Adoption of 2010-11 Budget**

As required under Title-5 section 58301, the Board held a public hearing on the 2010-11 fiscal year budget at their meeting of August 30, 2010. Former Interim Chancellor Mike Brandy and Budget Director Bernata Slater reviewed the budget document. This was an informational presentation and no action was taken. There were no changes made to the proposed budget at the August 30, 2010 meeting. An electronic copy of the budget is posted on the district web site.

Title 5 section 58305 requires the governing board of each district to adopt a final budget on or before the 15th day of September.

Vice Chancellor of Business Services Kevin McElroy recommends **adoption** of the 2010-11 budget.

#### **5. Measure E Consent**

The aggregate amount for these items is \$632,230

- |           |                        |   |
|-----------|------------------------|---|
| <b>A.</b> | <i>Title:</i>          | Addendum #12 to Agreement for Services  |
|           | <i>Vendor:</i>         | Gilbane   |
|           | <i>Agreement Date:</i> | April 4, 2000   |
|           | <i>Campus:</i>         | Foothill College and De Anza College  |
|           | <i>Project No.:</i>    |   |
|           | <i>Project Name:</i>   | Measure E Bond Program  |
|           | <i>Amount</i>          | \$631,418   |
|           | <i>For:</i>            | Measure E program and construction management services for the period starting October 1, 2010 and ending June 30, 2011.          |
|           | <i>Action:</i>         | Approval  |
| <br>      |                        |   |
| <b>B.</b> | <i>Title:</i>          | Change Order #1   |
|           | <i>Vendor:</i>         | Paradiso Mechanical, Inc.   |
|           | <i>Agreement Date:</i> | June 21, 2010   |
|           | <i>Campus:</i>         | Foothill College  |
|           | <i>Project No.:</i>    | 415   |
|           | <i>Project Name:</i>   | Phase II Enhanced Vapor Recovery  |
|           | <i>Amount:</i>         | \$812   |
|           | <i>For:</i>            | Remove the existing 12" thick of asphalt concrete and backfill the additional import of Class II AB at the clean air vessel area. |
|           |                        | <br>This change plus all previously approved change orders equal to 2.1% of the base contract value.                              |
|           |                        | <br>The funding for this change is within the current budget.   |
|           | <i>Action:</i>         | Ratification  |

Executive Director of Facilities, Operations, and Construction Management Charles Allen and Director, Bond Program Management, De Anza College, Tom Armstrong, recommend that Measure E consent items be **ratified/approved** by the Board of Trustees.

## 6. **Measure C Consent**

The aggregate amount of these items is: \$297,930

- A.** *Title:* Revision #1 to Agreement  
*Vendor:* Consolidated Engineering Laboratories  
*Agreement Date:* November 6, 2009  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Baldwin Winery & East Cottage "Historic Renovation"  
*Amount:* \$20,000  
*For:* Provide additional testing and inspection services as required by DSA T&I sheet. Additional testing required due to contractor-imposed re-inspections in excess of previously contracted testing and inspection services. District's Construction Management team will endeavor to recover costs from contractor in future change orders. Funding for this item is available within the current project budget.  
*Action:* Ratification
- B.** *Title:* Change Order #1  
*Vendor:* Guerra Construction Group  
*Agreement Date:* May 3, 2010  
*Campus:* De Anza College  
*Project No.:* 228  
*Project Name:* CDC Playground Maintenance and Shade Structure  
*Amount:* \$8,421  
*For:* Design changes to avoid existing tree roots, removal and replacement of diseased trees, storm drain re-routing, and demolition of unforeseen underground piers. This change order represents 3.3% of the construction value. No change orders have been written prior to this change. Funding for this project is available within the current project budget.  
*Action:* Ratification
- C.** *Title:* Change Order #6  
*Vendor:* John Plane construction, Inc.  
*Agreement Date:* November 16, 2009  
*Campus:* De Anza College  
*Project No.:* 203

*Project Name:* Baldwin Winery and East Cottage “Historic Renovation”  
*Amount:* \$20,849  
*For:* Miscellaneous change orders:  
Baldwin Winery: Add cork flooring in Administration area,  
lower fire sprinkler system in lower level, provide elevator  
recall system, furr out wall at electrical panel  
The total Change Orders to date represent 3.1% against the  
original contract amount. Funding is included in the current  
budget.

*Action:* Ratification

Change Order #5

**D. Title:**  
*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:* \$12,378  
*For:* Miscellaneous construction change orders at the  
Seminar Building and Multicultural Center.  
The total Change Orders to date represent 2.3% against  
the original contract amount. Funding is included in  
the current budget.  
*Action:* Ratification

**E. Title:** Change Order #2  
*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 & S7-8  
*Amount:* \$2,419  
*For:* PCO #11: Additional scaffold at east side of S-8 to  
coordinate with project 241; Additive change for  
\$4,134  
PCO #13: Close out Allowance #1 Dry Rot Repair  
Deductive change for <\$1,715>  
Total change orders to date are 0.51% of the  
construction value.  
Funding for this project is available within the current  
project budget.  
*Action:* Ratification

**F. Title:** Change Order 31  
*Vendor:* R. C. Benson and Sons, Inc.  
*Agreement Date:* June 23, 2010  
*Campus:* De Anza College  
*Project No.:* 217

*Project Name:* Secured Bicycle Storage for Students  
*Amount:* \$3,392  
*For:* Miscellaneous construction change orders for the Secured Bicycle Storage Project.  
The total Change Orders to date represent 2.2% against the original contract amount. Funding is included in the current budget.  
*Action:* Ratification

**G.** *Title:* Change Order #17  
*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:* \$14,687  
*For:* Miscellaneous changes: PG&E fees for power shutdown #5, provide leak detection system, revise connection of lateral piping from S8 in manhole MH22, and repair pipe insulation at Autotech.  
The total Change Orders to date represent 11.92 % against the original contract amount. Funding is included in the current budget.  
*Action:* Ratification

**H.** *Title:* Change Order #1  
*Vendor:* Chevron Energy Solutions  
*Agreement Date:* March 31, 2010  
*Campus:* Foothill College  
*Project No.:* 154  
*Project Name:* Photovoltaic Arrays – Parking Lots 2 & 3  
*Amount:* \$179,284  
*For:* 1) Geotechnical engineering studies, not anticipated in the original project cost, related to the Monte Vista earthquake fault found to cross a portion of the planned photovoltaic array site (\$23,675).  
2) Increased structural steel costs related to the earthquake fault location. (\$26,282)  
3) Additional foundation depth required by geotechnical engineer due to subsurface conditions (not related to fault). (\$20,250)  
4) Concrete cover above underground high voltage lines in lieu of planned direct burial line, as requested by the District to conform to District standards. (\$21,948)  
5) Increased storm water retention improvements to coordinate with future project, to avoid re-work of current construction; commensurate



savings will be made in future storm drainage improvements. (\$47,500)  
6) Additional curbing to coordinate with future campus pedestrian circulation improvements. (\$14,430)  
7) Design-build fees and bonds related to the above changes. (\$25,200)  
8) One-month no-cost extension to the project duration, subject to turnover of lots 2 and 3 for student use on September 20, 2010.  
This change represents 2.6% change to the contract value. The funding for this change is within the current budget  
*Action:* Ratification

**I.** *Title:* Change #1 to Agreement  
*Vendor:* Vlaming + Associates  
*Agreement Date:* September 1, 2010  
*Campus:* Foothill College and De Anza College  
*Project No.:* 501  
*Project Name:* Program Overhead  
*Amount:* \$20,000  
*For:* One year extension of time and addition of \$20,000 for consulting services related to the Project Stabilization Agreement, to be provided on an hourly, time-and-materials basis. In addition, the firm name is changed to Vlaming + Associates from Stephen P. Lyons & Associates dba as Scarth-Lyons & Associates.  
*Action:* Ratification

**J.** *Title:* Revision #3 to PAA #F-WRNS-3A  
*Vendor:* WRNS Studio, LLP  
*Agreement Date:* January 15, 2010  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Exterior Signage  
*Amount:* \$6,500  
*For:* Architectural design services to update Foothill College Exterior Signage Standards and design/layout a "Coming Soon" sign showing future improvements at Lot 2/3.  
The funding is included in the current budget  
*Action:* Ratification

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

**7. Construction Management Agreement for Services from October 1, 2010 through June 30, 2011**

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, Program Management and Construction Management services are now being contracted separately. The contract for Program Management services for Oct. 1, 2010 through June 30, 2012 was previously approved by the Board on August 2, 2010.

District staff has concluded contract negotiations with Gilbane-MAAS regarding their proposals for construction management services for multiple Measure C Bond projects. 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 along with the previous three month extension to total a one (1) year period and have included an agreed-upon one (1) year extension clause with specific guidelines. This clause was included in the Agreement should the District determine that Gilbane-MAAS has provided their services and shown that the costs for those services are within the established staffing resource and associated design and construction management cost guidelines and that they have maintained and reported on their cost containment segment for this negotiated contract period.

This agenda item presents the negotiated agreement for Gilbane-MAAS Construction Management services for the Measure C Bond Program for the period of October 1, 2010 through June 30, 2011 in the amount of \$2,639,091. This amount is within the Measure C allocated budget for these services.

The District has included the language in the Agreement and reserves the right to extend the services of this Agreement for an additional one (1) year period for the costs reflected in the attached Exhibit C. All terms and conditions of this Agreement will apply to the 1 year extension of services.

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

**8. Standard Form of Agreement for Gilbane-MAAS Project Management Services for the Foothill College Physical Sciences & Engineering Center Project**

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 Foothill College Physical Sciences & Engineer 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, 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 \$930,291.

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 Physical Sciences & Engineering Center.

**9. Ratification of Board Warrants to Borel Private Bank & Trust Co.**

Enclosed for ratification are the board warrants greater than \$5,000 for June and July 2010, to Borel Private Bank & Trust Co.

This item was presented for approval at the 8/30/10 meeting and was deferred to 9/13/10 pending additional information in answer to Trustee Casas Frier’s question regarding retainage.

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