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PERALTA COMMUNITY COLLEGE DISTRICT



A Closed Session is scheduled at **5:00 P.M., June 28, 2011, Chancellor's Conference Room, District Administrative Center, 333 East Eighth Street, Oakland, California.**

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)), Flippin v. PCCD, Alameda County Small Claims Court Case No. BS10542521.
- 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)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- 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.

Public Employee Appointment – Employment, Performance, Evaluation, Discipline, Dismissal, Release – All Employees (Government Code § 54957 and BP 3.62 Temporary Assignments - Interim and Acting definitions).

- Consider Public Employee Contract, Energy and Environmental Sustainability Manager, District Offices.
- Consider Public Employee Contract, Vice Chancellor of Finance and Administrative Services, District Offices.
- Consider Public Employee Contract, Vice Chancellor of Human Resources and Employee Relations, District Offices.
- Consider Public Employee Contract, Interim Chief Administrative Officer, Technology and Information Systems, District Offices.
- Consider Public Employee Contract, Interim Vice President of Instruction, Laney College.
- Consider Public Employee Contract, Interim Vice President of Student Services, Laney College.
- Consider Public Employee Contract, Interim Director of AANAPISI, Grant funded, Laney College.
- Consider Student Academic Appeal, Jeanette Gutierrez.

REGULAR MEETING AGENDA

**Regular Meeting of June 28, 2011, 7:00 P.M.,
Board Room, District Administration Center**

333 East Eighth Street, Oakland, California

PLEASE NOTE

Members of the public may address the Board on any item within the Board’s jurisdiction. Cards which must be completed to request to address the Board, and a summary of Board rules concerning communications from the public, are available from the Board Clerk at the meetings. Persons addressing items included on the agenda will be heard at the time the item is considered. Persons requesting to address items or subjects which are not on this agenda will be heard under the agenda item “Communications from Members of the Public.” 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 466-7203 repstein@peralta.edu

CALL TO ORDER: Time: _____

PLEDGE OF ALLEGIANCE 7:00 P.M.

ROLL CALL Trustees González Yuen Pr_ Ab_ Gulassa Pr_ Ab _ Handy Pr_ Ab_ Hodge Pr_ Ab_ Guillén Riley Pr_ Ab_ Withrow Pr_ Ab_ and Riley Pr_ Ab_, Student Trustees Storm Pr_ Ab_ and Brumfield Pr_ Ab_. **7:00 P.M.**

The Regular Meeting of the Board of Trustees will commence at **5:00 P.M.** in the **Boardroom, District Administrative Center**, 333 East Eighth Street, Oakland, at which time the Board Roll Call will be taken. Immediately following the Board Roll Call at **5:00 P.M.**, the Board will enter Closed Session. The Regular Meeting in Open Session will convene at **7:00 P.M.** The first item of business upon convening in open session after the Pledge of Allegiance will be to report on Closed Session actions, if any, or to announce that Closed Session is in recess. Listed agenda times are estimates.

REPORT OF CLOSED SESSION ACTIONS 7:01 P.M.

APPROVAL OF THE AGENDA 7:02 P.M.

(Please state the agenda item number and identify the issue.)

MINUTES 7:03 P.M.

1. Consider Minutes of the Board Meeting of June 14, 2011.
Copies of the minutes of the Board of Trustees’ Meetings are posted on Granicus. Please submit all minute corrections to the Board Clerk.

IDENTIFICATION OF ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE 7:04 P.M.

(Please state the agenda item number and identify the issue.)

IDENTIFICATION OF ITEMS TO REMAIN ON THE CONSENT CALENDAR AND PULLED FOR DISCUSSION 7:05 P.M.

(Please state the agenda item number and identify the issue.)

IDENTIFICATION OF ITEMS WITH PUBLIC SPEAKERS 7:06 P.M.

ASSOCIATED STUDENT GOVERNMENT REPRESENTATIVES REPORT 7:07 P.M.

At this time in the meeting, representatives of the associated student governments will be afforded an opportunity to address the Board. (Please provide your name and position, and line-up to speak.)

COMMUNICATIONS FROM MEMBERS OF THE PUBLIC 7:15 P.M. (Please line-up to speak when your name is called.) This portion of the agenda provides an opportunity for members

of the public to address the Board on matters not included on this agenda. **A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda item.** Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Under the Brown Act, Trustees and District staff are not allowed to discuss and/or take formal action at today's meeting on items brought before them under this item. Trustees and District staff are only allowed to respond briefly. Persons submitting cards to address an item included on the agenda will be called upon at the time the agenda item is considered by the Board, 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 by the recording secretary. Written statements can be submitted to the Board Clerk for inclusion in the Board minutes.

PRESENTATIONS 7:30 P.M.

2. Presentation on Accomplishments in Achieving our Strategic Goals and Objections 2009 – 2011, a SLO/ Assessment Update, and an Update on On-line/Open Source Textbooks
Presenters: Vice Chancellor Budd, Faculty, and Staff (45 minutes)

ACTION ITEMS 8:15 P.M.

As a matter of policy (Board Policy 1.10), no action shall be taken on any item not identified as an "action item."

INFORMATIONAL ITEMS AND WRITTEN REPORTS

CHANCELLOR

3. Chancellor's Report **Presenter: Chancellor Allen**
Vice Chancellors' Reports
State Budget Update **Presenter: Vice Chancellor Gerhard**
Enrollment Update **Presenter: Vice Chancellor Budd**
EasyPass, Financial Aid, Student Health Fee, and Health Services Initiative Update
Presenter: Vice Chancellor Ng
General Services' Update **Presenter: Vice Chancellor Ikharo**
College Reports
Merritt College **Presenter: President Adams**
Laney College **Presenter: President Webb**
College of Alameda **Presenter: President Jackson**
Berkeley City College **Presenter: President Inclan**

BOARD OF TRUSTEES' ANNOUNCEMENTS

DAS PRESIDENT REPORT **Presenter: DAS President van Putten**

CONSENT CALENDAR (FOR ACTION) 9:00 P.M.

All action items are to be considered to be a part of a consent calendar. Trustees are given the opportunity to pull specific items off of the consent calendar for discussion and action. All items that have not been pulled by a Trustee will be considered in a block for comments by the public and action by the Board. All Board approved contracts are subject to final negotiation and execution by the Chancellor. Items pulled for Debate by the Trustees will be addressed later in the meeting, at approximately 9:00 p.m. Meeting times are estimates.

FINANCIAL SERVICES

4. 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.

5. 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*.

6. 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*.

7. Consider Approval of KNN Public Finance Contract Amendment **Presenter: Vice Chancellor Gerhard**

Consider approval of KNN Public Finance contract amendment not to exceed \$25,000. KNN provides the District with general financial advisory and strategic financial planning services in all ongoing financial matters related to the District. The previously approved contract was for a not-to-exceed amount of \$25,000. The new contract amount shall not exceed \$50,000 for fiscal year 2010-2011. **Funding Source: General Fund Unrestricted.** The Chancellor recommends approval.

8. Consider Approval of the Tentative Budget 2011-2012 **Presenter: Vice Chancellor Gerhard**

It is recommended that the Tentative Budget be approved for the following funds: General Fund-Unrestricted, General Fund-Restricted, Student Center Fee Fund, Student Financial Aid, Workers' Compensation, Child Development, Capital Outlay, General Obligation Bonds, Self-Insurance, Contract Education, Parking Fund, Special Reserve Fund-Retiree Health Premiums, and Bookstore Funds for the 2011-2012 fiscal year. California Code Regulations Section 58305(a) requires that, on or before the first day of July, each community college district shall file a tentative budget with the County Superintendent of Schools. The Chancellor recommends approval.

9. Consider Approval of the Year-end Appropriation Transfers 2010-2011 **Presenter: Vice Chancellor Gerhard**

It is recommended that the Board of Trustees authorize the District to make appropriate transfers necessary at the close of the 2010-2011 fiscal year to permit the payment of budgeted and other obligations of the District during such fiscal year. The Chancellor recommends approval.

10. Consider Approval of the GANN Limit for 2011-2012 **Presenter: Vice Chancellor Gerhard**

It is recommended that the Board of Trustees adopt the resolution establishing the Appropriation Limit for the 2011-2012 fiscal year. Article XIII B of the State Constitution as approved by the voters in November 1979 requires the establishment of an Appropriation Limit on "Proceeds of

Taxes” revenues for public agencies, including school districts. The Governing Board must approve each year the appropriation limit for the District. The Chancellor recommends approval.

11. Consider Approval of the Creation of Two Advisory Committees to the Retirement Board
Presenter: Vice Chancellor Gerhard

To promote and encourage participation and general awareness of the operations of the Peralta Community College District Other Post Employment Benefit Trust, the Retirement Board is recommending the creation of two advisory committees each composed of three representatives. The first advisory committee would be comprised of current retirees representing the entire retirement community. The second advisory committee would be comprised of representatives from each of the three bargaining units within the Peralta Community College District. At present, the bargaining units include Local 39, Local 1021, and Peralta Federation of Teachers. The scope of the advisory committees would be to: 1) advise the Retirement Board on all issues related to the investments and operations of the Peralta Community College Other Post Employment Retirement Benefit Trust; and 2) to make recommendations to the Retirement Board concerning items that will enhance the efficiency of the operations of the Trust and maintain and preserve the continued viability of the negotiated health and welfare benefits provided to current and future retirees of the Peralta Community College District. Both advisory committees would be recommending bodies whose recommendations would be nonbinding. The Chancellor recommends approval.

12. Consider Receipt and Filing of the Peralta Community College District Other Post Employment Benefits Program Final Report Prepared by KNN **Presenter: Vice Chancellor Gerhard**

In the fall of 2010, the Peralta Community College District formally engaged KNN Public Finance to review the District’s Other Post Employee Benefits Program (OPEB). This review primarily focused on the issuance of \$153,749,832.25 of OPEB Bonds in 2005, as well as the subsequent bond transactions in 2006 and 2009 and two related swap transactions. The report also reviews the Retiree Health Benefit Program, investments, and a complete break-down of all costs of issuance. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

13. Consider Approval of Board Policy 6.02, Budget Preparation and Administration (revised) Second and Final Reading **Presenter: Vice Chancellor Gerhard**

Consider approval of revisions made to Board Policy 6.02. The recommended revisions are in accordance with and incorporate Education Code Section 70902(b)(5); Title 5, 58300 et seq. This revision went through the shared governance process and is now presented to the full Board for a second and final reading. The Chancellor recommends approval.

EDUCATIONAL SERVICES

14. Consider Approval to Increase the Oakland PIC Grant Funds with the Department of Labor **Presenter: Vice Chancellor Budd**

Consider approval to increase the Oakland PIC grant funds with the Department of Labor not to exceed \$42,000. This increases the original request submitted on December 15, 2009 of \$35,000 with an additional \$6,000.00. **Funding Source: DOL Grant.** All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

PERSONNEL

15. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees on an Emergency Basis **Presenter: Vice Chancellor Largent**

Pursuant to AB500, attached is a report that contains the name, classification, and date of hire, assignment end date, hourly rate, classification, position title, location, background and experience department, and fund source of candidates recommended for short-term assignments in non-academic classified positions. Below are the names, and classifications of these candidates. Each candidate’s assignment will not exceed the category in which hired. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Brown	Drue	7/1/11	6/30/12	Project Manager	M
Cook	Christopher	7/1/11	6/30/12	Sr Clerical Asst	D
Derek	Mattox	7/1/11	6/30/12	Child Care Asst II	L
Diouf	Madiou	7/1/11	6/30/12	Instructional Asst/Accompanist	L
Evans	Kevin	7/1/11	6/30/12	Instructional Asst/PE	L
Harding	June	7/1/11	7/31/11	Academic Spt Svcs Specialist	M
Hill	Taji	7/1/11	6/30/12	Instructional Assistant	L
Jones	Matthew	7/1/11	6/30/12	International Student Support Spec	D
Kwok	Qian Lan	7/1/11	6/30/12	Child Care Asst II	L
Laiche	Nacira	7/1/11	6/30/12	Instructional Asst/Chemistry	B
Laniohan	Aurora	7/1/11	6/30/12	Instructional Assistant III	A
Lara	Diana	7/1/11	6/30/12	Dist. Telecom. Syst. Coord.	D
Lay	Siu Fung	7/1/11	6/30/12	Sr Clerical Asst	B
Lewis	Azul	7/1/11	6/30/12	Instructional Asst/Chemistry	B
Miller	Aprill	7/1/11	6/30/12	Clerical Asst Ii	B
Nga	Ngoc Cam	7/1/11	6/30/12	Child Care Asst II	L
Omar	Sahra	7/1/11	6/30/12	Sr Clerical Asst	A
Pavlos	Andrea	7/1/11	9/30/11	District Accounting Tech	D
Seay	Jamar	7/1/11	6/30/12	Sr Clerical Asst	L

Seegerberg	Von	7/1/11	6/30/12	Clerical Asst Ii	M
Spencer Vacca	Laura	7/1/11	6/30/12	Instructional Assistant IV/DSPS	A
Stallings	Gwen	7/1/11	6/30/12	Sr Clerical Asst	L
Tran	Kevin	7/1/11	7/29/11	Clerical Asst II	A
Van Buhler	Belinda	7/1/11	6/30/12	Instructional Assistant III	A
Vo	Diep Hoang	7/1/11	6/30/12	Child Care Asst II	L
Washington- Diouf	Naomi	7/1/11	6/30/12	Instructional Asst/ Accompanist	L
Wright	Wanda	7/1/11	6/30/12	Instructional Assistant III	A

16. Item Removed from the Agenda

17. Consider Approval of an Independent Contractor Extension with The ELS Group, LCC for Professional Consultation Services of George Kozitza in the Laney College Business Office
Presenter: President Webb

Consider Approval for Contracted Services with the ELS Group LLC, George Kozitza consultant, from July 1, 2011 through December 30, 2011 at a rate not to exceed \$11,500 per month. **Funding Source: General Funds.** Contract services includes strategic planning for fiscal solvency and operational efficiency; analyses of business operations as part of documenting progress in advancing the Laney College Educational Master Plan agenda; completion of institutional protocols; role out of the College standard operating procedures to the College community; assist planning for the operation needs of Laney College as well as insuring adherence to applicable statutes, regulations and internal accounting, purchasing, payroll, fiscal, and facilities reporting policies and procedures; and review and make recommendations regarding the work of the Division related to capital improvement projects, facilities maintenance and operations and leased facilities to assure optimum utility. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider approval of the Independent Contractor Agreement with The ELS Group, LCC for professional consultation services of Eleanor Liu in the Laney College Offices of the President and Academic and Student Affairs **Presenter: President Webb**

Consider approval of an Independent Contractor Agreement with The ELS Group, LCC for professional consultation services of Eleanor Liu within the Offices of the President and Academic and Student Affairs. **Funding Source: General Funds.** The amount to be approved shall not exceed \$52,800 through June 30, 2012. The monthly fee for consulting services shall be \$4,400. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

19. Consider Approval of the Chancellor Job Description Brochure **Presenter: Vice Chancellor Largent**

Consider approval of the Chancellor Job Description Brochure. This brochure is the culmination of input from public forums, constituent groups, and the Governing Board. The Chancellor recommends approval.

FACILITIES

20. Consider Approval to Appoint Members to Serve on the Measure A Citizens' Bond Oversight Committee **Presenter: Vice Chancellor Ikharo**

Consider approval for re-appointments and new appointments of the individuals listed below to serve on the Measure A Citizens' Bond Oversight Committee. The Citizens' Bond Oversight Committee By-Laws, Section 5-1 - Membership, states that the committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications and based on criteria established by Prop 39, to wit: One (1) member active in a business organization representing the business community located in the District. One (1) member active in a senior citizens' organization. One (1) member active in a bona-fide taxpayers' organization. One (1) member shall be a student who is both currently enrolled in the District and active in a community college group, such as student government. One (1) member shall be active in the support and organization of the community college or the community colleges of the district, such as a member of an advisory council or foundation. Two (2) members of the community at large, appointed by the Board.

RE-APPOINTMENTS: Odell Johnson, alternative representing a senior citizens' organization, for a two-year term (7/1/11 – 6/30/13); and Jurena Storm, representing a student college group, for a one-year term (7/1/11 - 6/30/12).

NEW APPOINTMENTS: Esteem Brumfield, alternative representing a student college group, for a two-year term (7/1/11 - 6/30/13); Eduardo Jimenez, representing a business organization, for a two-year term (7/1/11 – 6/30/13); Nyeisha DeWitt, representing the community at large, for a two-year term (7/1/11 – 6/30/13); Miguel A. Rodriguez, alternative representing the community at large, for a two-year term (7/1/11 – 6/30/13) and Chantal Reynolds, alternative representing the community at large, for a two-year term (7/1/11 – 6/30/13).

Other members of the committee include Bill Patterson, representing a foundation (6/30/12); Stephanie Casenza, alternative representing a foundation (6/30/12); Polly Amrein, representing a senior citizens' organization (6/30/12); and Jim Stonehouse, representing a taxpayers' organization (6/30/12). The Chancellor recommends approval.

21. Consider Approval to Submit 2013-17 Five-Year Construction Plan to State Chancellor's Office **Presenter: Vice Chancellor Ikharo**

In accordance with the provisions of Section 81820 of the California Education Code, each year community college districts are required to submit a Five-Year Construction Plan to the Chancellor of the California Community Colleges. **Funding Source: No fiscal impact.** The five-year plan communicates to the State Chancellor's Office and other State agencies the anticipated capital outlay needs of a district for the next five years. The five-year plan includes information on current enrollment, projected enrollment, and instructional staff. This information, together with actual college space utilization, is analyzed to develop load-capacity ratios, which are measures of a college's needs in certain facility areas. The load-capacity ratio is one factor that is considered in State funding of a capital project. The 2013-17 Five-Year Construction Plan for the District is due to the California Community Colleges Chancellor's Office by July 1, 2011. A component of the five-year plan is the project priority list for the five-year period. This list is presented to the Board of Trustees for review and approval each year. The priority list includes all facilities needs of the District based on the Educational Master Plans and Facilities Master Plan, regardless of whether State funding will

be requested. The proposed Project Priority List is included with Board members’ materials. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Approval of Resolution 10/11-83, Authorization to Submit Final Project Proposals
Presenter: Vice Chancellor Ikharo

The Administration plans to “roll over” the Final Project Proposal (FPP) for one project, which is due to the California Community Colleges State Chancellor’s Office on July 1, 2011. **Funding Source: Measure A.** The FPPs are the final step in the process to request State funding for the 2013-14 year. The District’s objective is to leverage local bond funds with State funding. Below is the project and cost estimates, which will be finalized before the submittal date:

PROJECT	STATE SHARE	DISTRICT SHARE	TOTAL BUDGET
Laney College Modernize Theater	\$ 7,573,000	\$11,217,000	\$ 18,790,000

The State Chancellor’s Office requires a resolution substantiating approval of the FPPs and promising to fulfill the standard Project Terms and Conditions. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval of Third Amendment to Agreement with Alameda County Sheriff’s Office to Provide Police Services to the Peralta Community College District **Presenter: Vice Chancellor Ikharo**

Approval is requested for an extension of the agreement with the Alameda County Sheriff’s Office to provide police services to the District from July 1, 2011 until June 30, 2012. Estimated services are provided at a not-to-exceed cost for the year of \$2,728,628, under the same terms and conditions as the original agreement, with the exception that police services are not provided on District holidays. **Funding Source: District General Funds.** The Administration is utilizing Securitas to provide security services on District holidays to reduce police services expenditures. (The not-to-exceed estimated total for services under the previous agreement was \$2,667,517.74.) The current total 2011/2012 budget for Police Services is \$3,537,309. In addition to the services provided by the Sheriff’s Office, other security costs for the fiscal year include Securitas and the college safety aides, as follows:

Services	Estimated Cost for 2011/2012 Fiscal Year
Alameda County Sheriff’s Office	\$2,728,628
Securitas (BCC, weekends and holidays)	\$ 409,681
Safety Aides (* funded with parking lot fees)	\$ 399,000
TOTAL:	\$3,537,309

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

24. Consider Approval of Resolution 10/11-85, Acceptance and Retention, Laney Tower Swing Space Package #2, JUV Inc. **Presenter: Vice Chancellor Ikharo**

On September 28, 2010, this Board ratified a contract award to JUV Inc. for the Administrative Tower Swing Space Package #2 at Laney College. **Funding Source: Bond Measure A.** The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Laney College President and Business Manager have signed the Project College Acceptance Form. This resolution formally accepts the work as complete and provides for a retention payment of \$25,745.08, which is 5% of the contract price. The Board previously approved three change orders to this contract, totaling \$7,201.69, which is 1.4% of the base contract amount (\$507,700.00). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Ratification of Change Order No. 2, ADA Improvements at Laney College, IMR Contractors Corporation **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 2 to the contract with IMR Contractors Corporation for the ADA Improvements at Laney College, in the amount of \$105,715. Including the previously Board approved Change Order No. 1, the cumulative total is \$199,616, which is 8.6% of the original contract amount (\$2,318,000). **Funding Source: Bond Measure A.** About 75% of the project is now complete, and the remaining 25% is expected to be complete by the end of August 2011. This project is comprised of nineteen (19) separate work increments with extensive demolition of concrete ramps, renovations to the Theater, Library and Women's Locker Room restrooms, accessible parking lots, the road crossing at Fallon Street and East 7th Street, various door closers, thresholds, eighteen (18) drinking fountains, and the construction of two new elevators and an inclined lift. Most of the items comprising this change order were necessary due to:

- The complexity of scheduling construction work around the college educational requirements in various and numerous areas
- Due to the aged infrastructure, unforeseen conditions were encountered during the demolition of walls, floors and ceilings, including:
 - Numerous replacements of damaged and corroded cast iron drains
 - Many changes that were required to meet code compliance for the plumbing systems
- Schedule delays due to various water intrusion problems

Although every effort has been made to reduce the change order work on this project, because of the number of spaces throughout the campus that require ADA improvements and the age of the infrastructure, these changes were unavoidable. 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. 2 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. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

26. Consider Ratification of Change Order No. 1, Building Q Improvements at Merritt College, Rockaway Construction Inc. **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 1 to the contract with Rockaway Construction Inc. for the Building Q Improvements at Merritt College, in the amount of \$46,845.49, which is 3.6% of the original contract amount (\$1,290,874.00). **Funding Source: Bond Measure A.** Change Order No. 1 primarily includes items necessary to address unforeseen conditions discovered during construction. Prior access to many areas was not possible, and the problems were not apparent until

demolition occurred. Additionally, the data scope of work was upgraded to make Building Q “IP phone ready.” 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. 1 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. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

27. Consider Ratification of Change Order No. 2, Exterior Lighting Improvements at Merritt College, John Plane Construction, Inc. **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 2 to the contract with John Plane Construction, Inc. for the Exterior Lighting Improvements at Merritt College, in the amount of \$58,092. Including the previously Board ratified Change Order No. 1, the cumulative change order total to date is \$115,832, which is 8.5% of the original contract amount (\$1,356,234). **Funding Source: Bond Measure A.** The items comprising this change order were primarily necessary due to the following reasons:

- Unforeseen underground issues that had to be resolved in order to meet code requirements and provide a fully functional lighting system to the campus
- Unforeseen conditions at the existing base light pole anchorage due to existing improper installation and difficulty in marrying the new systems to the old
- A time extension of 14 days due to rainy weather

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

28. Consider Approval of Bond Measure Budget Transfer and Appropriation **Presenter: Vice Chancellor Ikharo**

Approval is requested for one (1) bond measure budget transfer and appropriation. The budget action has been approved by Vice Chancellor for General Services, Vice Chancellor for Finance & Administration, and the Chancellor. With the intent of full disclosure, it is now presented to the Board of Trustees for approval. **Funding Source: Bond Measures A.** On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projections 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 also approved the process for future budget transfers from one project to another, which included approvals and subsequent ratification by the Board of Trustees. Since that time, project scopes have been refined, and some new projects have been created. In accordance with the Board approved Bond Measure Spending Plan, budget transfer forms have been prepared for each budget transaction. This Transfer #24 will create a budget for District-Wide emergency planning. Following is the budget transfer summary:

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
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24 (Measure A)	To: District-Wide Emergency Plan		\$100,000	\$100,000
	From: District-Wide Contingency Reserve	\$4,646,000	\$4,546,000	(\$100,000)
	Description: Create a new project to enhance the District’s emergency planning process.			

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

29. Consider Approval to Enter into a Contract with NetXperts Inc. for IT Services for Peralta TV **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract in the amount of \$25,038.39 with NetXperts Inc. to install, terminate, test and label CAT 6 and fiber optic cables for Peralta TV. **Funding Source: Bond Measures A.** NetXperts Inc. was selected through a competitive process. Proposals were solicited from three vendors, as follows:

Vendor	Location	Amount of Quote
NetXperts Inc.	San Ramon, CA	\$25,038.39
Beliveau Engineering Services	Oakland, CA	\$27,585.00
Megaelectric Electrical Services	Alameda, CA	\$31,600.00

NetXperts Inc. submitted the lowest responsible quote for the scope of work and is the recommended vendor. 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 Salas O’Brien for Engineering Design Services for the Merritt College Chiller Plant Project **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Salas O’Brien for engineering design services for the Merritt College Chiller Plant project, in the not-to-exceed amount of \$499,000. **Funding Source: Bond Measures A.** Engineering services are required to design a chiller plant at Merritt College to serve the Administration Building Q, the Library Building L, and the future Allied Health Sciences Building. The District has previously retained the services of an energy management consultant firm to provide a preliminary equipment needs assessment for the Merritt chiller plant. Based on the assessment, a formal Request for Qualifications (RFQ No. 10-11/07) was conducted for engineering design services, and proposals were received from six firms. The proposals were evaluated and scored with rankings from 1 to 100 using the following criteria:

<u>Evaluation Criteria</u>	<u>Weights</u>
Knowledge and Experience	10
Client References	10
Plan and Approach	10
Environmental Sustainability	10
Proposed Costs	50

Following are the firms and the evaluation scores:

Design Engineering Firm	Location	Evaluation Score
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Salas O'Brien	Oakland, CA	85.33
Interface Engineers	San Francisco, CA	82.67
Hibser Yamauchi	Oakland, CA	80.00
Timmons	San Francisco, CA	76.67
AlfaTech Engineers	San Francisco, CA	74.67
Raymond Brooks Engineering	San Francisco, CA	54.33

Salas O'Brien received the highest evaluation score. The fee was negotiated by staff, and an agreement in the not-to-exceed amount of \$499,000 is recommended. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

31. Consider Approval of Amendment No. 2 to Agreement for Construction Management Services with Stegeman & Kastner, Inc. for Laney College ADA Renovation Project
Presenter: Vice Chancellor Ikharo

Approval is requested for Amendment No. 2 to the agreement for construction management services with Stegeman & Kastner, Inc. for the Laney College ADA Renovation Project, in the amount of \$120,500. **Funding Source: Bond Measures A.** The amendment will provide services from March 1, 2011 to July 15, 2011. To facilitate cost savings, after July 15, 2011, construction management services will be provided in-house by District project manager staff. The services provided under Amendment No. 2 include:

- Monthly reports on project construction activities
- Bringing items of concern on scope, cost issues and scheduling to the District's attention
- Field surveys
- Development of additional scopes of work
- Assistance in final project closeout with DSA (Division of the State Architect)

The original agreement, in the amount of \$220,300 was approved at the meeting of May 12, 2009. Amendment No. 1, the amount of \$44,000 was approved at the Board meeting of December 15, 2009. Including this Amendment No. 2, the total agreement amount will be \$384,800. There have been delays in completing this project due to the contractor having to work around classes so instruction would not be disturbed and also due to aged infrastructure. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Announcements

ADJOURNMENT OF THE REGULAR BOARD MEETING

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 466-7203 repstein@peralta.edu