



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
OCTOBER 23, 2012

**CALL TO ORDER (5:00 p.m.)**

**CLOSED SESSION (5:01 p.m.)** Topics to be discussed include:

Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

\* Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152

\* Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.

\* Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.

\* Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.

\* Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.

\* Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.

\* Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.

\* Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.

\* Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.

\* Conference with Legal Counsel (54956.9(a)), PCCD v. Johnson Controls, Alameda County Superior Court Case No. RG12644402.

\* Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (8 cases).

Conference with Real Property Negotiator (Government Code § 54956.8):

\* Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.

\* Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.

\* Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957).

\* Consider Approval of Interim Dean, Academic and Student Affairs, Laney College.

\* Consider Employee Discrimination Claims.

**OPEN SESSION (7:00 P.M.)**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Trustees González Yuen Pr\_ Ab\_, Guillén Pr Ab\_, Handy Pr\_ Ab\_, Hodge Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab , and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Cervantes Pr Ab\_.**

**REPORT OF ACTION TAKEN IN CLOSED SESSION (7:01 P.M.)**

At tonight’s closed session, the Board voted to approve the appointment of the following public employee contract, which is subject to contractual agreement by the Chancellor: 1. Mildred Lewis, Interim Dean of Academic and Student Affairs, Laney College, at an annual salary of \$110,000, effective October 24, 2012 through October 24, 2013, or until the position is filled, whichever occurs first.

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

**APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)**At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board will move to the Action Calendar items with public speakers.

[Agenda](#)

Item 14 - There is an addition to the short-term employee list: Hayat Guessoum, from 10/24/12 to 3/29/13, Clerical Assistant II, Laney College.

Item #21 The recommended construction management firm is Seville Group, Inc. dba SGI Construction Management. The amount of the agreement is not-to-exceed \$344,639.00. The ratings for the three firms under consideration were as follows:

Seville Group, Inc. dba SGI Construction Management	87
Seville Construction Services	64
APSI Construction Management	43

**APPROVAL OF THE MINUTES (7:03 P.M.)**

[Minutes 10-9-12](#)

[Minutes 9-25-12](#)

1. Consider Approval of the Regular Board meeting Minutes of October 9, 2012. Consider approval of the regular Board meeting minutes of October 9, 2012. The minutes are posted on Granicus and the Board of Trustees’ website.
2. Welcoming Remarks from the Piedmont Unified School District Board of Education Vice President Andrea Swenson and Presentation of Proclamation.

[Proclamation](#)

Mayor John Chiang welcomed the Board to the Piedmont community. Piedmont Unified School Board Vice President Swenson arrived later in the meeting to accept a proclamation from the Peralta Colleges.

**PUBLIC COMMUNICATIONS** At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board’s jurisdiction. Under

provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)

Speaker Sealund, a classified staff member, asked for the short-term hourly dates to be extended at Merritt College as they are still recovering from the cuts of the Deans' positions. Speaker Goldstein thanked the City of Piedmont for hosting the group. PFT and the District are back at the table on a variety of issues. Their website is undergoing a major revamping, managed by their parent organization, with new content coming soon. PFT will team with Piedmont teachers to get out the vote. He thanked the Piedmont voters and schools for supporting our parcel tax and past bond measures, and asked the Board to support the same measures in Piedmont. Speaker Copenhagen is a student and a former student trustee. He is now the President of the state Student Senate. He feels the Chancellor has done an outstanding job reaching out to our students. For the last three years our colleges haven't had full-time advisors, and he feels the effects are apparent. COA has a half-time advisor. He feels that the student leadership has been denied the opportunity to succeed in their roles, and he asks the Board to teach leadership skills and support the students by funding advisors. Student government travel is a problem, such as at the General Assembly where the students haven't had an on-site advisor.

## REPORTS

**The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting. All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.**

3. Associated Student Government Reports Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. (Please provide your Name, College, and Position, and line-up to speak.)

There were no student reports given.

4. Chancellor's Reports Chancellor's Report Dr. José M. Ortiz (7:30 P.M.) Vice Chancellor's Reports Budget Update Vice Chancellor Gerhard Enrollment Update Interim Vice Chancellor Orkin Student Services Update Vice Chancellor Ng General Services Update Vice Chancellor Ikharo Human Resources Vice Chancellor Largent College Reports

The Chancellor shared some of his recent activities with the Board. Congresswoman Barbara Lee held a successful media event at Laney College, Wednesday, October 10, at The Laney College Machine Technology Lab. She talked about the latest job numbers, and how the recent TAACCCT grant helps move the country forward, creating a workforce equipped to meet the demands of advanced manufacturing, logistics and engineering fields. The Gateways East Bay STEM (science, technology, engineering, and mathematics) Network Community Stakeholders Retreat was held on October 10, 2012, with a plenary session at the Chabot Space & Science Center in Oakland. There was a Gala Reception for the 5th President at Cal State East Bay, Leroy M. Morishita on October 12th. At Laney College, there was a Chancellor's Meet & Greet

and Tour on October 17th. On October 18th there was a Community College Sustainable Development Initiative Launch & Forum Program with U.S. Secretary of Labor Hilda Solis. On October 20th Former U.S. Ambassador Andrew Young was in attendance. October 23rd was a Celebration Luncheon for TAACCCT "Design Build Ship" Awardees. On October 24th there was a meeting with John Bailey, Executive Director of Oakland Workforce Investment Board. The Chancellor is looking forward to the Board Retreat this weekend, October 26th and 27th with facilitator Dr. Jerome Hunter.

### **Berkeley City College Interim President Budd**

[BCC President Report](#)

### **College of Alameda President Jackson**

[COA President Report](#)

### **Laney College President Webb**

**Merritt College Interim President Stanley  
Mentor-Connect Technical Assistance and Mentoring Support Workshop Grant Intent to Apply with  
the National Science Foundation.**

[Merritt College President Report](#)

[Mentor Connect background materials 1](#)

[Mentor Connect background materials 2](#)

President Stanley informed the Board about this grant application.

5. Board of Trustees' Reports (7:35 P.M) At this time, the Board of Trustees will report on matters related to attendance at conferences, professional affiliations, and community involvement directly related to their functions as Board members.

Student Trustee Cervantes announced the upcoming Districtwide student counsel meeting at BCC. He and Student Trustee Clegg will attend the Student Senate General Assembly. Trustee González Yuen is hoping that everyone will take time to work for the passage of Proposition 30. He feels there will be a huge, negative impact on the state if it doesn't pass. Trustee Riley shared that the Andrew Young program was outstanding, sponsored by the MLK Freedom Center and housed at Merritt College. Trustee Guillén attended a clergy meeting with East Oakland where leaders asked that Peralta give church presentations about the upcoming class cycle, and to ask students to register early. He attended a conference on AIDS in Oakland, which is funded in the shadow of San Francisco. The budget in S.F. is \$50 million versus \$5 million in Oakland for the same case load. It's an epidemic that hasn't gone away. He attended a conference on the Emerald Cities program at Laney College, and he commended the faculty and staff for their hard work on the program. Trustee Gulassa attended the Barbara Lee and Hilda Solis events which were both exceptional. Having the chief DOL representative in attendance was extraordinary for all of us, and it was an historic moment for our college.

6. District Academic Senate Report Presenter: DAS President Karolyn van Putten

[DAS President Report](#)

## **PRESENTATIONS**

7. Study Session on Proposed Board Policies Presenter Jim Grivich (10 minutes) The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption: BP 3505 Emergency Response Plan (Replaces Board Policy 2.45 Crime Awareness and Campus Security) BP 5300 Study Equity (New Policy) BP 5420 Associated Students Finance (New Policy) BP 5500 Student Standards of Conduct (Replaces Board Policy 4.40 Student Code of Conduct, Discipline and Due Process and Board Policy 8.01 Due Process) BP 6400 Audits (Replaces Board Policy 6.10 Annual External Audits, Board Policy 6.11 Internal Audits, and Board Policy 6.12 Internal Audit reports) BP 6500 Property Management (New Policy) BP 6620 Naming of Buildings (Replaces Board Policy 6.87) BP 7130 Compensation (New Policy) BP 7140 Collective Bargaining (New Policy)

[BP 3505](#)

[BP 5300](#)

[BP 5420](#)

[BP 5500](#)

[BP 6400](#)

[BP 6500](#)

[BP 6620](#)

[BP 7130](#)

[BP 7140](#)

Jim Grivich gave an update to the Board on these policies. Many of the new policies had the prior language moved into Administrative Procedures. Trustee Guillén asked what percentage are now complete. About 70-75% are complete. Another 10-15% are in development in the shared government process, that haven't come to the Board yet. We are on track for being responsive to the Accreditation March deadline, with all of them drafted and in shared governance by September, and before the Board by January. Trustee González Yuen had a suggestion for BP 6620 Naming of Buildings. He is proud that BCC has a plaque to honor the building trade workers who worked over 100 hours there. He'd like for a Board Policy to acknowledging building trade workers whenever we build a brand new building. He feels it's a very small cost of the building to pursue this, and he doesn't feel it should be dependent upon a particular Board to instigate this. Trustee Handy feels that intent is already included in the policy. Trustee Gulassa asked Trustee González Yuen to provide suggestion language to the Chancellor, and he thanked Trustee González Yuen for his past efforts with the plaque at BCC. The work on Board Policies and Administrative Procedures is part of our obligation to answer our accreditation demands, and Mr. Grivich was thanked for his hard work on the matter.

#### **Motion on the Consent Calendar**

Present: Trustee Withrow, Trustee Gulassa, Trustee Guillén, Trustee Handy, Trustee Hodge, Trustee González Yuen, and Trustee Riley.

Absent: None.

MOTION: Motion by Trustee González Yuen, second by Trustee Riley to approve the Consent Calendar including agenda items 8 13, 14 (as amended), 15 - 21 (as amended).

AYES: Trustee Withrow, Trustee Gulassa, Trustee Guillén, Trustee Handy, Trustee Hodge, Trustee González Yuen, and Trustee Riley.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

Chancellor Ortiz shared that Item 8 is a resolution in memory of Mervyn Dymally. Trustee Withrow abstained on Items 13 and 14.

## **BOARD MATTERS**

8. Consider Approval of Proclamation in Memory of Mervyn Dymally Presenter: President Gulassa Consider approval of Proclamation in Memory of Mervyn Dymally. The Chancellor recommends approval.

### [Background Material](#)

9. Consider Approval of the Board Meeting Calendar for 2013 Presenter: Assistant Epstein Consider approval of the Board Meeting Calendar for 2013. The Chancellor recommends approval.

### [Background Material](#)

## **EDUCATIONAL AND STUDENT SERVICES**

10. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Interim Vice Chancellor Orkin Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations - October 2012" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

### [Background Material](#)

## **FINANCIAL SERVICES**

11. Consider Ratification of Purchase Order Report Presenter: Vice Chancellor Gerhard Consider ratification of purchase order report. This item is for informational purposes only. This report is being presented for review in accordance with Education Code section 81656 which states, "All transactions entered into by the District shall be reviewed by the governing board every 60 days". All Purchase Orders listed have been issued in accordance with the District's policies and procedures by an authorized officer of the District and have been budgeted. The Chancellor recommends ratification.

### [Background Material](#)

12. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Presenter: Vice Chancellor Gerhard Consider ratification of the AP, Travel, and Consulting Contract Warrant Register. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for

ratification purposes only. The Chancellor recommends ratification.

[Background Material](#)

13. Consider Approval of Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval. Trustee Withrow abstained.

[Background Material](#)

**HUMAN RESOURCES**

14. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees Presenter: Vice Chancellor Largent Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Bingham	Sharonda	10/24/12	5/31/13		Instructional
Asst/Psychology M					
Hayes	Neshawn	10/24/12	12/19/12	Staff Assistant/Admin (Grants)	M
Koelle	Katherine	10/24/12	6/28/13	Instructional Asst/English	B
Watkins	Janis	10/24/12	5/31/13	Instructional Asst/Psychology	M

(read into the agenda) There is an addition to the short-term employee list: Hayat Guessoum, from 10/24/12 to 3/29/13, Clerical Assistant II, Laney College. Trustee Withrow abstained.

**FACILITIES**

15. Consider Approval of Resolution 12/13-15, Accept Bid and Award Contract, CHW Infrastructure Project, Merritt College (Bid No. 12-13/03), Taber Construction Inc. Presenter: Vice Chancellor Ikharo Approval is requested to accept the bid and award a contract to Taber Construction Inc., in the amount of \$4,076,000, for the CHW Infrastructure Project, Merritt College (Bid No. 12-13/03). Funding Source: Bond Measure A. The project consists of the alteration of Building F and underground chilled water infrastructure with connections to Building L and Building Q. Work includes the installation of a chilled water plant in Building F with a cooling tower yard and includes new electrical service. Also included is stub out service to the future New Science & Allied Health Center. Building F alterations include converting the existing entrance into a chiller room, installing second floor stair exiting and a lower room addition with acoustical louvers, a cooling tower yard with site screen chain link fences and gates, pumps and a new electrical substation to serve the new central chilled water plant equipment. Exposed pipes will have outdoor box enclosures on exterior walls and low roofs. A formal bid was conducted for this project (Bid No. 12-13/03), and a bid opening was held on October 16, 2012. Four bids were received, as follows:

[Background Material](#)

16. Consider Approval of Resolution 12/13-16, Acceptance and Retention, Ratification of Change Order No. 6, Improvements to 860 Atlantic Avenue, Alameda, Cal-Pacific Construction Inc. Presenter: Vice Chancellor Ikharo On September 28, 2010, this Board ratified the contract award to Cal-Pacific Construction Inc. for the Improvements to 860 Atlantic Avenue project in Alameda. The work has now been completed and a Notice of Completion has been filed with the

County of Alameda. Project acceptance is recommended. This resolution accepts the work as complete and provides a retention payment of \$232,502.64, which is 5% of the contract price as modified by change orders. Funding Source: Bond Measure A. Ratification is also requested for Change Order No. 6, in the amount of \$35,531.30. Including the previously Board approved Change Order Nos. 1, 2, 3, 4 and 5, the cumulative change order total is \$425,574.00, which is 9.99% of the original contract amount (\$4,260,000.00). It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 6 is now brought before the Board for ratification. Change Order No. 6 was required to address items that were necessary for code compliance, safe occupancy of the building and correct or optimal functioning of the various systems, including: Additional reinforcing bars at ADA ramp, concrete slab and curbs  
New water lines and funnel drains for ice machines  
Four new 480-port CAV-Ve patch panels for CAT III voice cables  
New gas and vacuum lines  
New 120v power for access control system  
It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and ratification of Change Order No. 6 are recommended by the Chancellor. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

#### Background Material

MOTION: Motion by Trustee Withrow, second by Trustee Riley to approve.

AYES: Trustee Withrow, Trustee Gulassa, Trustee Guillén, Trustee Handy, Trustee Hodge, Trustee González Yuen, and Trustee Riley.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

Trustee Withrow shared that 860 Atlantic was purchased some time ago. We are just finishing the renovations now, years later. The main blame for the delays is the DSA. He feels that they are costing us mega bucks, and also feels they must be also charging a lot for bureaucratic delays for other institutions, as well. Trustee Withrow thinks there should be an investigation into DSA for costing us exorbitant operational funds, since we can't use the building during these delays. He's also concerned that we're barely under 10% as a change order, which is very close to the legal limit. Vice Chancellor Ikharo gave an update on the matter and DSA. We have raised this issue with the State Chancellor's office to see if they can manage the matter rather than DSA. Former Chancellor Harris spoke to the state on the matter previously, as well. We will follow-up with our state legislators on this issue.

17. Consider Approval of Resolution 12/13-17, Acceptance and Retention, Laney College Athletic Complex, Gilbane Building Company Presenter: Vice Chancellor Ikharo At the meeting of November 18, 2008, the Board of Trustees approved negotiation of a design-build contract with Gilbane Building Company for the Laney College Athletic Complex. Funding Source: Bond Measure A. The project scope of work included a new field house, landscaping, women's softball field, men's baseball field and an additional parking lot. The project also included photovoltaic solar panels that are roof mounted and parking lot shades. The project received gold certification from the U.S. Green Building Council (USGBC). The work has now been completed and a Notice of Completion has been filed with the County of Alameda. Approval by the Board of Trustees is recommended. This

resolution accepts the work as complete and provides for a retention payment of \$92,486.87, which is 5% of the contract price. There have been five Board approved change orders. Change Order No. 2 established the final lump sum design-build project cost of \$17,540,000.00. The cumulative total of Change Order Nos. 3, 4 and 5 is \$446,445.00, which is 2.5% of the final lump sum price. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Materials 1](#)

#### [Background Materials 2](#)

18. Consider Approval of Resolution 12/13-18, Award of Contract for Emergency Construction to Ascent Elevator Services for Modifications to the Forum and G Building Elevators at Laney College Presenter: Vice Chancellor Ikharo Approval is requested of Resolution 12/13-18, to award a contract for emergency construction to Ascent Elevator Services for Modifications to the Forum and G Building Elevators at Laney College, in the amount of \$27,500.00. Funding Source: Bond Measure A. The Forum and G Building elevators at Laney College are currently inoperable and inaccessible. There is an urgent need to immediately commence modifications to the elevators to provide accessibility to students under ADA (Americans with Disabilities Act) code regulations and to comply with the terms of a settlement agreement resulting from a court action. These two elevators were constructed as part of the ADA Improvements project at Laney College. Ascent Elevator Services was the elevator subcontractor to IMR Construction Corporation and filed the currently open permit with the California Department of Industrial Relations for the elevators. IMR declared bankruptcy in May 2011. The follow-on contractor to IMR (hired by IMR's bonding company) certified initial elevator work as being complete. In February 2012, the State of California Department of Industrial Relations OSHA Elevator, Ride and Tramway Unit performed an initial inspection and issued a report identifying deficiencies in the elevator work, primarily due to Title 8 code revisions not contemplated in the initial scope of work. Following is the scope of work for the required modifications: Add exterior heat detectors at each elevator landing Remove fire alarm devices from elevator pit Furnish fire extinguisher and signage Furnish new fire rated machine room door with lock and closer Furnish elevator inspection and elevator permit fees Under Section 20654 (a) of the California Public Contract Code, "In an emergency when any repairs, alterations, work, or improvement is necessary to any facility of the college, or to permit the continuance of existing college classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, do either of the following: (1) Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. (2) Notwithstanding Section 20655, authorize the use of day labor or force account for the purpose." The work qualifies as an emergency because the Laney College elevators are currently inoperable and inaccessible. Until the required modifications to the elevators are performed and the elevators pass final inspection, the elevators are not code compliant and classes are inaccessible to disabled students. In accordance with this code, approval of the Superintendent of the Alameda County Office of Education to award a construction contract for the elevator work has been requested. As further required by the Public Contract Code, unanimous approval of this resolution by the Board of Trustees is requested. It is recommended that the District award a contract for this work on a sole source basis, rather than through a competitive bid process, for the following reasons: Unicity/Proprietary Services: Ascent Elevator Services possesses specialized knowledge of the Laney College elevators that are the subject of this contract and possesses the expertise and ability to provide a unique service to the District based on its history of performance concerning this specific facility and the applicable code regulations. Immediacy: There is an urgent need to immediately commence modifications to the Forum and G Building elevators at Laney College in order to comply with various statutory requirements, including the requirements of Title 8 of the California Code of Regulations. Impracticability/Unavailability: Delays resulting from

competitive solicitation are not acceptable. Previous efforts at competitive solicitation have failed, as other vendors contacted by the Department of General Services staff who are unfamiliar with existing systems at Laney College are unwilling to undertake wholesale modifications and responsibility for system performance. Legitimacy: Ascent Elevator Services' track record of successfully working on various elevator projects for the District over the past fifteen years is justification for a non-competition of sources in this situation. Competitive Advantage: Based on research by Department of General Services staff, Ascent Elevator Services' cost of the work is reasonable and consistent with market costs for performance of similar work. Moreover, Department of General Services staff has negotiated a competitive contract with Ascent. Ascent's proposal includes design responsibility for the work they upgrade and install. Exigency: It is in the best interest of the District, e.g., administrative cost savings, excessive learning curve for a new contractor, to proceed with this sole source procurement with Ascent Elevator Services. Time is of the essence, as the Laney College elevators are currently inoperable and inaccessible. Ascent Elevator Services has over fifteen years of experience performing elevator maintenance and upgrades on behalf of the District. For these reasons, sole source procurement in this instance is in the best interest of the District, and approval of Resolution 12/13-18 is recommended. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### [Background Materials](#)

Trustee Handy expressed her concern about elevator services. She feels that this industry is inherently discriminatory, and that they should hire more women and minorities.

19. Consider Approval of Three-Year Agreement with Alameda County Sheriff's Office to Provide Police Services to the Peralta Community College District Presenter: Vice Chancellor Ikharo Approval is requested to enter into a three-year agreement with the Alameda County Sheriff's Office to provide police services to the District from July 1, 2012 until June 30, 2015. Funding Source: District General Funds. For the fiscal year 2012-13, services will be provided at an estimated amount of \$2,780,527. After the first year of the agreement, the County will provide the District with an estimated annual operating budget for the Chancellor's approval. Either the District or the County may terminate this agreement for their respective convenience upon ninety (90) days written notice, or earlier upon written mutual agreement. The cost for services provided by the Alameda County Sheriff's Office last fiscal year under the previous agreement was \$2,728,628. It should be noted that the Alameda County Sheriff's Office (ACSO) officers are members of a collective bargaining unit and 88% of the District's security needs are met under this agreement. In addition to the services provided by the Sheriff's Office, the District is utilizing American Guard Services and Securitas Security Services USA, Inc. to provide security services on weekends and District holidays for College of Alameda, Laney and Merritt Colleges, for the Laney graveyard shift and all services for Berkeley City College. This is done in an effort to reduce police services expenditures while still providing a safe and secure environment for students, faculty and staff. The total estimated 2012-13 cost for security services is \$3,378,816, broken down as follows: Alameda County Sheriff's Office (ACSO) police services - \$2,780,527; American Guard Services - \$203,451; Securitas Security Services USA, Inc. - \$135,838; and Student Safety Aids - \$259,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### [Background Materials](#)

20. Consider Ratification of Change Order No. 4A, Change Order No. 5, Change Order No. 6 and Change Order No. 7, ADA Improvements at Laney College, and Partial Release of Retention to First National Insurance Company of America Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order Nos. 4A, 5, 6 and 7 to the contract for ADA Improvements at Laney College, a cumulative deduction in the amount of (\$28,956) and partial release of contract retention, in

the amount of \$103,781.71. Funding Source: Bond Measure A. The Board of Trustees previously approved Change Order Nos. 1, 2, 3 and 4. Change Order 4, ratified by the Board of Trustees at the meeting of December 6, 2011, has subsequently been rescinded. The cumulative total of Change Order Nos. 1-7 is \$200,388, or 8.6% of the contract price (\$2,318,000). However, \$52,579 of the contract changes were court ordered and are not subject to the 10% change order limit imposed by Public Contract Code Section 20659. Therefore, for purposes of calculating compliance with Public Contract Code Section 20659, the net change order amount is \$147,809, or 6.4%. The original general contractor, IMR Construction Corporation, filed bankruptcy in May 2011, and the Laney ADA project is being completed under IMR's surety bond by Vertex Construction Services. First National Insurance Company of America is the surety company. Following is a summary of these change orders: Change Order No. 4A, in the amount of \$73,242 This change order for work performed by IMR was part of the takeover agreement between the District and IMR's surety, First National Insurance Company of America Change Order No. 5, in the amount of \$130,390 40% of this change order is for work added to comply with an ADA legal settlement that reflects the Settlement Agreement for work added to the contract as a compromise after the bid and DSA approval 49% of this sum is for work along Fallon Street mandated by the City of Oakland 11% of this sum is for work required by District changed standards for the drinking fountains and unforeseen circumstances Change Order No. 6, a deduct to the contract in the amount of (\$16,588) Due to subcontractor credits and changed work resulting in cost savings to the District Change Order No. 7, a deduct to the contract in the amount of (\$216,000) Assesses liquidated damages of \$216,000 for a 288-day net delay in project completion at \$750 per day In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 5 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. Approval is also requested for a partial release of the retention payment in the amount of \$103,781.71 to First National Insurance Company of America. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification of Change Order Nos. 4a, 5, 6 and 7 and approval to release a partial retention payment to First National Insurance Company of America.

Background Materials

21. Consider Approval to Enter into an Agreement for Construction Management Services for Various Projects at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested to enter into an agreement to provide construction management services for the following projects at Merritt College:
 

Library/Learning	Center	Phase II
Electrical Project for Building L and the New Science & Allied Health Center		
CHW Infrastructure Project	(chilled water plant)	
Building A	-	Heating Upgrades

Funding Source: Bond Measure A. The construction documents for these four projects are complete. The construction for the Electrical Project for Building L and the New Science & Allied Health Center is starting, a contract award for the CHW Infrastructure Project is on the agenda for this Board meeting, and the remaining two projects are currently being formally bid. Construction management services are anticipated for a maximum period of eighteen months and will be billed on an hourly basis as needed and approved by the Department of General Services. An informal request for proposals for construction management services was conducted for this group of projects. Three firms were invited to submit proposals: SGI Construction Management, Seville Construction Services and APSI Construction Management. These firms were selected from the short list of construction management firms approved by the Board of Trustees at the meeting of October 25, 2011. The selection of these vendors was sequential in the order of merit. Proposals were received on October 19, 2012 and were reviewed by a screening committee and ranked using the following criteria, with maximum points shown:

ITEM	CRITERIA	POINTS
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1. Learning Center/Library Renovation  
2. Electrical Project for Building L and the New Science & Allied Health Center  
3. New Chiller Plant (CHW Infrastructure Project)  
1. Project Manager  
2. Project Engineer 15  
3. Total Cost  
1. Lump sum cost for the duration of the job 15  
4. Project Specific Qualifications  
1. Experience that would enhance your firm's ability to perform services for the specific types of projects being constructed and any special or technical expertise possessed. 10  
5. Resumes of Key Personnel  
1. Provide resumes of Project Manager and Project Engineer and relevant support personnel. 5  
6. SLBE  
1. Does your company meet the District's definition of an SLBE or SELBE?  
5. Total 100

The recommended firm and the not-to-exceed amount of the agreement will be announced at the October 23, 2012 Board meeting. It is necessary that this item be brought before the Board at this meeting so that a construction manager will be under contract when construction begins on the Electrical Project for Building L and the New Science & Allied Health Center and the CHW Infrastructure Project. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

(read into the agenda)  
Item #21 The recommended construction management firm is Seville Group, Inc. dba SGI Construction Management. The amount of the agreement is not-to-exceed \$344,639.00. The ratings for the three firms under consideration were as follows: Seville Group, Inc. dba SGI Construction Management 87  
Seville Construction Services 64  
APSI Construction Management 43

[Background Materials](#)

**ACTION CALENDAR ITEMS**

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

**ANNOUNCEMENTS**

1. The next regular Board meeting will be held on November 13th at the District Offices. 2. The Board is planning a special retreat on Board/Chancellor Team Development this weekend October 26 – 27. Friday night 7:30 – 9 p.m., and Saturday day 8:30 a.m. – 1 p.m. at the Executive Inn and Suites Embarcadero Cove. 3. The Board wishes the community a Happy and Safe Halloween, and salutes our Veterans on Veteran's Day. Peralta will be closed on November 12th in observance of that day. 4. The Board reminds the community to vote on November 6th. 5. We wish to thank the City of Piedmont and City Hall for

hosting us tonight. 6. The Board Congratulates the SF Giants on winning the National League Championship, and wishes them good luck in the World Series. Go Giants! 7. The Board sends sympathy to the family and friends of Dr. Mary Lewis upon her passing, African American Students' Instructor, and Ethnic Studies and Anthropology department Chair at Laney College. 8. The Board also sends sympathy to the family and friends of retired Paralegal Studies instructor Lawrence Ward, Merritt College, upon his passing. 9. The Board also sends sympathy to the family and friends of retired employee Mercedes Lara and mother of Diana Lara, upon her passing. A moment of silence was held in their memories.

#### **ADJOURNMENT**

**Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, repstein@peralta.edu at least 48 hours prior to the meeting.**

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Jose' M. Ortiz, Chancellor  
Secretary to the Board of Trustees  
PERALTA COMMUNITY COLLEGE DISTRICT