



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, May 14, 2013

5:00 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!

Per CA Government Code 54953(b)(1),
Trustee Abel Guillén will be participating in the meeting
via teleconference location
350 Smoketree Drive, El Centro, CA 92243.

AGENDA

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

CLOSED SESSION (5:00 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)), 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)), 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 (54956.9(a)), Kimberly Alexander v. Peralta Community College District, etc., Case No. RS12657695.
- Conference with Legal Counsel (54956.9(a)), Emmanuel Tril v. Laney College et al., U.S. District Court, Northern District of CA, Case No. C131464 LB
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (10 cases).

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

- Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.

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

- Consider Approval of Acting Director for Human Resources, District Offices.

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 April 23, 2013.
Consider approval of the regular Board meeting minutes of April 23, 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 (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. 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 up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers 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.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

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

Enrollment and Student Services Update	Interim Vice Chancellor Orkin
General Services Update	Vice Chancellor Ikharo
Human Resources	Vice Chancellor Largent

College Reports

Berkeley City College	President Budd
College of Alameda	President Jackson
Laney College	President Webb
• Intent to Apply	
Merritt College	President Ambriz-Galaviz

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**

PRESENTATIONS (8:00 P.M.)

6. Presentation on Part-Time Faculty

Presenter: Cynthia Mahabir, PFT part-time representative (10 minutes)

A presentation will be given on part-time faculty.

7. **RECOGNITION OF OUTGOING STUDENT TRUSTEES**

Trustees will recognize outgoing Student Trustees Sharon Clegg and Brian Cervantes for their dedicated service to Peralta's students, the Board of Trustees, and community during their terms.

CONSENT CALENDAR (8:20 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.

BOARD MATTERS

8. Consider Approval of Resolution 12/13-29 for the Acquisition of Real Property and Building located at 2015 Shattuck Avenue, Berkeley, California (location also known as 2120 University Avenue, Berkeley, California) **Presenter: Chancellor Ortiz**

Consider approval of Resolution 12/13-29 approving and ratifying an amended and restated purchase and sale agreement among Peralta Community College District, The Regents of the University of California, and Alameda County concerning the sale by the County and purchase by the District and/or the University of California for 2015 Shattuck Avenue, Berkeley, California, also known as 2120 University Avenue, Berkeley, California (APN 057-2034-010). Board action ratifies the deposit of \$50,000 in escrow, to be credited toward the purchase price of the Property. The Purchase and Sale Agreement provides that the Deposit becomes non-refundable on May 21, 2013. The balance of the purchase price is due on June 28, 2013, which is a total purchase price of \$9 million (or \$4.5 million if Peralta jointly owns with The Regents of the University of California). **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

9. Consider Approval of a Career Ladders Grant, Merritt College **Presenter: President Ambriz-Galaviz**

Consider approval of a Career Ladders Grant, Merritt College, for \$75,000 through June 30, 2014 to improve college and career outcomes for high school students. The grant funds will develop This grant will assist to develop a partnership with Life Academy, a link learning high school, to implement programs and activities to improve college and career opportunities for students from underserved population. **Funding Source: Career Ladders Project, Community College Link Learning Initiative.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

10. Consider Approval of a Contract Extension with Ricketts and Associates for the ATLAS/TAA Grant, College of Alameda **Presenter: President Jackson**

Consider approval of a contract extension with Ricketts and Associates for the ATLAS/TAA Grant at the College of Alameda not to exceed \$10,400. The original contract amount was for \$24,450, which brings the contract extension amount to \$34,850. Ricketts and Associates, for Linda Ricketts, Ed.D., will provide executive coaching, facilitated planning sessions, goal setting, and prioritized objectives to ATLAS/TAA Grant, and activities for the Center for Applied Learning at the College of Alameda as part of the deputy sector initiative grant for logistics and global trade. **Funding Source: Facilities Rental and TAA Grant Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

11. Consider Approval of a Contract Extension with EcoVision Consulting, with Danial Beesley, Merritt College **Presenter: President Ambriz-Galaviz**

Consider approval of a contract extension for Danial Beesley dba EcoVision Consulting to render services for website migration from Drupal to WordPress not to exceed \$8,000 with a concentration on Student Support Services at Merritt College. The initial contracted amounts totaled \$34,750 for logistical support and support for several website projects at Laney College's Carpentry Department, National Science Foundation BEST Center, and the CTE Career Day. Increasing the total contract amount for this vendor for these various services by \$8,000 brings the total contract amount for the fiscal year to \$42,750. **Funding Source: General Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

12. 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 – April 22, 2013" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

FINANCIAL SERVICES

13. 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 Board of Trustees every 60 days." This Purchase Order Report contains all orders issued from April 5, 2013 through April 26, 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.

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

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

Consider approval of budget transfer report covering the period from April 5, 2013 through April 26, 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.

16. Consider Approval of Contract Amendment with EMAS PRO **Presenter: Vice Chancellor Gerhard**

Consider approval of amendment #4 with EMAS PRO for the extension of the SAFE Financial Aid mainframe-based software license coverage to PCCD for the Financial Aid Award Year 2014-2015 starting July 1, 2013 with software maintenance and support through September 30, 2015. The not-to-exceed cost of the contract is \$180,000 for fiscal year 2013-2014. **Funding Source: General Fund Unrestricted.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

17. Consider Approval of a Contract to Perceptive Software for the Implementation and Support of the District's Electronic Content Management System **Presenter: Vice Chancellor Gerhard**

Consider approval to issue a one (1) year contract to Perceptive Software for the implementation and support of the District's electronic content management system in the amount of \$548,696. Project 3.2 of the District's Information Technology Strategy, Document Management, calls for the acquisition and adoption of a document management platform to increase efficiency of operations and reduce operating costs. A formal Request for Proposals (RFP 11-12/25) was conducted for Electronic Content Management Services. Nine firms attended the pre-proposal meeting, and six responded to the RFP. A panel was convened to evaluate the proposals based on: their submitted responses to bidder qualifications/experience; company and project team qualifications/approach; ability to meet the general, functional and technical system requirements; and costs. After detailed analysis and review, Perceptive Software, Inc. was the highest ranking responsive vendor. **Funding Source: Measure E and General Fund Unrestricted.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider Approval to Pilot a District-Wide Credit Card Program under the auspices of U.S. Bank Purchasing Card (Cal-Card) offered through the State of California Master Service Agreement for State and Local Governments **Presenter: Vice Chancellor Gerhard**

Consider approval to pilot a District-Wide Credit Card Program under the auspices of the U.S. Bank Purchasing Card (Cal-Card) not-to-exceed one hundred eighty (180) days in order to review the effectiveness of the State's Credit card program to reduce costs associated with low-dollar value purchase orders, requisitions, invoices and

reimbursements. During the month of February 2013, in coordination with the Finance department, the Director of Purchasing performed a review and analysis of the number of low-dollar value purchase orders created during fiscal years 2011-12 and 2012-13. This analysis revealed that during fiscal year 2011-12, the Purchasing Department created 7,167 purchase orders. Through February 2013, the department has created over 5,000 purchase orders for fiscal year 2012-13 and the numbers continue to rise prior to the close of fiscal year end (June 30, 2013). Further, analysis revealed that the accounts payable staff for both fiscal years combined (2011-12 and 2012-13) created 17,220 vouchers to process payments for purchases under \$10,000. Based on this volume the costs to procure these items were \$175 per order. Implementation of this program will reduce the cost of procurement and provide operational efficiencies.

Funding Source: Not Applicable. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor

19. Consider Approval of the District's Fiscal Year 2012-13 Third Quarter CCFS-311Q Report **Presenter: Vice Chancellor Gerhard**

Consider approval of the District's fiscal year 2012-13 third 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 third quarter of fiscal year 2012-13. The Chancellor recommends approval.

HUMAN RESOURCES

20. 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
Brower	Marion	5/15/13	6/30/13	Facilities Project Coord.	D
Cancilla-Fox	Suzanne	7/1/13	6/30/14	Web Content Developer	D
Cha	Joseph	5/15/13	6/28/13	Inst Asst III/DSPS	L
Guessoum	Hayat	5/15/13	6/30/13	Clerical Assistant II	L
Wilson	Felicia	5/15/13	6/28/13	Clerical Assistant II	M

21. Sunshining of Initial Proposal for Contract Re-Openers for International Union of Operating Engineers, Local 39 to Peralta Community College District

In accordance with the Collective Bargaining Agreement for Permanent Employees between the Peralta Community College District and International Union of Operating

Engineers, Local 39, the Union hereby makes official notice for re-openers for Article 17 (Vacation Plan) and Article 25 (Safety) for the agreement dated July 1, 2012 - June 30, 2015. Pursuant to Article 29.3 of the Collective Bargaining Agreement and the Educational Employment Relations, Section 3575, the Union gives public notice of its proposed contract revision. Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Governing Board of June 11, 2013.

22. Sunshining of Contract Reopeners for Negotiations for the District to the International Union of Operating Engineers, Local 39

Pursuant to Educational Employment Relations Act, Section 3547, the District hereby gives public notice of its contract reopeners with the International Union of Operating Engineers, Local 39. This item will introduce the reopening proposals for the 2012-2015 Successor Agreement on Article I2 (Work Week) revised language to include a 4/10 Summer Schedule to the International Union of Operating Engineers, Local 39 for the purpose of public notice (sunshining). Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Governing Board of June 11, 2013.

23. Sunshining of Contract Reopeners for Negotiations for the District to the SEIU Local 1021

Pursuant to Educational Employment Relations Act, Section 3547, the District hereby gives public notice of its contract reopeners with the SEIU Local 1021. This item will introduce the reopening proposals for the 2012-2015 Successor Agreement on Article 9 (Work Day/Work Week) revised language to include a 4/10 Summer Schedule to the SEIU Local 1021 for the purpose of public notice (sunshining). Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Governing Board of June 11, 2013.

FACILITIES

24. Consider *Ratification* of Change Order No. 4 for the District Wide Security and Safety Camera Project, Central Sierra Electric Company, Inc. **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 4 to the contract with Central Sierra Electric Company Inc., in the amount of \$22,631.91. Including previously Board approved Change Order No's 1, 2, and 3, the cumulative Change Order total to date is \$234,391.38, which is 4.3% of the original contract amount (\$5,282,849.). It was necessary for the contractor to perform this work so that the project schedule can be achieved in a timely manner and the sequencing of the work would not be adversely affected. *Ratification* is requested for Change Order No. 4, in the amount of \$22,631.91.

Change order No. 4 includes the following scope of work:

- Installation of additional switch, which was required due to necessary modifications to the main distribution frame (MDF) and the intermediate distribution frame (IDF) room locations at Merritt College field areas. Also, the provision and installation of additional power was required at the upper field area. All wiring for this power was pulled and placed in galvanized conduit runs.
- There was a cost differential to replace one 360 degrees Mobotix Mx-Q24 Camera with one (1) 180 degrees Mobotix MX – D14 Camera; and a deductive cost to change cameras.
- Provided a time extension of 145 non-compensatory days, due to the installation delays of the Gigaman Circuit by AT&T.

In accordance with Board Policy 6600, approval was requested from the change order work, and Change Order No. 4 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. The anticipated completion date of this project was April 9, 2013. **Funding Source: Bond Measure A and E Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

25. Consider Approval of Resolution No. 12/13-28, Acceptance of the Completed work and Release of Retention for the District-Wide Security and Safety Camera Project (Bid No. 11-12/09), Central Sierra Electric Company, Inc. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Resolution No. 12/13-28 for completed work and release of retention for the District-Wide Security and Safety Camera Project (Bid No. 11-12/09), Central Sierra Electric Company, Inc. On November 15, 2011, the Board of Trustees approved Bid No. 11-12/09, awarding a contract to Central Sierra Electric Company, Inc. for the District-Wide Security and Safety Camera Project. The final completion date was on April 9, 2013 for the entire project. A Notice of Completion (NOC) has been filed with the county of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and provides a retention payment of \$522,034.03 to Central Sierra Electric Company, Inc., which is 9.88% of the contract price. There were four (4) change orders implemented on this project that total \$257,023.29, which is 4.9% of the original contract amount (\$5,282,849.). An approval by the Board of Trustees is recommended to authorize the release of retention amount. **Funding Source: Measure A and E Bond Funds.** Approval to accept this project as complete and the *ratification* of these change orders and release of retention are recommended by the Chancellor.

26. Consider *Ratification* of Change Order No. 1 for the Laney College Awning Project (Bid No. 12-13/10), Bay Construction Company **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 1 to the contract with Bay Construction Company, in the amount of \$3,553.16. Mark Lee and Yong Kay are principals of Bay Construction Company and the business has a current and active contractor's license in California. They are registered with the California Department of Consumer Affairs – Contractors State License Board. There was one (1) approved Change Order to date in the amount of \$3,553.16, which is 5.9% of the original contract amount (\$59,900). After review of the shop drawings and structural calculations by the contractor, the structural engineer recommended stainless steel anchors to replace zinc plated wedge anchors specified in the bid documents. The generic 3/8" x 3" wedge zinc anchors were replaced with the Simpson Strong Bolt 2 stainless steel anchors. Stainless anchors were recommended because of their durability, resistance to corrosion and staining, and for use in applications when moisture is present in the atmosphere. This recommendation is a cost upgrade from what was contained in the bid documents. *Ratification* is requested for Change Order No. 1, in the amount of \$3,553.16. In accordance with the Board Policy 6600, approval was requested for the change order work, and now Change Order No. 1 is brought before the Board for *Ratification*. It is in the best interests of the District and financially prudent to authorize this change order. The project was completed by April 13, 2013. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

27. Consider Approval of Resolution No. 12/13-30, Acceptance of Completed Work and Release of Retention for the Laney College Awning Project (Bid No. 12-13/10), Bay Construction Company **Presenter: Vice Chancellor Ikharo**

Approval is requested for Resolution No. 12/13-30 for completed work and release of retention for the Laney College Awning Project (Bid No. 12-13/08), Bay Construction Company. Mark Lee and Yong Kay are owners of Bay Construction Company and the business has a current and active contractor's license with California Department of Consumer Affairs – Contractors State License Board. On January 22, 2013, the Board of Trustees approved Bid No. 12-13/08, awarding a contract to Bay Construction Company for the Laney College Awning Project, in the not-to-exceed amount of \$59,900. The final completion date was on April 13, 2013 for the entire project. A Notice of Completion (NOC) has been filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and provides a retention payment of \$2,995, which is 5% of the contract price. There was only one (1) change order on this project in the amount of \$3,553.16. This awning project provided protection to students during inclement weather while waiting outside the building to receive student services. The project was completed by April 13, 2013. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

28. Consider Approval of Amendment No. 1 to the Agreement with Salas O'Brien for Engineering Design Services for the Building 'A' Heating Upgrades Project at Merritt College. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the agreement for engineering services with Salas O'Brien for Engineering Design Services for the Building 'A' Heating Upgrades Project at Merritt College, in the not-to-exceed amount of \$2,950.00. Under this Amendment No. 1, Salas O'Brien will make revisions to the construction drawings and provide additional construction administration support. The following are reasons why additional services are needed from Salas O'Brien for the Merritt College Chiller Plant Project:

- During the design investigation phase of this project, it was discovered that the Music Room in Building A did not have adequate ventilation. This additional service request is for design to provide supplemental outside air ventilation into this space, comply with current building codes, and add construction administration support.

Under the original agreement, the firm completed engineering and design services for the Building 'A' Heating Upgrade Project at Merritt College, in the amount of \$35,000 that was approved by the Board of Trustees on April 24, 2012. Including this amendment request, the total not-to-exceed contract amount will be \$37,950 for all contracts. It should be noted that Salas O'Brien has provided excellent services to the District in the recent past. The anticipated completion date for this project is August 31, 2013. The original contract was approved by the Board on January 22, 2013 for \$195,000. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

29. Consider Approval for Reduction of Retention to Dan Electric's Contract for the Electrical Connection to Building 'L' Project at Merritt College from 10% to 5% **Presenter: Vice Chancellor Ikharo**

Approval is requested to reduce the retention in Dan Electric's contract for the Electrical Connection to Building 'L' Project at Merritt College from 10% to 5%. Rayo Michovich is the owner of Dan Electric; the company has a current and active license with California Department of Consumer Affairs – Contractors State License Board. This project consists of the alteration of electrical infrastructure for service to the renovated Building 'L' (Library/Learning Resource Center) and the future Merritt College Science and Allied Health Building. Approval is requested to reduce the retention of Dan Electric's Contract for the Electrical Connection to Building 'L' Project from 10% to 5%. Dan Electric's original contract was approved by the Board of Trustees at the meeting of September 11, 2012, in the amount of \$1,000,000. The project had a construction timeline of 180 calendar days with the project completion date of April 19, 2013. The construction work has progressed to the point where the project is considered Substantially Complete as of April 30, 2013, as "punch list" items are being implemented.

Dan Electric has requested a reduction in retention from 10% to 5%. Per the Public Contract Code, this reduction in retention is allowable if substantial completion of a project is attained. This reduction of retention will be in line with the District's newly adopted retention amount of 5% for all future and current projects. The administration has recommended approval of the reduction to 5% to allow for release of 5% to Dan Electric's contract at the end of April 2013. The new State of California retention percentage is now 5% effective from January 1, 2013. The anticipated completion date of this project is May 15, 2013. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

30. Consider Approval to enter into an Agreement with Olive Construction Inc. for Construction Management Services, at College of Alameda, Cougar Village Expansion Package 1 and 2 **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Olive Construction Inc. to provide construction management services for College of Alameda, Cougar Village Expansion Package 1 and 2 College, in the not-to-exceed amount of \$217,630. The construction documents for the Cougar Village Expansion Package 1 and 2 are complete. The project scope of work includes the following:

1. Provision of constructability review of bidding design documents; constructability review with respect to separation of portable manufactured and general contractor supplied elements; and overall constructability review of Phase 1 and 2.
2. Provision of construction management for the duration of the project. The administration estimates that the need for construction management services initially does not require full time services until construction begins. The construction phases will merge as the project progresses.

Now that construction documents are complete, construction management services are needed for the project. The administration conducted an informal Request for Proposals (09-10/29-1 NF) for construction management services. Proposals were solicited from three (3) firms from the previously Board approved (in October 2011) short list of construction management firms. Two (2) of the three (3) firms, GKK Works and APSI Construction Management declined to submit a proposal due to their summer workload. Therefore, evaluative scores could not be provided for their services. Qualifications of the remaining firm Olive Construction Inc., was reviewed and scored by the staff, with rankings from 1 to 100, using the following evaluative criteria: letter of interest and key personnel resources, knowledge and experience, plan and approach, proposed costs, environmental sustainability, and Small Local Business Enterprise (SLBE) / Small Local Emerging Business Enterprise (SELBE).

The following are the total scores from three (3) firms:

CONTRACTORS	LOCATION	Score
1. Olive Construction Inc.	El Cerrito, CA	95
2. GKK Works	Oakland, CA	Decline to Bid
3. APSI Construction Management	San Francisco	Decline to Bid

Olive Construction Inc. received a score of 95 and approval is recommended to enter into an agreement with Olive Construction Inc. to provide construction management services for the project, in the not-to-exceed amount of \$217,630. The construction management scope of services included, project management and support, review estimates for content and management services closeout services. Construction management services are anticipated for a period of 11 months and will be billed on an hourly basis as needed and approved by the Department of General Services. It should be noted that Olive Construction Inc. has provided excellent services to the District in the recent past. The anticipated completion for this service is February 2014. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

31. Consider Approval to Purchase Computers and Telecommunication Equipment and Services for the Laney Tower Project through the use of a Piggyback-able Contract **Presenter: Vice Chancellor Ikharo and Vice Chancellor Gerhard**

Approval is requested to purchase computers and telecommunication equipment and services for the Laney Tower Project from NetXperts Inc. using a piggyback-able contract through the California Multiple Award Schedules (CMAS), in the not-to-exceed amount of \$446,985.18. **Source: Measure A Bond Funds.** Under the Public Contract Code section 20652, the governing board of any community college district, without advertising for bids, and when that Board has determined that it is best interests of the District, may authorize by contract to purchase materials and equipment utilizing piggyback-able contracts. The administration would like to utilize the piggyback-able California Multiple Award Schedules (CMAS) Contract #3-09-70-0622G – Hardware and Contract# 3-11-0622J - Services for Laney Tower’s computers and telecommunication equipment needs.

The administration in cooperation with the Purchasing Department conducted a contract quote analysis using the CMAS and Western States Contracting Alliance (WSCA) procurement methods. The CMAS uses existing competitively awarded government contracts to create the basis for the procurement needs of the State of California. To be considered for the CMAS Program, an existing contract must be awarded by the federal government or any other governmental entity in any state and awarded using a competitive process. The CMAS program provides a specialized procurement process for obtaining computers and telecommunication products and services to state and local government agencies as well as public educational institutions within the State of California. This program ensures that purchasing agencies are given the flexibility to choose the service that best meets their specific business needs, while maintaining an easy-to-use cost-effective government procurement plan. This eliminates the three-bid process and insures competitive pricing in a timely manner. CMAS contracts are

available for use and benefit public and private schools, colleges, universities, cities, counties, non-profits and all other governmental entities. This piggy-back contract has been reviewed and appropriate discount was applied to this purchase by the vendor as verified by the Purchasing Department.

The Western States Contracting Alliance-National Association of State Procurement (WSCA-NASPO) Cooperative Purchasing Organization encourages, fosters, and guides participating members to work together to create true procurement cooperatives. This organization leverages the collective expertise and experience of WSCA and NASPO, aggregate the demand of all 50 states, the District of Columbia and the five (5) organized territories, their political subdivisions and other eligible entities to help spur innovation and competition in the marketplace. All authorized governmental entities in any state are welcome to use WSCA-NASPO cooperative contracts with the approval of that state's State Chief Procurement Official. This cooperative purchasing benefits states as well as cities, counties, public schools, institutions of higher education and other eligible entities.

A request for piggyback-able CMAS contract quotes was conducted for this project between two (2) vendors, NetXperts Inc. and Golden Star Technology. Both vendors met with the Information Technology Department and formulated the required equipment necessary to provide stable and effective support for the required functions of administration, staff, and faculty in Laney Tower. Also, NetXperts Inc. provided a quote using the WSCA-NASPO piggy-backable contract method. The resulting quotes were as follows:

CONTRACTOR	PIGGY – BACKABLE CONTRACT	LOCATION	TOTAL BID
NetXperts Inc.	CMAS	San Ramon, CA	\$ 446,985.18
NetXperts Inc.	WSCA-NASPO	San Ramon, CA	\$ 469,058.85
Golden Star Technology Inc. dba GST Inc.	CMAS	Cerritos, CA	\$ 594,746.44

The lowest responsible and responsive piggyback-able contract quote was submitted by NetXperts Inc., as a CMAS contract in the amount of \$446,985.18. After Board approval, the administration will immediately begin the requisition process in order for vendors to deliver the furniture by mid-June, 2013. This project is supported in the Five Year Laney College Facilities Master Plan 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

32. Consider Approval of Bond Measure Budget Transfer and Appropriation (Number 47) Presenter: Vice Chancellor Ikharo

Approval is requested for one (1) bond measure budget transfer and appropriation (Number 47). The administration will obtain approval from the College President, Vice

Chancellor of General Services, Vice Chancellor of Finance & Administration, and the Chancellor for this budget transfer and appropriation. With the intent of full disclosure, this budget transfer is now presented to the Board of Trustees for approval. On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projects and budget transfer procedures. The Measure A budget included all current and future projects totaling the \$390 million bond amount. At that time, the Board of Trustees also approved the process for future budget transfers from one project to another, which included District and College approvals and subsequent approval by the Board of Trustees. Since that time, project scopes have been refined, and some net projects have been created. In accordance with the Board approved Bond Measure Spending Plan, a budget transfer form will be completed for the budget transaction. The transaction indicates the current budget, revised or new budget and the transfer amount for both the budget that is being increased (credit) and the budget that is being decreased (debit). Budget Transfer No. 47 is to accommodate costs not previously budgeted for Merritt FF&E and to fund the six (6) month short term projects. It should be noted that the cost for this project is an estimate only. The actual cost will not be available until bids are received from potential vendors. If the budget estimate below is exceeded, they will be brought to the College President and Chancellor, and adjustments will be made contingent upon the availability of bond funding. Any budget increases will be taken back to the Board of Trustees for approval in the form of budget transfers. Following is the budget transfer summary:

Budget Transfer Summary

Project No.	Project Name	Current Budget	Revised Budget	Transfer Amount
Transfer To:				
2416	Merritt FF&E	\$3,933,656.00	\$5,035,059.00	\$1,101,403.00
2372	Merritt Bldg Modernizations	\$9,471,500.00	\$9,479,500.00	\$8,000.00
			Total	\$1,109,403.00
Transfer From:				
2364	Merritt College Technology Upgrade	\$3,568,370.00	\$2,458,967.00	\$1,109,403.00
<p>Description: The journal entry was adjusted to accommodate costs not previously budgeted for Merritt FF&E and fund the six (6) month short term projects. This consists of \$913,241 to cover the overage in the project, \$87,662 to cover the allocation of the \$9.6 million, \$100,500 for the six (6) month FF&E, and \$8,000 for the carpets or the Lower Level Building 'P'.</p> <p>(Note: FF& E = Furniture, fixtures, and equipment)</p>				

Funding Source: Measure A Bond Funds. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

33. Consider Approval of Resolution 12/13-31, Authorization to submit the Final Project Proposal (FPP) **Presenter: Vice Chancellor Ikharo**

Approval of Resolution 12/13-31, Authorization to submit the Final Project Proposal (FPP's) to the State Chancellor's Office for one (1) project per college for consideration for state funding in the 2015-16 fiscal year. The Administration plans to submit Final Project Proposals (FPP's) for four (4) new projects to the California Community Colleges State Chancellor's Office on July 1, 2013. The FPP's are the final step in the process to request State funding for the 2015-16 fiscal year. The District's objective is to leverage local bond funds with funding from the state. There are discussions at the state level for a facility bond for K-12 and the three (3) tiers of higher educational institutions state-wide. It is therefore prudent to align the college's capital infrastructure needs that are tailored to meet their Educational Master Plans.

Below are the engineering cost estimates and final costs that will be submitted once the FPP's are complete:

PROJECT	STATE SHARE	DISTRICT SHARE	TOTAL BUDGET
College of Alameda – Modernization to Building B (Auto Technologies)	\$ 5,563,000	\$ 5,563,000	\$ 11,126,000
Laney College – New Math and Science Center	\$ 13,159,000	\$ 13,159,000	\$ 26,318,000
Berkeley City College Expansion	\$ 6,197,000	\$ 6,197,000	\$ 12,394,000
Merritt College Horticulture Building Modernization	\$ 5,620,000	\$ 12,791,000	\$ 18,411,000
TOTALS:	\$30,539,000	\$37,710,000	\$68,249,000

The State Chancellor's Office requires a resolution substantiating approval of the FPP and promising to fulfill the standard Project Terms and Conditions. The estimated District share of all four (4) projects is \$37,710,000 in funding year 2015-2016. All Final Project Proposals must be submitted to the California Community Colleges State Chancellor's Office on or before July 1, 2013. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

34. Consider Approval to Enter into an Agreement with Noll & Tam Architects and Planners for Architectural Services to complete four (4) Full Project Plans (FPP's)
Presenter: Vice Chancellor Ikharo

Approval is requested to enter into an Agreement for architectural services with Noll & Tam Architects and Planners to complete four (4) Full Project Plans (FPP's), in the not-to-exceed amount of \$173,610. Under this Agreement, Noll & Tam Architects and Planners will complete four (4) Full Project Plans (FPP's) for the District to submit to the California Community Colleges Chancellor's Office. This architect was selected from previously approved short-list of architects authorized to do business with the District. Chris Noll, Janet Tam, Merideth Marschak, Bonnie Blake-Drucker, and Norma Ochoa are principals at Noll & Tam. Noll & Tam will finalize the following four (4) FPP's:

PROJECTS	ESTIMATE COST FOR FPP's
1. Berkeley City College Expansion	\$45,840
2. College of Alameda – Modernization to Building B (Auto Technologies)	\$40,970
3. Laney College – New Math and Science Center	\$44,600
4. Merritt College Horticulture Building Modernization	\$42,200
TOTAL	\$173,610

Noll & Tam Architects and Planners previously assisted the District with the Initial Project Planning (IPP) and did a very good job. The anticipated completion date is June 30, 2013. **Funding Source: Measure A Bond Funds.** All Board approved contracts are subject to 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.

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.