



## BOARD OF TRUSTEES

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

**October 4, 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

#### CORRESPONDENCE

#### HEARINGS: ITEMS NOT ON THE AGENDA

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

- Public
- Students
- Staff
- Board

#### **INFORMATION**

#### APPROVAL OF MINUTES

August 30, 2010  
September 13, 2010

#### **ACTION**

#### APPROVAL OF CONSENT CALENDAR

#### **ACTION**

1. [Ratification of Contracts and Agreements \(McElroy x6201\)](#)
2. [Resolution Authorizing Child Care Contract #CCAP-0109 \(McElroy x6201\)](#)
3. [Renew Contract with Capture Technologies Inc. \(McElroy x6201\)](#)
4. [Professional Personnel Leasing Agreement \(Murphy x8705\)](#)
5. [Disposal of Surplus District Personal Property \(Redmond x6166\)](#)
6. [Sale of Miscellaneous Surplus Electronic Equipment \(Redmond x6166\)](#)
7. [Human Resources Report \(Novotny x6211\)](#)

#### BOARD BUSINESS

8. [Designation of Board Member to Vote in County Committee Election \(Thor x6104\)](#) **ACTION**

INSTRUCTION

- |     |   |               |
|-----|---|---------------|
| 9.  | <a href="#">De Anza College ACCJC Follow-Up Report 2010 (Murphy x8705)</a>                                    | <b>ACTION</b> |
| 10. | <a href="#">Foothill College ACCJC Follow-Up Report 2010 (Miner X7201)</a>                                    | <b>ACTION</b> |
| 11. | <a href="#">Foothill College ACCJC Substantive Change Proposal: Distance Education Programs (Miner x7201)</a> | <b>ACTION</b> |

HUMAN RESOURCES

- |     |  |               |
|-----|--|---------------|
| 12. | <a href="#">Layoff Due to Lack of Funds/Lack of Work (Novotny x6211)</a> <i>(See Public Memo for additional information)</i> | <b>ACTION</b> |
|-----|--|---------------|

FACILITIES

MEASURE E CONSENT

- |     |   |               |
|-----|---|---------------|
| 13. | <a href="#">Measure E Consent (Allen x6150)</a> | <b>ACTION</b> |
|-----|---|---------------|

The aggregate amount for these items is \$11,840

**De Anza College –**

- A) Allana Buick & Bers, Inc. – Revision #2 to Project Authorization  
Amendment #D20 – Minor Improvements - \$11,840

**Foothill College –**

- B) Budget Transfer #50  
C) Budget Transfer #51

**Central Services –**

- D) Budget Transfer #8  
E) Budget Transfer #9

MEASURE E PROJECTS

- |     |  |               |
|-----|--|---------------|
| 14. | <a href="#">Award a Contract Pursuant to Bid Document 1286-152, Lower Campus Complex Automatic Door and Topping Slab Replacement at Foothill College (Redmond x6166)</a> <i>(See Public Memo for additional information)</i> | <b>ACTION</b> |
|-----|--|---------------|

15. [Measure C Consent \(Allen x6150\)](#) **ACTION**

The aggregate amount of these items is: \$187,844

**De Anza College –**

- A) Architectural Resources Group (ARG) – Revision #2 to Purchase Order #G979220/Project Authorization Amendment-3C – Baldwin Winery & East Cottage - \$23,760
- B) Environmental Construction Services, Inc. (ECS) - Project Authorization Amendment #D14 – Campus Center Phase II - \$4,300
- C) Noll & Tam Architects – Revision #5 to Project Authorization Amendment #1-C to Master Agreement – Seminar Building& Multicultural Center - \$810
- D) Noll & Tam Architects – Revision #3 to Project Authorization Amendment #06-A – Campus Center Phase II - \$3,825
- E) S. J. Amoroso, Inc. – Change Order #19 – S2-S6 Phase II – Utility Master Plan – Phase I - \$40,080
- F) S. J. Amoroso, Inc. – Change Order #20 – S2-S6 Phase II – Utility Master Plan – Phase I - \$68,121

**Foothill College**

- G) YESCO – Change Order #4 – Exterior Signage - \$5,336
- H) Zolman Construction and Development, Inc. – Change Order #7 – Modernization of Administration Building and General Classrooms - \$41,612

MEASURE C PROJECTS

- 16. [Measure C Bond Project List Revision with Foothill Budget Transfer #22 \(Allen x6150\)](#) **ACTION**
- 17. [Request for Authorization to Negotiate and Approve Change Orders in Excess of \\$50,000 \(Allen x6150\) \(See Public Memo for additional information\)](#) **ACTION**
- 18. [Change Order #18 to SJ Amoroso, Inc. for Project 241: S2 and S6 Phase II - Utility Master Plan Phase 1 \(Allen x6150\)](#) **ACTION**
- 19. [Measure C Vehicle Procurement Plan – Revision 1 \(Allen x6150\)](#) **ACTION**
- 20. [Lease-Leaseback Construction Procurement Process for the District Data Center Project \(Allen x6150\) \(See Public Memo for additional information\)](#) **ACTION**
- 21. [Authorization to Purchase Cardiovascular Exercise Equipment and Selectorized Weight Machines for the De Anza College Fitness Center Pursuant to Bid 1262 \(Redmond x6166\) \(See Public Memo for additional information\)](#) **ACTION**

22. [Award a Contract Pursuant to Bid Document #1283-110, Renovation of Language Arts Classrooms: 6200, 6300, & 6500 at Foothill College, Measure C \(Redmond x6166\)](#) (See Public Memo for additional information) **ACTION**
23. [Project 261 Mediated Learning Center – Amendment #1 to the Preconstruction Services Agreement: Early Procurement of Structural Steel Shop Drawings \(Redmond x6166\)](#) **ACTION**

## ADJOURNMENT

## DATES TO REMEMBER / FUTURE AGENDA ITEMS

- 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: September 29, 2010

RE: Public Session — **October 4, 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. **Resolution Authorizing Child Care Contract #CCAP-0109**

This resolution authorizes the District to enter in a contract with the California Department of Education for the purpose of providing child care and development services for contract #CCAP-0109 for a maximum reimbursable amount of \$109 for fiscal year 2010-11.

Vice Chancellor of Business Services Kevin McElroy recommends **adoption** of resolution #2010-18.

### 3. **Renew Contract with Capture Technologies Inc.**

The Board first awarded a contract to Capture Technologies, Inc., on May 2, 2005 in accordance with Invitation to Bid 971. The initial contract term was May 3, 2005 through September 18, 2008. The contract included the purchase of hardware and software as well as the purchase of services for the following: hardware and software maintenance, transaction downloads, cash collection and reconciliation from the cash-to-card machines, management of the Foothill College Card Office, financial reporting, and three days of on-site training per year.

The initial contract expired on September 18, 2008. On October 6, 2008, the Board ratified a new one-year contract with Capture Technologies for the period September 19, 2008 through September 18, 2009 for the same kinds of services provided under the original contract at a total cost of \$169,000. This represented a 5.6% increase in the fees charged by Capture Technologies for these services during the previous year.

A second, one-year renewal of the contract was approved by the Board for the period September 19, 2009 through September 18, 2010 at a total cost of \$176,401.61. This represented a 4.4% increase over last year for the same package of services.

In light of the extremely difficult budget challenges faced by the district and the colleges, staff was able to negotiate with the vendor to gain a significant one-year concession on pricing for service. Capture Technologies provides similar services to other public higher education customers and is familiar with our budget plight. They showed very favorable cooperation and consideration towards settling on this year's pricing. For the period September 19, 2010 through September 18, 2011 Capture Technologies has agreed to a total price of \$130,000.00 for all of the same service minus the custom report writing service used by the Central Service Accounting department. The vendor and Accounting department staff have agreed to generate these reports on an as-needed basis that will be charged to the district on an hourly basis. Staff estimates custom reports will not exceed more than \$600.00 to \$800.00 per month in hourly charges and custom reports will not be required every month.

Capture provides the following functionality:

- 1) 'Pay as you go' printing (through GoPrint) in certain computer labs across both campuses
- 2) User authentication in libraries for checking out books
- 3) A source of revenue for the student body governments (based on the sale of the cards)

As of this fiscal year, the campus student organizations have taken over the cost of the contract for providing the student card services. In the coming year, the key stakeholders who are interested in smart card technologies will again engage in deliberations to determine whether this current contract and approach is the most effective means of meeting their needs. These stakeholders are primarily the student body governments and their staff / faculty advisors at both colleges as well as managers in charge of labs that use 'pay as you go' printing. The vice chancellor of Business Services will assist the campus groups in coordinating the search and selection process to ensue that all departments impacted by the choice of vendor such as Accounting and ETS will be able to support whatever system is chosen.

Vice Chancellor of Business Services Kevin McElroy recommends **approval** of the contract renewal with Capture Technologies Inc.

#### **4. Professional Personnel Leasing Agreement**

Board approval is requested for an Agreement with Professional Personnel Leasing for the services of Gordon Poon to serve as the Interim Dean of Counseling/Matriculation at De Anza College, from October 5, 2010 to June 30, 2011 or until a permanent full-time replacement can be hired to replace Howard Irvin, who resigned as of August 5, 2010. As outlined in the agreement, compensation of \$10,321.00 monthly and a finder's fee of \$1,290.12 for each month Gordon Poon is employed by the District will be paid to Professional Personnel Leasing.

President Brian Murphy recommends **approval** of the agreement with Professional Personnel Leasing for the services of Gordon Poon as Interim Dean of Counseling/Matriculation.

**5. Disposal of Surplus District Personal Property**

Foothill College owns surplus furniture (see attached list) that has been water damaged while stored in a storage container. The Foothill College Furniture, Fixture and Equipment Coordinator determined the property is in such poor condition that it is unusable. District staff estimates the resale value to be zero.

California Education Code 81452(c) provides that if the governing board, by a unanimous vote of those members present, finds that the property, is of insufficient value to defray the costs of arranging a sale, the property may be disposed of in the local public dump on order of any employee of the District empowered for that purpose by the board.

After Board of Trustees Approval, District Staff will dismantle the items and recycle or dispose of the components appropriately.

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

**6. Sale of Miscellaneous Surplus Electronic Equipment**

The District has four 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. DeAnza 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 and Material 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 and Material Services to sell the items in accordance with Education Code 81452(a).

**7. 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**.

**8. Designation of Board Member to Vote in County Committee Election**

On November 29, 2010 the Santa Clara County Committee on School District Organization will hold an election to fill two seats. Voters in the election are board members designated annually (as required by California Education Code 35023) by each school district in the county.

Foothill-De Anza's designated trustee to vote in the 2009 election was trustee Pearl Cheng. The board must now select one of its members to vote in the upcoming election.

Chancellor Linda Thor recommends the board **designate** one of its members to vote in the county committee election.

**9. De Anza College ACCJC Follow-up Report 2010**

This report is in response to the request by ACCJC for a follow-up report on De Anza College's continued progress toward meeting commission standards on Student Learning Outcomes.

President Brian Murphy recommends **acceptance** of the Follow-Up Report as submitted.

**10. Foothill College ACCJC Follow Up Report 2010**

In response to the Accrediting Commission for Community and Junior Colleges letter to Foothill College, dated January 29, 2010, Foothill College has prepared the attached Follow Up Report including the Evidence Appendix documenting the college's efforts in developing well-defined and measurable student learning outcomes and evaluating these outcomes to increase effectiveness in instructional and non-instructional areas.

President Judy Miner recommends **acceptance** of the Follow-Up Report as submitted.

**11. Foothill College ACCJC Substantive Change Proposal: Distance Education Programs**

The Accrediting Commission for Community and Junior Colleges (ACCJC) Western Association of Schools and Colleges requires that colleges submit a "Substantive Change Proposal" for degree programs where 50 percent or more of the program, certificate or degree is offered through a mode of distance or electronic delivery. The same requirement is in place for programs, degrees or certificates, where 50 percent of the program is offered off the main campus at satellite locations or at community sites. Foothill College is submitting the attached Substantive Change Proposal to ACCJC, titled *Substantive Change Proposal: Distance Education Programs*.

President Judy Miner recommends **approval**.

## **12. Layoff due to Lack of Funds/Lack of Work**

On April 5, 2010, the District took action to eliminate positions as of June 30, 2010 with regard to the significant budget challenges for the 2009-2010 fiscal year. The following position was deferred from layoff:

Graphic Design Technician                      Marketing and Communication                      De Anza College

Whereas there is a continued budget deficit, the District has determined that the following classified positions will be eliminated for lack of funds/lack of work effective December 31, 2010:

Graphic Design Technician                      Marketing and Communication                      De Anza College

Therefore, effective December 31, 2010 the following classified employee is subject to layoff for lack of funds/lack of work:

Bonnett Saussol                                      Graphic Design Technician                      De Anza College

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends

1) that the Board **eliminate** the position listed and

2) in accordance with Education Code sections 88117 and 88127, Article 11 of the *Agreement* between the District and Association of Classified Employees (ACE), the Board **authorize** District representatives to provide the employee with a forty-five (45) day notice of layoff.

## **13. Measure E Consent**

The aggregate amount for these items is \$11,840.

- A.** *Title:*                      Revision #2 to Project Authorization Amendment #D20  
*Vendor:*                      Allana Buick & Bers, Inc.  
*Agreement Date:*                      January 19, 2010  
*Campus:*                      De Anza College  
*Project No.:*                      765-277  
*Project Name:*                      PE Women's Shower Repairs  
*Amount*                      \$11,840  
*For:*                      Shower Repairs located in PE-6.  
   Construction Inspection services and additional  
   architectural engineering support due to unforeseen  
   field conditions.  
*Action:*                      Approval
- B.** *Title:*                      Budget Transfer #50  
*Vendor:*                      Foothill College  
*Agreement Date:*                      Foothill College  
*Campus:*                      Foothill College

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E Foothill Project Close-out and Budget Transfer #50. This budget transfer includes the following items:

- Recognizes project savings from completed projects in the amount of \$377,510 and transfers the funding to Foothill Program Contingency.
- Closes project 178 “Minor Improvements - Phase II” and transfers remaining budget of \$200,333 to project 176 “Minor Improvements and Close-outs”.
- Increases current Foothill Program Contingency from \$501,280 to \$878,790 resulting from project savings of \$377,510.

*Action:* Ratification

**C. Title:** Budget Transfer #51

*Vendor:*

*Agreement Date:*

*Campus:* Foothill College

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E Foothill Budget Transfer #51. This budget transfer includes the following items:

- Redistributes funding in the amount of \$35,000 to Foothill project 146 “New Fieldhouse and Restrooms” from District project 416 “Roads and Parking” to align funding with budget and actual expenditures.
- Recognizes additional State Capital Outlay revenue of \$18,000 for project 146 “New Fieldhouse and Restrooms”.
- Recognizes additional funding in the amount of \$3,418 from Campus Center Use Fee, 2006 revenue.
- Increases current Foothill Program Contingency from \$878,790 to \$935,208 resulting from increases in funding and revenue sources as noted above.

*Action:* Ratification

**D. Title:** Budget Transfer #8

*Vendor:*

*Agreement Date:*

*Campus:* District

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E District Project Close-out and Budget Transfer #8.

This budget transfer includes the following items:

- Recognizes project savings from completed projects in the amount of \$58,501 and transfers the funding to District Program Contingency.
- Increases current District Program Contingency from \$1,040,422 to \$1,098,923 resulting from project savings of \$58,501.

*Action:* Ratification

**E. Title:** Budget Transfer #9

*Vendor:*

*Agreement Date:*

*Campus:* District

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E District Budget Transfer #9. This budget transfer includes the following items:

- Redistributes funding in the amount of \$35,000 from District project 416 “Roads and Parking” to Foothill project 146 “New Fieldhouse and Restrooms” to align funding with budget and actual expenditures.
- Adjust District funding by \$29,000 resulting from an underrun for project demolition, thus negating the need for State Capital Outlay revenue for project 414 “Service Shops for Hardware, Welding, and Construction”.
- Decreases current District Program Contingency from \$1,098,923 to \$1,034,923 to cover funding transfer to FH project 146 and to cover state funding shortfall on project 414.

*Action:* 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.

#### **14. Award a Contract Pursuant to Bid Document 1286-152, Lower Campus Complex**

The project consists of replacing the topping slabs and waterproofing at Buildings 8300 & 8600 including adding new drains and connecting to the existing sanitary drain. The project also includes removal of the existing automatic sliding door at the entrance of Building 8100 and replacement with a new swinging door with accessible activation buttons. Perkins & Will prepared the construction documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1286-152 was legally advertised on August 11 and August 18, 2010. The "Invitation to Bid" was also sent to nine (9) builders exchanges, advertised in the Daily Pacific Builder, and posted on "BidNet" at [www.govbids.com](http://www.govbids.com). Bids were publicly opened and read in Purchasing Services on September 9, 2010 at 2:00 p.m. The construction estimate was \$75,000. Three (3) contractors submitted bids. The bid results are shown below:

### **BID RESULTS**

<b>General Contractors</b>	<b>Base Bid Proposal Amount</b>
<b><i>Pella Creations Company</i></b>	<b><i>\$78,650</i></b>
All Area Electric & Construction Company	\$88,800
B. Bros Construction, Inc.	\$119,150

Pella Creations Company (California contractors license #919222) is the lowest bidder. Pella Creations Company successfully completed a project for the San Jose Unified School District, and it has been certified as a Small Business by the State of California, Office of Small Business and Disabled Veterans Business Enterprise Services.

Funding is available within the Measure E project budget to award this contract.

Director of Purchasing and Material Services Carmen Redmond recommends the Board **authorize** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1286-152 in the amount of \$78,650 to Pella Creations Company.

### **15. Measure C Consent**

The aggregate amount for these items is \$187,844.

- A. Title:** Revision #2 to Purchase Order #G979220/Project Authorization Amendment-3C  
**Vendor:** Architectural Resources Group (ARG)  
**Agreement Date:** November 6, 2007  
**Campus:** De Anza College  
**Project No.:** 203  
**Project Name:** Baldwin Winery & East Cottage  
**Amount:** \$23,760  
**For:** Provide additional construction administration services for the Baldwin Winery Project due to construction schedule extension. Additional services required due to contractor imposed schedule delays  
**Action:** Approval
- B. Title:** Project Authorization Amendment #D14  
**Vendor:** Environmental Construction Services, Inc. (ECS)  
**Agreement Date:** September 8, 2008  
**Campus:** De Anza College

*Project No.:* 256  
*Project Name:* Campus Center Phase II  
*Amount:* \$4,300  
*For:* Provide asbestos and lead paint consulting services.  
*Action:* Approval

**C. Title:** Revision #5 to Project Authorization Amendment #1-C to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building & Multicultural Center  
*Amount:* \$810  
*For:* Additional design services. Funding for this revision is included in the current budget.  
*Action:* Approval

**D. Title:** Revision #3 to Project Authorization Amendment #06-A  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* February 2, 2010  
*Campus:* De Anza College  
*Project No.:* 256  
*Project Name:* Campus Center Phase II  
*Amount:* \$3,825  
*For:* Structural design services and estimating services. Funding for this item is available within the project budget.  
*Action:* Approval

**E. Title:** Change Order #19  
*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:* \$40,080  
*For:* Miscellaneous changes: Conduits and wire for power meters in S2 & S6, transceiver installation at TX 7 transformer, relocate sanitary sewer at S6, additional pipe at administration building, Flint center final connection, install additional electrical conduits at LCW and LC, modify piping and insulation at MLC connection, additional paving between S6 and S5.  
The total Change Orders to date represent 13.8 % against the original contract amount. Funding is included in the current budget.  
*Action:* Approval

- F.** *Title:* Change Order #20  
*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:* \$68,121  
*For:* Miscellaneous changes: Revised custom hydronic piping at manhole 21A, Overtime premium costs for acceleration of hydronic piping work.  
The total Change Orders to date represent 14.5 % against the original contract amount. Funding is included in the current budget.  
*Action:* Approval
- G.** *Title:* Change Order #4  
*Vendor:* YESCO  
*Agreement Date:* February 23, 2010  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Exterior Signage  
*Amount:* \$5,336  
*For:* Production of a higher-resolution Foothill tree logo than that originally provided by the District; removal of existing footings due to conditions discovered in the field; change in one sign location as requested by College; and a no-cost time extension due to production of silk screen for tree logo.  
This change plus all previously approved change orders equal to 19.1% of the base contract value. Funding is included in the existing budget.  
*Action:* Ratification
- H.** *Title:* Change Order #7  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* October 4, 2010  
*Campus:* Foothill College  
*Project No.:* 112  
*Project Name:* Modernization of Administration Building and General Classrooms  
*Amount:* \$41,612  
*For:* Architect-directed changes for additional water proofing material and for finish details; owner-directed changes to increase control of classroom lighting levels and to add valves for improved maintenance; and changes responding to field conditions related to roof replacement and integration of fire alarm with campus-wide system.

This change represents 0.88% change to the contract value. Total project changes represent a 6.14% change to the contract value.  
The funding for this change is within the current budget.  
*Action:* Ratification

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

**16. Measure C Bond Project List Revision with Foothill Budget Transfer #22**

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.

Foothill Budget Transfer #22 recognizes savings from Project 149, Choral Rehearsal Hall and Project 153, Dental Hygiene / Radiology Renovation. Projects 149 and 153 are complete. This transfer re-allocates \$19,474 cost savings from Project 149 and \$60,565 cost savings from Project 153 to Project 199, Foothill Program Contingency.

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

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

De Anza Project # 241 S2/S6 Utility Infrastructure Upgrades has multiple project milestones that must be met 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 five changed conditions valued at over \$50,000 each. This newly developed condition will require review and approval to negotiate Change Orders over \$50,000 before the next Board meeting in November to avoid further delays to the project schedule.

**Item #6:** This item involves an additional concrete storm drain relocation, manhole demolition and custom hydronic piping modifications beyond contract allowances to resolve unforeseen underground construction conditions and multiple discovered utilities not previously located or known about. This work is required to completely connect and tie-in the remainder of the S2/S6 hydronic heating and cooling distribution system. This portion of the hydronic piping system serves the Learning Center (Library), Learning Center West, Seminar, S7, S8, S9, and the future Mediated Learning Center. The cost of the additional demolition and hydronic piping is estimated at \$150,000.

The Project team is actively working to expedite these efforts to minimize potential impact to the current schedule.

Executive Director of Facilities, Operations and Construction Management Charles Allen requests the Board **authorize** the Executive Director of Facilities, Operations and Construction Management to negotiate and approve the construction change identified above prior to the next Board meeting on November 1, 2010, at which time results of negotiations will be presented to the Board.

**18. Change Order #18 to SJ Amoroso, Inc. for Project 241: S2 and S6 Phase II - Utility Master Plan Phase 1**

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 to provide structural deficiency repairs to unforeseen deficiencies at the existing S2 and S6 central plants. The Board authorized the Executive Director to approve these change orders up to a not-to-exceed amount for each element of the change. Item #1 was identified as: Structural Deficiencies, not-to-exceed \$350,000

The costs negotiated and recorded to date are:

**Change Order #10 for SJ Amoroso**

PCO 137 - Reinforce roof framing at S2	\$ 42,802.00
PCO 140 - Temp. shoring at roof framing at S2 and S6	<u>\$ 5,547.00</u>
	\$ 48,349.00

**Change Order # 11 for SJ Amoroso**

PCO 145 - Structural reinforcement at S6 footing	\$ 3,477.00
PCO 145A - Field modification of C Channel at S6 footing	<u>\$ 2,086.00</u>
	\$ 5,563.00

Costs associated with this Change Order are:

**Change Order # 18 for SJ Amoroso**

PCO 136A - Reinforce Roof at S6	\$ 94,217.00
PCO 136B – Re-roofing S6 plus approved Time Extension	<u>\$ 43,377.00</u>
	\$137,594.00

<b>TOTAL</b>	<b>\$191,506.00</b>
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Portions of this work were approved previously under Change Order #10 at the June 7, 2010 Board meeting and Change Order #11 at the June 23, 2010 Board meeting. Change Order #18 includes structural reinforcement of the roof framing at S6 as required by PCO 136A in order to support existing and new pipes and conduits. PCO 136B is for re-roofing the S6 building and for fifteen (15) days time extension, seven (7) of which were included as compensable days. After the authorization of this Change Order #18 with the noted time extension associated with the roof framing reinforcement, this item is complete.

This Change Order #18 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
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Prior Revisions:	\$ 1,120,550
Current Contract Value:	\$ 10,517,550
Value of CO #18 (Not to Exceed):	<u>\$ 137,594</u>

<b>New Total Contract Amount:</b>	<b>\$ 10,655,144</b>
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The total Change Orders to date represent 13.4% against the original contract amount. Funding is included in the current budget.

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

#### **19. Measure C Vehicle Procurement Plan – Revision 1**

Measure C includes \$3,762,941 for the purchase of District vehicles over a 15-year period spanning FY06/07 to FY20/21. The 15-year plan includes three phases (Phase I, II and III) of roughly equal purchase amounts.

The first phase of replacement (\$1,024,800) was approved by the Board of Trustees on August 31, 2009. The original procurement plan called for the purchase of biodiesel on most District vehicles exceeding 8,500 lb GVWR including passenger vans for the Physical Education programs at each campus.

New information regarding costs and availability of alternative fuel vehicles leads to the following recommended changes to the previous plan:

- 1) Switch passenger vans from biodiesel to ethanol (E85). Biodiesel vans have limited availability and cost in excess of \$60,000 each. Although ethanol (E85) has some disadvantages over biodiesel in terms of fuel cost and availability, the ethanol vans are readily available and cost approximately \$23,000 each. Therefore, a change to the specification for the Physical Education passenger vans from biodiesel to Flex Fuel (ethanol E85) is planned. Flex Fuel vehicles are classified as alternative fuel vehicles as defined by the Energy Policy Act of 1992.
- 2) The condition of the current Physical Education fleet is poor and requires that the passenger vans originally designated for Phase II be purchased in Phase I.
- 3) The difference in price will allow us to purchase 6 Flex Fuel passenger vans for approximately the same price as for 4 biodiesel vans.
- 4) Funding for this change is available within the previously approved Phase I funding plan of 1,024,800.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board of Trustees **approve** a revision to Phase I of the Measure C Vehicle Replacement Plan to purchase 6 Flex Fuel passenger vans for the Athletic programs.

**20. Lease-Leaseback Construction Procurement Process for the District Data Center Project**

Information was provided to the Board on December 7, 2009 and January 19, 2010 concerning the use of a Lease-Leaseback construction procurement process for the Physical Sciences and Engineering Center at Foothill College and the Mediated Learning Center at De Anza College. The information included a discussion of the legal aspects of the process as well as the likely risks and benefits associated with construction of these two new facilities using the authority provided under the Education Code section 81335.

After extensive legal briefing and the posting of the requisite summons notifying the public of the intended Lease-Leaseback project delivery method under the Education Code section 81335, a default judgment was issued by the Santa Clara County Superior Court on August 31, 2010, which also confirmed the validity of the use of this procurement process.

Although smaller in dollar value than the Physical Sciences and Engineering Center at Foothill College and the Mediated Learning Center at De Anza College the District Data Center is the type of project that is appropriate for use of the Lease Leaseback delivery method. The construction budget for the District Data Center project is \$10,500,000 and it is funded jointly by Measure C and Measure E. The procurement process for this project will be consistent with the process used for the Physical Sciences and Engineering Center and the Mediated Learning Center, and it will include the same key decision / Board approval steps.

The Board will be requested to review and approve three key decisions and actions in the procurement process in the coming months. Target dates for key actions associated with the project are as follows:

- February 2011 - Approval of the Lease-Leaseback contractor
- February 2011 - Approval of a pre-construction services agreement for the Lease- Leaseback contractor
- July 2011 - Approval of a Site Lease and a Facilities Lease with the Lease- Leaseback contractor including a guaranteed maximum price for construction.

Executive Director of Facilities and Operations and Construction Management Charles Allen recommends that the Board **approve** the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code section 81335 for the District Data Center project subject to the subsequent Board approvals as noted.

**21. Authorization to Purchase Cardiovascular Exercise Equipment and Selectorized Weight Machines for the De Anza College Fitness Center Pursuant to Bid 1262**

De Anza College requires equipment to modernize the Fitness Center located in PE 610. District Purchasing Services prepared the bid documents and incorporated technical specifications that were written with the De Anza College PE Staff. Invitation to Bid 1262 called for bids to provide, install, and maintain cardiovascular exercise equipment and selectorized weight machines for the De Anza College Fitness Center.

Bid 1262 was legally advertised in the San Jose Post Record on August 17 and August 24, 2010. The bid was also distributed to nine vendors and posted on "BidNet" at

www.govbids.com. Bids were publicly opened and read on September 10, 2010 at 2 p.m. by Purchasing Services.

The bid document states that award of a contract will be made to the lowest responsive and responsible bidder for each category, and that in order to be considered a responsive bidder for a category, the bidder must bid on all lines items within that category. The bid document also states that the lowest bidder for each category will be the bidder who offers the lowest equipment grand total for that category in compliance with the bid specifications. Rich Schroeder, De Anza College's Dean of Physical Education & Athletics, and Annette Perez, Senior Buyer analyzed the bids and their recommendations are shown below. The bid amounts shown are inclusive of applicable California sales tax.

**Category A, Weight Machines:**

Four bids were received. The apparent low bid was Life Fitness at a price of \$53,858.75, however, its bid was non-responsive because it did not comply with Section 1.05, Equals or Substitutions, which required bidders to submit complete product literature and technical specifications with their bids so that the District would have the necessary information to determine whether their proposed products comply with the bid specifications. Staff recommends rejection of the Life Fitness bid for Category A as non-responsive. The second lowest bidder was Cybex International at a total bid price of \$67,179.89 and its proposed products comply with the bid specifications. Two higher bids were also received: Advantage Fitness Products at \$76,384.78 and Fit-Tech Sales & Service at \$92,651.65. The Cybex International bid is responsive and staff recommends the award of Category A to Cybex International.

**Category B, Cardiovascular Equipment:**

Three bids were received. The apparent lowest bidder was Cybex International at a price of \$86,580.62, however, its bid was non-responsive because the equipment offered failed to meet the mandatory features and functions specified by the bid such as Fitlinxx and the lubricant infused belt. Staff recommends rejection of the Cybex International bid for Category B as non-responsive. Advantage Fitness Products was the apparent second lowest bidder however, its bid was non-responsive because the equipment offered failed to meet the mandatory features and functions specified by the bid such as Fitlinxx and the lubricant infused belt. Staff recommends rejection of the Advantage Fitness Products bid for Category B as non-responsive. The third lowest bidder was Life Fitness at a total bid price of \$140,770.50 and its bid is responsive including compliance with the Category B bid specifications. Staff recommends the award of Category B to Life Fitness.

**Category C- Cross Trainers**

Two bids were received. The apparent lowest bidder for Category C was Cybex International at a price of \$60,491.72. However, its bid was non-responsive because the equipment offered failed to meet the mandatory features and functions specified by the bid such as the dual action upper and lower body workout and the adjustable ramp settings. The second lowest bidder for Category C was Advantage Fitness Products at a total bid price of \$114,914.43, and its bid was for the items specified. There was a minor irregularity in the Advantage Fitness Products bid because it was not submitted on the revised bid form that was issued as part of Amendment #1 to the bid document. However, the Amendment #1 revision to the bid form had no effect on Category C. Therefore, staff recommends that the Board waives the bid form error as a minor irregularity, and that the Board accepts the

Advantage Fitness Products bid as responsive for Category C. Furthermore, Staff recommends award of Category C to Advantage Fitness Products.

**Category D – Other Cardio Machines**

Three bids were received. The apparent low bid was Life Fitness at a price of \$5,592.06, however, it was not for the correct make and model. Staff recommends rejection of the Life Fitness bid for Category D as non-responsive. The second lowest bidder was Mountain Medical at a total bid price of \$6,555.00, and its bid was complete and correct. The highest bid was submitted by Advantage Fitness Products in the amount of \$7,014.41. Staff recommends the award of Category D to Mountain Medical.

**Category E- Climbers**

One company submitted a bid: Advantage Fitness Products in the amount of \$12,042.11. Category E of its bid complies with the bid specifications. There was a minor irregularity in the Advantage Fitness Products bid because it was not submitted on the revised bid form that was issued as part of Amendment #1 to the bid document. However, the Amendment #1 revision to the bid form had no effect on Category E. Therefore, staff recommends that the Board waives the bid form error as a minor irregularity, and that the Board accepts the Advantage Fitness Products bid as responsive for Category E. Furthermore, Staff recommends award of Category E to Advantage Fitness Products.

All categories of this purchase are funded by Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board waive the minor irregularity in the Advantage Fitness Products bid as described above and **authorize** the Director of Purchasing and Material Services to award purchase orders in accordance with Bid 1262 as follows: Cybex International for Category A in the amount of \$67,179.89, Life Fitness for Category B in the amount of \$140,770.50, Advantage Fitness Products for Category C in the amount of \$114,914.43, Mountain Medical for Category D in the amount of \$6,555.00, and Advantage Fitness Products for Category E in the amount of \$12,042.11. The grand total of these awards is \$341,461.93.

**22. Award a Contract Pursuant to Bid Document #1283-110, Renovation of Language Arts Classrooms: 6200, 6300, & 6500 at Foothill College, Measure C**

The project provides for modernization of existing buildings 6200, 6300, and 6500 including renewal of exterior and interior finishes and replacement of the mechanical, plumbing, electrical, fire alarm, and telecommunications systems. HMC Architects prepared the construction documents and a complete set of all bid documents are on file in the Purchasing Services Department.

At its July 12, 2010 meeting, the Board of Trustees approved a list of nine (9) General Contractors as pre-qualified to bid on the project. Bid 1283-110 was legally advertised on August 13 and August 20, 2010. The “Invitation to Bid” was also sent to nine (9) builders exchanges, advertised in the Daily Pacific Builder, and posted on “BidNet” at [www.govbids.com](http://www.govbids.com). Bids were publicly opened and read on September 16, 2010 at 2 p.m. by Purchasing Services. The construction estimate was \$2,100,000. Six (6) of the nine (9) pre-qualified contractors submitted bids. The bid results are shown below:

General Contractors	Base Bid Price
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<b><i>Zolman Construction and Development, Inc.</i></b>	<b>\$2,140,000</b>
Swenson & Associates	\$2,266,000
Calstate Construction Inc.	\$2,324,500
Lyncon Construction Inc.	\$2,336,919
Roek Construction	\$2,344,000
Big-D Pacific Builders, L.P.	\$2,470,000

Zolman Construction and Development, Inc. is currently performing work on project 112, Modernization of the Administration Building and General Classrooms at Foothill College, and it has completed project 255, Auto Technology Renovation at De Anza College. Furthermore, Zolman Construction and Development, Inc. and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

Funding is available within the Measure C project budget to award this contract.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to award a contract pursuant to Bid Document #1283-110, Renovation of Language Arts Classrooms: 6200, 6300, & 6500, in the amount of \$2,140,000 to Zolman Construction and Development, Inc.

**23. Project 261 Mediated Learning Center – Amendment #1 to the Preconstruction Services Agreement: Early Procurement of Structural Steel Shop Drawings**

On August 31, 2010, the District entered into a Preconstruction Services Agreement with Sundt Construction, Inc. (Sundt) to prepare a Guaranteed Maximum Price (GMP) for delivery of the new Mediated Learning Center project at De Anza College.

The Preliminary Construction Schedule provided by Sundt indicates that the building construction schedule can be significantly shortened if Sundt is allowed to purchase and submit structural steel shop drawings immediately after it identifies the best value structural steel subcontractor, instead of waiting until the Guaranteed Maximum Price (GMP) is presented to Board for approval on December 6, 2010. If allowed, this process will assist Sundt in its efforts to “fast track” the lengthy process involved with detailing and approving the structural steel shop drawings (ten week estimate) and then procuring, fabricating, and beginning the delivery of the materials (twelve week estimate). Approval of this process will expedite the completion of the project.

The estimated cost of preparing and submitting structural steel shop drawings is \$100,000. However, the final cost will be equal to the actual amount proposed by the best-value trade subcontractor selected by Sundt.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to sign Amendment #1 to the Preconstruction Services Agreement in the amount of \$100,000 with Sundt Construction, Inc.