



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, February 12, 2013

6:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street
Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus:

Link on the Peralta Board Website: <http://web.peralta.edu/trustees/meetings-votelog/>

PLEASE TURN OFF YOUR CELL PHONES DURING THE MEETING - THANK YOU!

AGENDA

CALL TO ORDER (6:00 p.m.)

CLOSED SESSION (6:00 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)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.
- Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA Case No. CV12-5943.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 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).

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL Trustees Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Guillén Pr_ Ab_, Handy 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.)

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.

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

1. Consider Approval of the Regular Board meeting Minutes of January 22, 2013.
Consider approval of the regular Board meeting minutes of January 22, 2013. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:05 P.M.)

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.)

REPORTS (7:20 P.M.)

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.

2. 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.)

3. Chancellor's Reports

Chancellor's Report

Dr. José M. Ortiz

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

- 311 Report Update (Agenda Item 28)

Enrollment and Student

Interim Vice Chancellor Orkin

Services Update

- Enrollment Update

General Services Update

Vice Chancellor Ikharo

- 860 Atlantic Update

Human Resources

Vice Chancellor Largent

College Reports

Berkeley City College

President Budd

College of Alameda

President Jackson

Laney College

President Webb

Merritt College

President Ambriz-Galaviz

- Intent to Apply Grant Announcement - Merritt and Berkeley City College: Career Ladders Project CCCLLI

4. Board of Trustees' Reports

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.

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

6. Study Session on Proposed Board Policies **Presenter: Chancellor Ortiz**
(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 2410 Board Policy and Administrative Procedure
- BP 3715 Intellectual Property

CONSENT CALENDAR (7:50 P.M.)

All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

Motion on the Consent Calendar

Public Comments on the Consent Calendar

Vote on the Consent Calendar

BOARD MATTERS

7. Consider Approval of the List of Policies to Be Removed **Presenter: Chancellor Ortiz**

Consider approval of the list of policies to be removed. The list includes the following Board Policies:

BP 4.43B Allied Health: Student Appeal of Dismissal for Clinical Performance

BP 5.36 Student Instructors

BP 5.37 Faculty Diversity Internship Program

BP 6.20 Bookstore Commission

BP 3.06 Copyright Policy

BP 5.17 Use of Material under Copyright

This matter did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

8. Consider Approval of Board Policy 6340 Contracts **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6340 Contracts (replaces Board Policies 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91). This matter did not proceed to the Board during a Study Session. In accordance with AP 2410.C, "when unusual and compelling reasons...exist, the Board may elect to review and act on Policy material during only one session." In this instance, the compelling reason is the need to complete the accreditation report with a complete accounting for Board policies. The Chancellor recommends approval.

9. Consider Approval of Board Policy 6750 Parking **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 6750 Parking (new policy). The Chancellor recommends approval.

10. Consider Approval of Board Policy 7250 Academic Administrators **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7250 Academic Administrators (Replaces Board Policies 3.59, 3.60, 3.61, 3.62, 3.63, 3.65, 3.66, 3.68, 3.70, 3.71, 3.72, 3.73, 3.74, 3.76, 3.82, 3.85, 3.86, 3.90). The Chancellor recommends approval.

11. Consider Approval of Board Policy 7280 Volunteers **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7280 Volunteers (Replaces Board Policy 3.02). The Chancellor recommends approval.

12. Consider Approval of Board Policy 7310 Nepotism **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7310 Nepotism (Replaces Board Policy 3.05). The Chancellor recommends approval.

13. Consider Approval of Board Policy 7330 Communicable Disease **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7330 Communicable Disease (Replaces Board Policies 3.17, 3.19, 3.63). The Chancellor recommends approval.

14. Consider Approval of Board Policy 7335 Health Examinations **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7335 Health Examinations (Replaces Board Policy 3.63). The Chancellor recommends approval.

15. Consider Approval of Board Policy 7340 Leaves **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7340 Leaves (Replaces Board Policies 3.25, 3.68, 3.70, 3.71, 3.72, 3.73, 3.74, 3.76, 3.82, 3.85, 3.92). The Chancellor recommends approval.

16. Consider Approval of Board Policy 7360 Discipline and Dismissal – Academic Employees **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7360 Discipline and Dismissal – Academic Employees (Replaces Board Policies 1.07, 3.01, 3.90, 3.91). The Chancellor recommends approval.

17. Consider Approval of Board Policy 7365 Discipline and Dismissal – Classified Employees **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7365 Discipline and Dismissal – Classified Employees (Replaces Board Policies 1.07, 3.01, 3.90, 3.91). The Chancellor recommends approval.

18. Consider Approval of Board Policy 7370 Political Activity **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7370 Political Activity (Replaces Board Policies 3.07, 3.08). The Chancellor recommends approval.

19. Consider Approval of Board Policy 7380 Ethics, Civility and Mutual Respect **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7380 Ethics, Civility and Mutual Respect (Replaces Board Policies 3.12, 3.16). The Chancellor recommends approval.

20. Consider Approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits Option **Presenter: Chancellor Ortiz**

Consider approval of Board Policy 7381 Cash In-Lieu of a Paid Medical Benefits Option (Replaces Board Policy 3.13). The Chancellor recommends approval.

21. Consider Approval of Granicus Contract **Presenter: Assistant Epstein**

Consider approval of a Granicus contract extension through 2016 not to exceed \$86,065. The Board moved to the Granicus electronic Board minute system in 2007. The two main hardware devices used for Granicus, the Encoder recorder for the Board meeting, and the Media Vault that stores the minutes and materials, need replacing. The encoder is broken, and the media vault has come to the end of its life cycle, at a cost of \$5,875. The hardware monthly managed services associated with these devices is a form of insurance, so that the equipment would be replaced and serviced anytime into the future, at a cost of \$13,500/3 years. **Funding Source: General Funds.** This is a one-time purchase request for the encoder and media vault hardware, while the maintenance fees are ongoing. This package is recommended by Associate Vice Chancellor of IT, Mr. Calvin Madlock, and it fits into the District IT Strategic Plan under section 3.2 Document management. The District is also receiving a 7% yearly discount on maintenance services for securing a multi-year contract for three years.

The Board had previously approved a Granicus contract extension on December 6, 2011 for the existing two software programs used with Granicus, Media Manager Media Vault and Minutes Maker, for monthly managed services from November 2011 through October 2016 not to exceed \$66,690/5 years. The total hardware and software contract amounts on all contracts would thus not exceed \$86,065. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

22. Consider Approval of a Contract Extension for Mr. Larry Chang for the National Science Foundation National Center for Building Efficiency Technician Education, BEST Center, Laney College **Presenter: Vice Chancellor Orkin**

Consider approval of an independent contractor extension for Mr. Larry Chang in an amount not to exceed \$60,000 from February 1, 2013 through June 30, 2013 to provide program development services for Laney College's grant for the national advanced technology education center, Building Efficiency for a Sustainable Tomorrow (BEST) Center. The previous contract amount was \$24,000, and \$36,000 in new funds is requested at this time. **Funding Source: National Science Foundation.** Laney College has been awarded a grant from the National Science Foundation in the amount of \$3.5 million to support advanced technology technician education in building efficiency, sustainable building operations, and energy management. Mr. Chang will provide critical support for the BEST Center in its first year of operation developing the national network of faculty and colleges, professional development opportunities and

activities for faculty, and the Center website and related image development. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval of an Independent Contract with Sharon Schuyler for the Alameda One Stop Career Center, College of Alameda **Presenter: President Jackson**

Consider approval of services with Sharon Schuyler from February 1, 2013 through June 30, 2013, in the additional amount of \$14,952.00 for the Alameda One Stop Career Center at College of Alameda. **Funding Source: Alameda County Workforce Investment Board.** Ms. Schuyler will provide services to the Alameda business community including connecting COA students and community members to local employment and setting up on site recruitments employer recruitments. She will coordinate the annual COA Spring Job Fair. Ms. Schuyler's current service contract with the Alameda One Stop Career Center, funded by the Alameda County Workforce Investment Board, is for \$24,192. This augmentation of funding in the amount of \$14,952 from February 1, 2013 through June 30, 2013 would bring the total contract amount to \$39,144.00 for the fiscal year. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider Approval of an Independent Contract with Susie O'Bryant for the Alameda One Stop Career Center, College of Alameda **Presenter: President Jackson**

Consider approval of services with Susie O'Bryant from February 1, 2013 through June 30, 2013, in the amount of \$15,960.00 for the Alameda One Stop Career Center at College of Alameda. **Funding Source: Alameda County Workforce Investment Board.** Ms. O'Bryant will provide career services to Workforce Investment Act enrolled clients and initiate individual training accounts (ITAs). Ms. O'Bryant's current service contract with the Alameda One Stop Career Center, funded by the Alameda County Workforce Investment Board, is for \$20,520. This augmentation of funding in the amount of \$15,960 from February 1, 2013 through June 30, 2013 would bring the total contract amount to \$36,488.00 for the fiscal year.

FINANCIAL SERVICES

25. Review of Purchase Order Report **Presenter: Vice Chancellor Gerhard**

The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from January 5, 2013 through January 25, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

26. 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 from January 5, 2013 through January 25, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

27. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Gerhard**

Consider approval of budget transfer report covering the period from January 5, 2013 through January 25, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

28. Consider Approval of the District's fiscal year 2012-13 second Quarter CCFS-311Q Report **Presenter: Vice Chancellor Gerhard**

Consider approval of the District's fiscal year 2012-13 second quarter CCFS 311Q report. The CCFS-311Q is the State Chancellor's Office Quarterly Financial Status Report summarizing and communicating the results of the budgetary decisions and transactions made by the District through the first quarter of fiscal year 2012-13. The Chancellor recommends approval.

HUMAN RESOURCES

29. 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. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Brown	Alfred	2/13/13	6/30/13	Food Service Worker	L
Crompton	Pamela	2/13/13	3/29/13	Inst Asst/Unspecified	L
Houlihan	Sean	2/13/13	6/30/13	Inst Asst/Biotechnology	B
Japzon	Linda	2/13/13	6/30/13	Staff Asst/Empty Relations	D

Johnson	Patricia	2/13/13	6/30/13	Clerical Assistant I	L
Quesada	Jessie	2/13/13	6/30/13	Staff Asst/Emply Relations	D
Rangel	Jennifer	2/13/13	6/28/13	Clerical Assistant II	L
Rasner	Maria	2/13/13	6/30/13	Inst Asst II/DSPS	B
Rojas	Dennis	2/13/13	6/28/13	Inst Asst IV/DSPS	L
Taing	Cynthia	2/13/13	5/24/13	Clerical Assistant II	M
Tilton	Steve	2/13/13	6/28/13	Inst Asst/Welding	L
Thaxton	Levon	2/13/13	6/30/13	Inst Asst/EMT	M
Tyson	Benea	2/13/13	4/15/13	Studt Personnel Svcs Spec	L
Werner	Peter	2/13/13	6/30/13	Inst Asst/Biotechnology	M

30. Consider Approval for the Salary Placement of Sheila Lau, College of Alameda
Presenter: Vice Chancellor Largent

Consider approval for the salary placement of Ms. Sheila Lau, Articulation Counselor, College of Alameda, to be beyond the Maximum Salary Placement of Step 10 of the Faculty Salary Schedule to Column C, Step 13. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

FACILITIES

31. Consider Approval to Enter into a Contract with SimplexGrinnell to Connect the Fire and Life Safety System at 860 Atlantic Avenue to the Sheriff’s Office in the District Administrative Center
Presenter: Vice Chancellor Ikharo

Approval is requested to enter into a contract with SimplexGrinnell, in the not-to-exceed amount of \$10,845. **Funding Source: General Funds.** The District recently completed the modernization of the 860 Atlantic Avenue campus. As a new campus, there is a requirement to configure this building with the Peralta Police Services Department (Sheriff). Currently, there is no connection between the 860 Atlantic Avenue campus and the Sheriff’s Office. Under this contract, SimplexGrinnell will provide the physical bridge card and equipment required for the Sheriff’s Office to communicate with the 860 Atlantic Avenue campus. The anticipated completion date for this project is before June 30, 2013.

The scope of work includes the following:

- Connect the Fire and Life safety system at 860 Atlantic Avenue in the City of Alameda to the Sheriff’s Office.
- Configure a physical bridge card and equipment to the Sheriff’s Office.
- Add an interface with the Sheriff’s Office on any and all fire alarm announcements to alert the Sheriff’s Office.

The District’s fire alert system is manufactured by SimplexGrinnell (Simplex). This system has been installed in all District buildings for over twenty years, and they have

also performed system testing, inspections, maintenance and upgrades. Simplex's recent projects include:

- Upgrade of the Sheriff's Office to accommodate new buildings
- Fire system for the District's acquisition of 860 Atlantic Avenue
- Annual Testing and Inspection of the fire system District-wide
- Fire system for the new Laney field house
- Upgrade of the Merritt library fire system as part of its modernization
- Assistance with BCC receiving its 5-year elevator certification including its fire system

Simplex has performed these responsibilities well and continues to be responsive to the District's needs. SimplexGrinnell is providing proprietary life, fire, and safety work for the District. Board approval is necessary because the vendor's fiscal year work to-date on all contract totals \$284,416, which exceeds the annual \$25,000 service threshold for General Funds. Including this contract request, the total not-to-exceed contract amount will be \$295,261.44 for all contracts for this vendor. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

32. Consider Approval to Enter into a Contract with American Air Conditioning, Plumbing & Heating (American Air) for Emergency Repairs to Replace the Boiler Room Valves at Laney College and Gas Shut-Off Valves in the Laney Theater
Presenter: Vice Chancellor Ikharo

Approval is requested to enter into a contract with American Air Conditioning, Plumbing & Heating, in the not-to-exceed amount of \$9,981. **Funding Source: General Funds.** This contract involves American Air Conditioning, Plumbing & Heating to repair broken equipment in the Boiler Room at Laney College and Laney Theater. These repairs are needed because the existing equipment has outlived its usefulness and must be replaced. The anticipated completion date for this project is June 30, 2013.

The scope of work includes the following:

- Repair three (3) 2" valves on the manifold and add a 2" shut-off valve on the industrial water riser in the Laney Boiler Room. A total of four (4) valves will be replaced.
- Remove and replace a leaking 1-1/4" shut off valve in the Laney Theater.

Board approval is necessary because the vendor's fiscal year work to-date totals \$46,701 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds. American Air entered into an Agreement with the District, and already completed the following scope of work:

1. Performed various HVAC and plumbing tasks at Merritt College under an ICC in the amount of \$7,272.

- Additional work was added to furnish and install two back draft dampers in the relief plenum for exhaust fan #3 serving the third level in Building Q in the amount of \$3,016.
 - Repair four leaking elbows in the aged underground hot water heating infrastructure piping totaling \$2,960.
 - Install backflow preventer for the horticulture greenhouse watering system in the amount of \$1,296.
2. Provided a new three-ton wall mounted HVAC unit for the campus IT Server Room in the amount of \$14,900.
 3. Replaced obsolete ventilation in the amount of \$14,548 for Building Q at Merritt College.

The approval of this current request in the amount of \$9,981 will bring the vendor's total work this fiscal year to \$46,701 on all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

33. Consider Approval of Amendment No. 3 to the Agreement with W. J. Robinson & Associates, Inc. for Construction Management Services for 860 Atlantic Avenue Building Improvements in Alameda, CA **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 3 to the agreement for construction management services with W. J. Robinson & Associates, Inc. for the 860 Atlantic Avenue Building Improvements project, in the not-to-exceed amount of \$14,500. **Funding Source: Measure A.** The 860 Atlantic Avenue facility underwent modernization as swing space for the College of Alameda science departments and the Merritt College genomics program. This amendment will extend the term of the agreement for construction management services with W. J. Robinson & Associates, Inc. for a period ending January 1, 2013. The project was substantially completed on September 15, 2011. However, the contractor will need to complete outstanding construction items covered under the warranty. The requested time extension is the result of several changes to the original scope of work, as requested by the District for improving the ultimate functioning of the facility. Services were also required to oversee the late arrival of laboratory equipment, project's commissioning, and final close-out with the Division of the State Architect (DSA).

The scope of work under this amendment includes, but is not limited to:

- Construction management during the final building systems commissioning.
- Coordinating furniture moves for the remaining departments.
- Construction management during the completion of Contractor warranty work for mechanical equipment.
- Construction management during the completion of Contractor warranty work for Roof leaks.

The Board of Trustees approved entering into an agreement with W. J. Robinson & Associates, Inc. at the meeting of May 12, 2009, at a fee of \$176,352. Amendment No. 1 in the amount of \$43,509 was approved by the Board at the meeting of April 12, 2011, and Amendment No. 2 in

the amount of \$21,521 was approved by the Board at the meeting of October 25, 2011. Including this Amendment No. 3, the total not-to-exceed will be \$255,882 on all contracts. This firm was selected from the previously Board approved short list of small project/construction management firms. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

34. Consider Approval to Enter into a Contract with KONE Inc. to Provide Elevator Maintenance at College of Alameda, Laney College, Merritt College, and Laney Fieldhouse **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with KONE Inc., in the not-to-exceed amount of \$24,515. **Funding Source: General Funds.** Under this contract, KONE Inc. elevator maintenance services will be extended from December 1, 2012 to April 30, 2013. The District intends to solicit for Request for Proposal (RFP) with the objective of establishing a new contract in May 2013 with a selected firm. The Vice Chancellor for General Services met with the leadership of Ascent Elevator Services on September 21, 2011 to discuss the hiring practices and the need to have a diverse workforce environment. The company enumerated some of the challenges that they have encountered in the past, but promised to begin the process of hiring minorities to their work force and students for the apprentice program. The company made good on its promise by hiring a staff of minorities that assisted in the installation of the elevators at Laney College Forum and Building G. Ascent Elevator Services has indicated that there is mutual benefit from their decision to hire local minorities. The next step is to work with Alameda County Buildings and Trades to implement the Project Labor Agreement to benefit Peralta's Construction students as apprentices with the objective of obtaining higher paying jobs in the area of elevator jobs. As noted, the company showed its willingness to work with students and minority groups. KONE Inc., formerly Ascent Elevator Services, provided quality elevator maintenance and services to the District for years. Their quality work will continue through this contract although having recently been acquired by KONE Inc. KONE Inc. shall maintain elevator services on the three (3) traditional college campuses listed above. It should be noted that KONE Inc., already provided elevator services at Berkeley City College. The new and upcoming request for proposal will unify the four (4) colleges under one umbrella contract. Board approval is necessary because their service contract expired on November 30, 2012 and the vendor's fiscal work-to-date is \$39,754.58 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds. Including this contract request, the total not-to-exceed contract amount will be \$64,269.58. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

35. Consider Approval to Enter into a Contract with CATALYST Consulting Group Inc. to Perform Function Testing of the Previous Johnson Controls, Inc. (JCI) Pegasus ACAMS **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with CATALYST Consulting Group Inc., in the not-to-exceed amount of \$9,485. **Funding Source: General Funds.** Under this contract, CATALYST's services will decrease the cost of installation of the Lenel open-

architecture ACAMS system by incorporating useable hardware items from the Johnson Controls, Inc. (JCI) system (e.g., wiring and some door hardware). This service is necessary because a detailed analysis of the JCI system must be completed to determine which of these hardware components can be used to replace the open-architecture Lenel system. CATALYST has been providing quality ACAMS security consulting to the District for the past 2-1/2 years. An earlier approved contract with CATALYST to undertake similar work expired on June 30th, 2012. Under this approved contract, more information was incorporated from more recently completed projects (e.g., Laney Field House and Merritt Library Modernization). The anticipated completion date for this project is before March 31, 2013. Board approval is necessary because the vendor's fiscal year work to-date totals \$39,835 on all contracts, which exceeds the annual \$25,000 service threshold for General Funds maintenance work. Including this contract request, the total not-to-exceed contract amount will be \$49,320. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

36. Consider Approval of Amendment No. 1 to the Agreement for Professional Services with B-G Consulting Company to Provide Consulting Services to the Departments of General Services and Finance **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the Agreement with B-G Consulting Company to continue professional consulting services on capital projects in the amount of \$35,000. **Funding Source: Bond Measure A.** Under the current contract, B-G Consulting Company, Claudette Breo-Gow, is providing consulting services on Measure A and Measure E bond funded capital projects and equipment acquisition. During the course of the contract, the District requested for B-G Consulting Company to provide additional services while the Director of Capital Projects position was vacant. The position has now been filled. Under this Amendment, B-G Consulting Company will provide the following services for the period from January 1, 2013 through June 30, 2013. Deliverables and accomplishments by the consultant will be evaluated by the District.

Deliverables and scope of consultant services will include, but are not limited to:

- Assist with budget reconciliation of the Measure E bond fund, including budget transfers, historical data review and other bond support, as needed. This reconciliation will enable the District to draw down Measure E bond funds that was passed in 2002.
- Assist the Departments of General Service and Finance with contract negotiations, and value engineering for ongoing projects as needed.

B-G Consulting Company has been providing consulting services under an independent contract in the amount of \$80,700 during this fiscal year. Including this Amendment No. 1, the total not-to-exceed contract amount will be \$115,700 on all contracts. B-G Consulting Company is only required where no in-house staff is available to undertake a specific project requiring an outside expertise engagement.

During the period from July 1, 2012 to December 31, 2012, B-G Consulting Company (Claudette Breo-Gow) accomplished the following:

- Negotiated an initial contract for the District with an estimated saving of \$1,000,000. Negotiated and produced contracts with Kitchell, CEM, VBN Architecture, Salas O'Brien, WLC Architecture, TCG Services, Noll & Tam Architects, Alicia Jensen, and others in collaboration with the Vice Chancellor for General Services.
- Assisted with change order and legal negotiations with Gilbane Construction, IMR Construction, Alten Construction, and others.
- Assisted with the orientation of the new Capital Projects Director when the position was filled.
- Budget Transfers.
- Worked with Jim Grivich and Vice Chancellor Ron Gerhard on reconciliation of Measure A budget, costs and project numbers.
- Assisted with the duties of an interim Director of Capital Projects while the position was vacant.
- Assisted budget/cost reports on bond programs.
- Assisted with the implementation of a new process for review of change orders.
- Assisted with changes in the bond program as it applies to new finance/administration policies.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

37. Consider Approval to Enter into a Contract with Carrier Corporation (Carrier) to Provide Repair Services on the Chillers at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with Carrier Corporation (Carrier) in the not-to-exceed amount of \$19,832. **Funding Source: General Funds.** Under this contract, Carrier will repair the two primary chillers on campus. Each requires the replacement of firmware necessary for their operation. This contract is necessary because the chiller units are nearing their 20 years limit. Also, during an annual inspection and repairs on the chillers, the vendor's technician found and identified leaks on the chillers. Any leak found on an HVAC unit must be reported to the Bay Area Air Quality Management District (BAAQMD) within 14 days. Further, a faulty ISM control modular board on chiller #2 was discovered. Also, the chillers have corroded transducers. All these repairs are needed for these chillers to be operable and necessary to condition/cool various spaces on campus, including classrooms, on warm days. Carrier is most familiar with these air conditioning units of their manufacturer and has been providing quality chiller maintenance and repair services to the District for many years successfully. The anticipated completion is before April 30, 2013.

Carrier will return the chillers to proper operating conditions. The following scope of work will be performed:

- Replace the faulty ISM control modular board on chiller #2
- Repair the leak on chiller #2
- Replace four (4) pressure transducers, two (2) chiller #2, and two (2) on chiller #1
- Check in and out with customer
- Lock/out tag/out and secure safety on the work site
- Transfer refrigeration from chiller #2
- Repair leak found at the pressure relief valve on chiller #2
- Provide and install one (1) new ISM control module board for chiller #2
- Provide and install four (4) new condenser water side pressure transducers. (Two (2) for chiller #1 and chiller #2)
- Test chiller #2 for any additional leaks
- Re-transfer refrigerant to chiller #2
- Start and test for proper operation

Board approval is necessary because this work along with previous such work during this fiscal year exceeds the annual \$25,000 service threshold for General Funds. The vendor's fiscal work-to-date is \$15,590 and including this contract request, the total not-to-exceed contract amount will be \$35,422 on all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

38. Consider an Approval to Enter into a Contract with a Potential Vendor for the Fabrication and Installation of the District-Wide Exterior Smoking Signage, in Compliance with the District's "Administrative Procedure 3570 Smoking" (AP 3570) **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with a potential vendor, in an estimated amount of \$38,650. This project is necessary to comply with the District's Board Policy 3550 and the Administrative Procedure 3570 Smoking (AP 3570). **Funding Source: Bond Measure A.** To comply with this policy and procedure, the District is planning on installing 72 exterior signs at all four (4) colleges and the District Administration Center (DAC). The new exterior signs will supplement existing non-smoking signs at all four (4) campuses and DAC. These signs consist of three (3) different sign types:

- "Smoking is Prohibited on This campus, Violators are Subject to a Fine"
- "Smoking in Non-Designated Areas are Subject to a Fine"
- "Designated Smoking Area, Please Use Cigarette Bins"

These new signs must satisfy all regulatory and code compliance, display the education website, and government code section. For this project, the District will conduct an informal competitive bid. These quotes will allow the District to select the lowest responsible and responsive bidder for this project. The selected vendor and the amount will be announced at the Board meeting. Existing signs meet the requirements of the old policy (Policy 6.95 Smoking) that was approved by the Board of Trustees on November 15, 2005. In addition to existing signs, additional exterior smoking signage is required at all four (4) campuses to comply with the current administrative procedure. The District-wide exterior smoking signage is in response to the District's

“Administrative Procedure 3570 Smoking” that was approved by the Chancellor on May 11, 2012. This procedure prohibits smoking in all indoor and outdoor areas at Peralta’s Community College District’s (PCCD) campus locations and District Administrative Centers, except for designated areas. Two colleges are “Smoke Free” campuses (Laney and Berkeley City College), while the other two campuses (Merritt College and College of Alameda) including the DAC opted for smoking only in designated areas. The selected vendor will fabricate and install exterior smoking signage as outlined in the construction drawing and specification. Additionally the vendor will complete project management and oversee that the signs are properly installed to meet applicable codes. The anticipated completion date is before April 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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

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.