



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.

November 1, 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.

REVISED **AGENDA** **Regular Meeting**

CALL TO ORDER

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

- 1) Name of Case: West Bay Builders v. Foothill-De Anza Community College District
- 2) Case #106CV062422

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

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

October 4, 2010

ACTION

APPROVAL OF CONSENT CALENDAR

ACTION

1. Ratification of Contracts and Agreements (**McElroy x6201**)

2. Ratification of Board Warrants and Wire Transfers Greater than \$5,000 for August and September, 2010 (McElroy x6201)
3. Authorization to Enter into a Contract for Network Equipment Maintenance and Support with Alcatel-Lucent (Sherman x6120)
4. Approval of Independent Contractor Agreement – Catherine Ayers (Galope x7070)
5. Appointment of Chief Negotiators (Thor x6104) (*See Public Memo for additional information*)
6. Donation of Surplus Chairs (Redmond x6166)
7. Donation of Surplus District Computer and Monitors to OTI (Redmond x6166)
8. Public Auction of Surplus De Anza College Fitness Equipment (Redmond x6166)
9. Recycle and Dispose Surplus Furniture (Redmond x6166)
10. Sale of Foothill College Surplus Fitness Equipment (Redmond x6166)
11. Sale of Surplus District Furniture (Redmond x6166)
12. Sale of Surplus District Television (Redmond x6166)
13. Human Resources Report (Novotny x6211)

STUDENTS

- | | |
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| 14. DASB Fee Increase (Murphy x8706) | ACTION |
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BOARD BUSINESS

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| 15. Board Policy 4125 Authorization to Offer Employment (1 st Reading) (Novotny 6211) | INFORMATION |
| 16. Audit and Finance Committee Membership (McElroy x6201) | ACTION |
| 17. Citizens' Bond Oversight Committee Membership (McElroy x6201) | ACTION |

BUSINESS AND FINANCE

- | | |
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| 18. Ratification of Board Warrants to Borel Private Bank & Trust Co. (McElroy x6201) | ACTION |
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| 19. 2010-11 First Quarter Report (McElroy x6201) | INFORMATION |
| 20. Resolutions to Adopt Budget Revisions and Transfers (McElroy x6201) | ACTION |

FACILITIES

MEASURE E CONSENT

- | | |
|-------------------------------------|--------|
| 21. Measure E Consent (Allen x6150) | ACTION |
|-------------------------------------|--------|

The aggregate amount for these items is \$48,835.

Foothill College –

- A) Cody Anderson Wasney Architects, Inc. – Revision #2 to Agreement – District Office Building Renovation - \$25,540
- B) Cody Anderson Wasney Architects, Inc. – Revision #4 to Agreement – New ETS/Data Center Building - \$23,295

- | | |
|-------------------------------------|--------|
| 22. Measure C Consent (Allen x6150) | ACTION |
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The aggregate amount of these items is: \$155,320.

De Anza College –

- A) Guerra Construction Group – Prime Contract Change Order #2 – Final Change Order – CDC Playground Maintenance and Shade Structure - <\$225>
- B) John Plane Construction, Inc. – Change Order #6 – Seminar Building and Multicultural Center - \$30,544
- C) Peterson Dean Commercial, Inc. – Prime Contract Change Order #3 – Roof and Trellis Repair – PE 1-2-6 & S7-8 - \$3,652
- D) S. J. Amoroso, Inc. – Change Order #21 – S2-S6 Phase II – Utility Master Plan – Phase I - <\$4,822>
- E) S. J. Amoroso, Inc. – Change Order #22 – S2-S6 Phase II – Utility Master Plan – Phase I - \$36,620

Foothill College

- F) Clark Inspection Group, Inc. – Agreement for Inspector of Record Services – Renovation of Language Arts General Classrooms - \$33,000
- G) City of Palo Alto – Change Order #1 to Rental Contract – Soccer and Softball Complex - \$1,305
- H) HMC Architects – Revision #4 to Project Authorization Amendment #F-HMC-#1B – Modernization of Administration Building and General Classrooms - \$23,800
- I) Zolman Construction and Development, Inc. – Change Order #8 – Modernization of Administration Building and General Classrooms - \$31,446

MEASURE C PROJECTS

- | | | |
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| 23. | Request Approval for Change Order #7 in the Amount of \$94,760 for John Plane Construction to Revise Building Automation System (BA) Components (Allen x6150) | ACTION |
| 24. | Measure C Project List Revision with Central Services Budget Transfer #11, Foothill Budget Transfer #23 and De Anza Budget Transfer #25 (Allen x6150) | ACTION |
| 25. | Request Approval for Change Order #2, Project #154, Photovoltaic Arrays – Parking Lots 2 & 3, in the Amount of \$227,828 for Chevron Energy Solutions (Allen x6150) | ACTION |
| 26. | Award a Contract Pursuant to Bid Document #1288-109, P.E. Lab Space Remodel, at Foothill College (Redmond x6166) (See Public Memo for additional information) | ACTION |
| 27. | Authorization to Award a Contract Pursuant to Bid 1308 for the Purchase of Nine (9) Diesel Cargo Vans (Redmond x6166) (See Public Memo for additional information) | ACTION |
| 28. | Authorization to Award a Contract Pursuant to Bid 1309 for the Purchase of Four (4) Diesel Chassis Cab Trucks (Redmond x6166) (See Public Memo for additional information) | ACTION |

ADJOURNMENT

DATES TO REMEMBER / FUTURE AGENDA ITEMS

Dec. 6 - Regular Meeting

Annual Holiday Reception

Organization Meeting (9115, 9120, 9121)

Appointments to Audit & Finance, Foundation, Trustee

Scholarship Interview

Financing Corporation

Audit Report - w/Audit & Finance Comm. (9123)

Delegation of Authority Resolutions

Environmental Compliance Annual Update

Risk Management Report (3310)

Resolution Authorizing Separate Bank Accts.

Destruction of Records (AP 3410)

Jan. 10, 2011 – Regular Meeting

Chancellor's Evaluation

Appointment to Audit & Finance Committee

Appointments to Citizens' Bond Oversight Comm.

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

TO: Members of the Board of Trustees

FROM: Linda M. Thor, Chancellor

DATE: October 26, 2010

RE: Public Session — **November 1, 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. **Ratification of Board Warrants and Wire Transfers Greater than \$5,000 for August and September 2010**

Enclosed for ratification are the board warrants and wire transfers greater than \$5,000 for August and September 2010, less warrants to Borel Private Bank & Trust Co. which are being submitted as a separate action item.

A complete listing of all B warrants and wire transfers is available for public viewing in the Chancellor's Office.

Vice Chancellor of Business Services Kevin McElroy recommends **ratification** of the board warrants and wire transfers greater than \$5,000 for August and September 2010.

3. **Authorization to Enter into a Contract for Network Equipment Maintenance and Support with Alcatel-Lucent**

On December 7, 2009 the board of trustees authorized a 12-month network equipment maintenance and support contract with Alcatel USA Marketing, Inc. (hereinafter referred to as "Alcatel"). The District's current contract with Alcatel expires on December 31, 2010.

The attached Alcatel-Lucent quote of \$99,330.00 provides network equipment maintenance and support for a period of twelve (12) months January 1, 2011 through December 31, 2011 for the OS7800 and OS7700 devices and six (6) months, January 1, 2011 through June 30, 2011 for Omni-9 and OS/R-9 devices. The pricing is based upon Western States Contracting

Alliance (WSCA) contract AR-1466. WSCA is a contracting consortium for state government departments, institutions, agencies and political subdivisions in the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming. The State of Utah awarded a contract for Alcatel maintenance services on behalf of WSCA on June 1, 2007. The WSCA contract is currently valid through May 31, 2012. A copy of the current WSCA-Alcatel contract and extension is attached as back up.

In accordance with the California Public Contract Code (PCC) Section 20651(a) through (d), only the governing board may authorize award of purchase orders that exceed \$78,500.00, and the board must award the orders to the lowest responsible bidder or reject all bids. However, in lieu of conducting a bid process, Public Contract Code (PCC) section 20652 provides that community college districts may utilize contracts that have been awarded by other public entities.

Given that Alcatel maintenance and support services are only available directly from Alcatel, if the District were to conduct a separate bid rather than using the WSCA contract, the sole qualified bidder would be Alcatel. A bid based only upon the District's current maintenance and support service requirements would be unlikely to result in lower prices than those available through the WSCA contract. WSCA contract pricing is based upon the combined volume of several states and their political subdivisions.

The Educational Technology Services (ETS) department is currently working with the District's Purchasing Services department to finalize an Invitation to Bid for equipment to replace the existing Alcatel equipment during 2011. Meanwhile, there is a need to continue network maintenance and support of the existing Alcatel equipment. The cost of the maintenance agreement has been reduced from the previous year due to some of the devices reaching vendor 'end of life' support and quantities being reduced based on the planned phased installation of replacement equipment in 2011.

The Vice Chancellor of Technology and Chief Technology Officer, Fred Sherman, and the Purchasing Services Director, Carmen Redmond, recommend approval of entering into a 6-month maintenance and service agreement with Alcatel-Lucent based upon the WSCA contract, pursuant to PCC section 20652.

Vice Chancellor of Educational Technology Services Fred Sherman recommends the board **authorize** the Director of Purchasing and Material Services 'to issue a purchase order not to exceed the amount of \$99,330.00 to Alcatel-Lucent in accordance with WSCA contract AR-1466 and the associated contract extension by Alcatel-Lucent and WSCA.

4. Approval of Independent Contractor Agreement

The State of California issued the Green Innovation Challenge in May 2010, with the intent to encourage business-led partnerships to develop creative methods of increasing employment within the green economy. NOVA Workforce Board submitted a concept paper requesting \$4 million on behalf of a collaborative known as the SolarTech Workforce Innovation Collaborative (SWIC). The partners include NOVA, SolarTech, Foothill-De Anza Community College District, and others in the private, public, and nonprofit sectors. On June 29th the State announced that SWIC was approved for funding in the amount of \$4 million. **The deliverables will occur over 24 months, beginning June 30, 2010.** The Grant awards \$1,258,917 to

Foothill-De Anza Community College District to implement the training and education component of the program.

Catherine Ayers was one of the authors for the proposal, and has been coordinating the efforts to implement the training and education workplan to meet the timeline and deliverables in the funded proposal. Catherine Ayers will provide project management to the SolarTech Workforce Innovations Collaborative (SWIC) in coordination with FHDA Professional & Workforce Development and the Center for Applied Competitive Technologies.

Services include:

- Manage the day-to-day operation of SWIC within FHDA, including the planning and implementation for the training and education component of SWIC. *See attached projected activities.*
- Ensure objectives are met and work plan is implemented on a timely basis.
- Communicate project information to FHDA, NOVA and industry stakeholders and provide direction to other community college and educational partners,
- Ensure compliance activities related to the grant are performed, including data collection and monthly reporting.
- Serve as the primary contact for NOVA, the fiscal agent for the SolarTech Workforce Innovations Collaborative.

Services, including expenses, will not exceed \$98,500 from July 1, 2010-June 30, 2011.

Vice President of Workforce Development and Instruction Richard Galope recommends **approval** of the independent contractor agreement with Catherine Ayers.

5. Appointment of Chief Negotiators

In accordance with Board Policy 2610.2, the Board is requested to approve the following administrators to meet and confer or meet and negotiate with recognized employee organizations:

Suzanne Pfeiffer, Director of Human Resources
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity

Chancellor Linda Thor recommends **approval** of the appointment of the chief negotiators.

6. Donation of Surplus Chairs

The District has eighty (80) surplus stackable chairs that are of no further use to the District.

Education Code 81450.5 provides that a community college district may donate surplus personal property belonging to the District to a school district, a community college district, or a public entity.

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

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

7. Donation of Surplus District Computer and Monitors to OTI

The District has 13 computers and 10 monitors that have been replaced with new equipment. The used equipment is unsatisfactory for further use by the District. Educational Technology Services (ETS) estimates that each computer has a value of \$40.00 and each monitor has a value of \$30.00. Therefore, the estimated aggregate value is \$820.00.

The De Anza College Occupational Training Institute evaluated this equipment and found it acceptable for refurbishment and donation to students as scholarships. Therefore, it is recommended that the computers be donated to the Foothill-De Anza Foundation, which is a tax-exempt public benefit corporation under Section 501(c)(3) of the Internal Revenue Service Code.

California Education Code 81452(c) provides that if the governing board, by a unanimous vote of those members present, finds that the property, is of insufficient value to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the board.

Director of Purchasing and Material Services Carmen Redmond recommends the board make a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorize** the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation.

8. Public Auction of Surplus De Anza College Fitness Equipment

The District owns fitness equipment, formerly used by De Anza College, which will be replaced with new during the holiday break in December 2010 (see attached Surplus Forms, 3 pages). Most of the equipment was purchased in 1999, and it is not satisfactory for further use by the District. The estimated aggregate resale value is \$7500.00.

De Anza College is continuing to use the old fitness equipment until the end of Fall Quarter. It will be replaced with new during the holiday break. In order to avoid the need to remove, transport, and store the large quantity of old fitness equipment, Purchasing Services recommends that the equipment be sold on-site at a public auction immediately prior to the arrival of the new fitness equipment.

In accordance with Education Code section 81450(b), the Board may choose to conduct any sale of personal property authorized under section 81450 of the Education Code by means of a public auction conducted by employees of the district or other public agencies, or by contract with a private auction firm. The board may delegate to the district employee responsible for conducting the auction the authority to transfer the personal property to the highest responsible bidder upon completion of the auction and after payment has been received by the district.

The Purchasing Services will select, and enter into an independent contract agreement with, a local auctioneer. Such auctioneers typically charge a fee based upon a percentage of the actual

sales amount. The fee is estimated not to exceed 15% of the actual sales amount. Purchasing Services will also legally advertise the auction once per week for two weeks in the San Jose Post Record. Additionally, Purchasing Services will work with De Anza College and the auctioneer to publicize the auction on the campuses and to the general public. Proceeds will be deposited to the District General Fund.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to conduct a public auction as described herein and to transfer the personal property to the highest responsible bidder upon completion of the auction after payment has been received by the district.

9. Recycle and Dispose Surplus Furniture

The District owns miscellaneous surplus furniture (see attached lists, 8 pages) 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 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.

10. Sale of Foothill College Surplus Fitness Equipment

The District has surplus fitness equipment, formerly used by Foothill College, that has been replaced with new (See attached Surplus Forms, 7 pages). The estimated aggregate market value of the fitness equipment is \$700.00.

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 call for competitive bids on the Public Surplus website. Proceeds will be deposited to the District 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).

11. Sale of Surplus District Furniture

The District owns two upholstered armchairs that are of no further use to the District. The estimated aggregate market value of the chairs is \$50.00.

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 call for competitive bids on the Public Surplus website. Proceeds will be deposited to the District General Fund.

Director of Purchasing and Material Services Carmen Redmond recommends the board make a finding that the two upholstered armchairs 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).

12. Sale of Surplus District Television

The District owns a projection television that is of no further use to the District. The estimated market value of the television is \$100.00.

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 call for competitive bids on the Public Surplus website. Proceeds will be deposited to the District General Fund.

Director of Purchasing and Material Services Carmen Redmond recommends the board make a finding that the projection television 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).

13. 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**.

14. Increase the DASB Fee

DASB has not increased the student body fee since 1993. The Association fee of \$6 per quarter has been in effect for the past seventeen years. This has resulted in the current student body fee being extremely undervalued after almost two decades of inflation. According to Consumer Price Index statistics from the US Bureau Labor Statistics, the \$6 established in 1993 should now be worth \$9.04. The rise in prices for goods and services due to inflation will only continue to harm the DASB's budget and buying power in the long term. This proposed increase is in line with and actually below other similar California community colleges.

For the past several years the DASB Senate has received budget requests from College services and programs that far exceed the actual income. Last year, the DASB had \$1.5 million in requests from various programs, but our budget barely afforded to fund approximately \$1 million. The shortage of the DASB budget has created a lot of financial hardships for programs around campus and has forced them to drastically cut back their services to students.

The DASB cannot continue to disregard the impact of inflation on the budget if we wish to continue to provide quality programs and services for the students. It is estimated that an increase of \$3 per quarter, from \$6 to \$9, for the DASB fee will result in an additional \$200,000 to the DASB budget per year. Not only will an increase in the student body fee allow the DASB to expand the programs and services that were reduced in prior years, but it will also allow opportunities for the DASB to enact new programs, such as the much-discussed Food Scholarship Program. An increase in the student body fee is not only long overdue, but also urgently needed to continue De Anza College's growth as a premier community college.

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

15. Board Policy 4125 - Authorization to Offer Employment (1st Reading)

Given the recent reductions in staffing across the District in response to reduced budgets and increasing demands for services, and in order to improve the District's ability to operate efficiently and effectively during periods of turnover, vacancy in positions, and other employment related changes throughout the District, District administration requests the Board to authorize the Chancellor, when necessary, and on a routine and ongoing basis, the authority to approve appointments and other employment actions. Each action will be brought to the Board for ratification, however, prior Board approval is required for appointment as Chancellor, Interim Chancellor and Acting Chancellor, and for regular appointment as President, Vice Chancellor, and Executive Director of Facilities, Operations and Construction.

This proposed change does not affect the Chancellor's ability to delegate to other members of the Chancellor's executive staff to serve as acting Chancellor during the Chancellor's absence due to travel, leave or other reasons which take the Chancellor out of the area or otherwise impede the Chancellor's ability to be readily available to perform the duties of Chancellor for short periods of time. This temporary delegation of authority does not constitute an "appointment" for the purpose of BP 4125.

The policy as proposed is submitted to the board for a 1st reading.

16. Audit and Finance Committee Membership

Attached is a memorandum from Vice Chancellor McElroy to Chancellor Thor outlining a process for membership appointment to the Audit and Finance Committee.

The term of one community member will expire at the end of the calendar year.

The Board is asked to appoint a two-person subcommittee who will be engaged in reviewing prospective applicants and making a recommendation to the full Board at their December meeting.

Vice Chancellor of Business Services Kevin McElroy recommends the board **appoint** two Board members to a subcommittee who will facilitate a recommendation for new Audit and Finance committee membership to the full Board.

17. Citizens' Bond Oversight Committee Membership

Attached is a memorandum from Vice Chancellor McElroy to Chancellor Thor outlining a process for membership appointment to the Citizen's Bond Oversight Committee Membership.

The term of three community members will expire at the end of the calendar year.

The Board is asked to appoint a two-person subcommittee who will be engaged in reviewing prospective applicants and making a recommendation to the full Board at their December meeting.

Vice Chancellor of Business Services Kevin McElroy recommends the board **appoint** two Board members to a subcommittee who will facilitate a recommendation for new Citizens' Bond Oversight committee membership to the full Board.

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

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

August
76001016

September
76001118
76001094

Vice Chancellor of Business Services Kevin McElroy recommends **ratification** of the board warrants greater than \$5,000 for August and September 2010 to Borel Private Bank & Trust Co.

19. 2010-11 First Quarter Report

Presented to the Board for information is the 2010-11 First Quarter Report.

20. Resolutions to Adopt Budget Revisions and Transfers

Presented to the Board are the 2010-11 first quarter budget revisions and transfer resolutions.

Vice Chancellor of Business Services Kevin McElroy recommends **adoption** of the resolutions.

21. Measure E Consent

The aggregate amount for these items is \$48,835.

- A.** *Title:* Revision #2 to Agreement
Vendor: Cody Anderson Wasney Architects, Inc.
Agreement Date: February 1, 2010
Campus: Foothill College
Project No.: 403
Project Name: District Office Building Renovation
Amount: \$25,540
For: Provide additional design services to accommodate the new fire protection requirement of division of the State Architect.
- Action:* The funding for this change is within the current budget
Ratification
- B.** *Title:* Revision #4 to Agreement
Vendor: Cody Anderson Wasney Architects, Inc.
Agreement Date: May 5, 2009
Campus: Foothill College
Project No.: 401
Project Name: New ETS/Data Center Building
Amount: \$23,295
For: Provide additional design services to accommodate the new fire protection requirement of Division of the State Architect.
- Action:* The funding for this change is within the current budget
Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen, and Director, Bond Program Management, De Anza College, Tom Armstrong, recommend **ratification/approval** of the Measure E consent items.

22. Measure C Consent

The aggregate amount for these items is \$155,320.

- A.** *Title:* Prime Contract Change Order #2 – FINAL CHANGE ORDER
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: <\$225>
For: Design changes for tree root conflicts, play structure fall zone requirements, tree replacement and pathway modifications. This change order also includes credits for a damaged roadway directional sign, irrigation controller installation, and deck design changes.

This change order represents 0.1% of the construction value. This is the final change order. Funding for this project is available within the current project budget.

Action: Ratification

B. *Title:* Change Order #6
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: \$30,544
For: Miscellaneous construction change orders at the Seminar Building and Multicultural Center.

The total Change Orders to date represent 3.4% against the original contract amount. Funding is included in the current budget.

Action: Ratification

C. *Title:* Prime Contract Change Order #3
Vendor: Peterson 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: \$3,652
For: Repairs to fire sprinkler lines and to wooden parapets relating to field conditions; changes to waterproofing details at electrical outlets, and addition of wood headers at doorway entrances for a total of \$23,652. This change order includes a deductive amount of <\$20,000> to close out Allowance #2 flat roof electrical conduit repairs.

This change order represents 0.3% of the construction value.
Total change orders to date are 0.7% of the construction value.

- Funding for this project is available within the current project budget.
- Action:* Ratification
- Change Order #21
- D.** *Title:* S. J. Amoroso, Inc.
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: <\$4,822>
For: Miscellaneous changes: re-attach conduits at S6, modify pipe insulation at E1 connection, add gas filters at S2 and S6 meters, and delete partial discharge testing.
- The total Change Orders to date represent 14.49% against the original contract amount. Funding is included in the current budget.
- Action:* Ratification
- E.** *Title:* Change Order #22
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: \$36,620
For: Miscellaneous changes: paint exterior hydronic pipe at S2, S6 and Cooling Tower, and connect hydronic pipe at MLC building end.
- The total Change Orders to date represent 14.88% against the original contract amount. Funding is included in the current budget.
- Action:* Ratification
- F.** *Title:* Agreement for Inspector of Record Services
Vendor: Clark Inspection Group, Inc.
Agreement Date: September 23, 2010
Campus: Foothill College
Project No.: 110
Project Name: Renovation of Language Arts General Classrooms
Amount: \$33,000
For: Perform the duties required of the Project Inspector of Record as required by the Division of the State Architect.
- The funding for this agreement is within the current budget.

Action: Ratification

- G. Title:** Change Order #1 to Rental Contract – Period of 10/14/10 through 12/02/10
Vendor: City of Palo Alto
Agreement Date: October 13, 2010
Campus: Foothill College
Project No.: 142
Project Name: Soccer and Softball Complex
Amount: \$1,305
For: Field rental for Foothill College softball while Project 142, Soccer and Softball Complex is under construction. The original contract was for rental of soccer fields for the same project; this amendment adds rental of softball facilities.

Action: Ratification

- H. Title:** Revision #4 to PAA #F-HMC-#1B
Vendor: HMC Architects
Agreement Date: November 1, 2010
Campus: Foothill College
Project No.: 112
Project Name: Modernization of Administration Building and general Classrooms
Amount: \$23,800
For: Design revisions for changes to the east portion of the Administration Building – 1900, as requested by the College due to program changes. This change includes revised drawings, mechanical system evaluation and construction administration for the change in scope.

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

- I. Title:** Change Order #8
Vendor: Zolman Construction and Development, Inc.
Agreement Date: February 2, 2010
Campus: Foothill College
Project No.: 112
Project Name: Modernization of Administration Building and General Classrooms
Amount: \$31,446
For: Installation of additional power and data in classrooms 6402 and 6403 to allow for expanded computer use, as requested by the College.

This change represents 0.66% change to the contract value. Total project changes represent a 6.80% change to the contract value.

Action: The funding for this change is within the current budget.
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 **ratification/approval** of the Measure C consent items.

23. Request Approval for Change Order # 7 in the Amount of \$94,760 for John Plane Construction to Revise Building Automation System (BAS) Components

De Anza Project # 205 Seminar Building & Multicultural Center includes modernization of the existing HVAC and lighting controls to be compatible with the District legacy controls standards.

A District-wide Building Automation System control standard was developed and released earlier this summer for future projects. The new Building Automation System controls package is an open-protocol system and will provide for more effective building energy control and monitoring and will utilize an open source structure to ensure inter-operable components, parts and programming from a variety of vendors.

Even though construction for the project began prior to the release of this new District control standard, the planning for the controls system transition identified this project as a likely candidate to start the transition. This change order will delete reference in the construction documents to the legacy controls system and will substitute new District standard Building Automation System components.

Executive Director of Facilities, Operation and Construction Management Charles Allen requests Board **approval** of the construction change order identified above.

24. Measure C Project List Revision with Central Services Budget Transfer #11, Foothill Budget Transfer #23 and De Anza Budget Transfer #25

This revision to the Measure C Project List is being presented to recognize the actual earned interest of \$3,298,342.88 for the 3rd and 4th quarter of fiscal year 2009/2010 by distributing it into projects of the Measure C Program.

This revision is required to implement project planning efforts on behalf of the Bond Management Team to plan and prioritize project scope and funding at De-Anza College. This revision also transfers funding between the budgets of four projects.

De Anza Budget Transfer #25 places interest earned as follows:

- Fiscal Year 2009-2010 Interest Earnings Allocation of \$683,005 to Project #261 Mediated Learning Center
- Fiscal Year 2009-2010 Interest Earnings Allocation of \$893,602.90 to Project #251 Install Photovoltaic Arrays – Campus Wide

De Anza Budget transfer #25 also includes the following items:

- Transfer surplus funds from completed Project # 215 Signage to Project #218 Signage and Way finding.
- Transfer surplus funds from completed Project #224 Campus Site Lighting Phase 1 to Project # 274 Combined Site Improvements.
- Combine projects and transfer funding from Project # 249 Baseball & Softball Fields to Project #206 Stadium and Track - combining design and construction scopes and budgets.
- Transfer a portion of the District's debt fund # 910 into Project #251 Install Photovoltaic Arrays – Campus Wide. Project #910, Pay off existing debt, is no longer needed and will be closed, with the available funding to be directed to Photovoltaic Array installations at both Colleges. This project was originally set up to pay off a Certificate of Participation (COP). It has since been determined that the portion of the COP we intended to pay off are non-callable bonds and cannot be paid off with a lump sum Measure C payment.

Central Services Budget Transfer #11 places \$122,038.68 of interest earned in project #499, District Program Contingency.

Foothill Budget Transfer #23 places \$1,599,696.30 of interest earned in project #199, Foothill Program Contingency.

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends Board **approval** of the Bond Project List Revision with District Budget Transfer #11, Foothill Budget Transfer #23 and De Anza Budget Transfer #25.

25. Request Approval for Change Order #2, Project #154, Photovoltaic Arrays – Parking Lots 2 & 3, in the amount of \$227,828 for Chevron Energy Solutions

The request for Change Order #2 is based on the following:

- 1) Four additional parking lot light fixtures to improve light levels (\$36,606);
- 2) Increase size of main electric vault to coordinate with future Measure C projects (23,547);
- 3) Improvement of paving at entry and exit of Lot 6 improvements to improve safety (\$8,450);
- 4) Installation of K-rail traffic barriers to improve traffic safety (\$16,796);
- 5) Additional wheel stops in parking lots, as requested by District (\$10,350);
- 6) Seven additional street lights adjacent to Loop Road to increase lighting levels to campus standard (\$81,371);
- 7) Engineering design for work described above (\$17,800);
- 8) Fees and bonds related to work described above (\$32,435);
- 9) Administrative adjustment of Allowance #1 (\$473).

This change represents 3.3% change to the contract value. Total project changes represent 5.8% change to the contract value. The funding for this change is within the current project budget.

Funding for these changes are available within the current Measure C project budget.

Executive Director of Facilities, Operation and Construction Management Charles Allen Recommends **approval** of Change Order #2 with Chevron Energy Solutions.

26. Award a Contract Pursuant to Bid Document #1288-109, P.E. Lab Space Remodel, at Foothill College

The project provides for renovation of the PE Lab Space, Building 2900, to improve physical education facilities including: updating restrooms, exterior access for ADA compliance, abatement of hazardous materials, replacement of mechanical and electrical systems, new roof, repair of exterior finishes, structural improvements, and new interior finishes. TBP Architects prepared the construction documents and a complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1288-109 was legally advertised on August 27 and September 3, 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. Bids were publicly opened and read on October 6, 2010 at 2 p.m. by Purchasing Services. Seven contractors submitted bids, the results are shown below:

General Contractors	Base Bid Price
Calstate Construction Inc.	\$597,888
Roek Construction	\$624,000
John Plane Construction, Inc.	\$643,000
Rockaway Construction, Inc.	\$671,921
CF Contracting	\$737,800
Zolman Construction and Development, Inc.	\$787,000
Romkon, Inc.	\$799,000

Calstate Construction Inc., has successfully completed public works projects for other public agencies such as James Lick High School and San Jose State University. Furthermore, Calstate Construction Inc., and its subcontractors have signed the Appendix A, “Agreement To Be Bound” and Appendix C, Construction Careers Program Agreement of Contractors, of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The bid price of \$597,888 submitted by Calstate Construction Incorporated is well within the construction estimate of \$850,000. The project will be funded through Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to award a contract pursuant to Bid Document #1288-109, P.E. Lab Space Remodel at Foothill College, in the amount of \$597,888 to Calstate Construction Inc.

27. Authorization to Award Contract Pursuant to Bid 1308 for the Purchase of Nine (9) Diesel Cargo Vans

The District requires nine (9) diesel cargo vans to replace four pick-up trucks and five vans that have been taken out of service due to age and poor condition. Therefore, District Purchasing Services prepared bid documents and incorporated technical specifications jointly written with the District Plant Service Staff in order to invite bids for a one-time purchase of diesel cargo vans.

The bid was advertised on September 10, 2010 and September 17, 2010. The Invitation to Bid was sent to thirteen (13) vendors and posted on “Bidnet” at www.govbids.com. Bids were publicly opened and read on September 24, 2010 at 2:00 p.m. in Purchasing Services. Six (6) vendors submitted bids. The bid results are shown below:

	Putnam Chevrolet	Wondries Fleet Group	Golden Gate Truck Center	Mercedes Benz of Rocklin	San Francisco Ford Lincoln Mercury (non-responsive)	TEC of California
Bid Price Including sales tax	\$329,575.59	\$334,565.37	\$444,494.39	\$399,035.25	\$195,729.75	\$372,750.08

San Francisco Ford Lincoln Mercury (“San Francisco Ford”) was the apparent low bidder. However, the San Francisco Ford bid was not responsive and must be rejected because it failed to comply with the bid specifications. Instead of offering the specified diesel cargo vans, the San Francisco Ford bid offered gasoline-powered cargo vans.

Therefore, the actual lowest responsive and responsible bidder is Putnam Chevrolet with a bid price of \$329,575.59 for a quantity of nine (9) Chevrolet Express one-ton diesel cargo vans.

This purchase is funded by Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to reject the San Francisco Ford Lincoln Mercury bid as non-responsive and to award a contract pursuant to Bid 1308 in the amount of \$329,575.59 to Putnam Chevrolet.

28. Authorization to Award Contract Pursuant to Bid 1309 for the Purchase of Four (4) Diesel Chassis Cab Trucks

The District requires four (4) diesel chassis cab trucks to replace four pick-up trucks that have been taken out of service due to age and poor condition. Therefore, District Purchasing Services prepared bid documents and incorporated technical specifications jointly written with the District Plant Services Staff in order to invite bids for a one-time purchase of diesel chassis cab trucks.

The bid was advertised on September 14, 2010 and September 21, 2010. The Invitation to Bid was sent to thirteen (13) vendors and posted on “Bidnet” at www.govbids.com. Bids were publicly opened and read on September 28, 2010 at 2:00 p.m. in Purchasing Services. Four (4) vendors submitted bids. Additionally, an anonymous bidder submitted a bid of \$117,975.40, but it was non-responsive and must be rejected because the bid form was incomplete, unsigned, and did not identify the name, location, or phone number of the company.

The bid results are shown below:

	Downtown Ford Sales	San Francisco Ford	TEC of California	Wondries Fleet Group
Bid Price including sales tax	\$18,284.27	\$108,618.16	\$138,856.75	\$105,925.52

The lowest responsive and responsible bidder is Wondries Fleet Group with a bid price of \$105,925.52 for a quantity of four Ford F250, model F2A, Chassis Cab diesel trucks. The trucks are warranted to run on up to 20% biodiesel fuel.

This purchase is funded by Measure C.

Director of Purchasing and Material Services Carmen Redmond recommends the board **authorize** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1309 in the amount of \$105,925.52 to Wondries Fleet Group.