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**PERALTA COMMUNITY COLLEGE DISTRICT**



A Closed Session is scheduled at **5:00 P.M., October 25, 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)), 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 (54956.9(a)), Block v. PCCD, Alameda County Superior Court, Case No. RG11570116.
- 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, Anticipated/Potential Litigation (54956.9(b)-(c)) (6 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 and BP 3.62 Temporary Assignments - Interim and Acting definitions).

**REGULAR MEETING AGENDA**

**Regular Meeting of October 25, 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](mailto: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 Brumfield Pr\_ Ab\_ and Copenhagen 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 October 11, 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 or DISCUSSION 7:04 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. Update from State Lobbyist Patrick McCallum **Presenter: Patrick McCallum (20 minutes)**
3. Update on PLA (Project Labor Agreement)/Local Hiring **Presenter: Vice Chancellor Ikharo and Jake Sloan (Davillier-Sloan, Inc.) (10 minutes)**

**INFORMATIONAL ITEMS AND WRITTEN REPORTS 8:00 P.M.**

**CHANCELLOR**

4. 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**

**ACTION ITEMS**

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

**CONSENT CALENDAR (FOR ACTION) 8:15 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 8:15 p.m. Meeting times are estimates.

**FINANCIAL SERVICES**

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 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.

8. Consider Approval of a One-Year Contract to Horta Food Service, Inc. for Cafeteria Food Service at the College of Alameda **Presenter: President Jackson**

Consider approval of a one-year contract to Horta Food Service, Inc. for cafeteria food service at the College of Alameda. **No funding required.** Through RFP # 10-11/20, the Peralta Community College District sought proposals from established food service providers for the College of Alameda cafeteria. Prospective providers were to have the capability to improve the diversity and quality of food offered, provide a creative menu at reasonable prices for day, evening students and staff, while maintaining a facility sanitized and free of debris. A committee reviewed the bids received and evaluated the proposals based on their submitted responses to Company Information, Resources, and Key Personnel; Nutritional Plan; References, Knowledge and Experience; sales commission; Menu variety, Price, and Marketing Promotions; Environmentally Sustainable Procurement and SLBE affiliation. Originally, New Era Foods was selected for the contract. Since then, the district has terminated for convenience the contract with New Era Foods and will enter into a contract with Horta Food Service as the vendor who had come in second to New Era Foods in the original RFP. This contract will generate funds for the Associated Students at College of Alameda. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

**EDUCATIONAL SERVICES**

9. Consider Approval of Course and Program Additions, Deactivations and Changes  
**Presenter: Vice Chancellor Budd**

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled “Curriculum and Instruction Recommendations – October 2011” contains course and program additions, changes and deactivations as approved by the colleges’ curriculum committees and CIPD. The Chancellor recommends approval.

10. Consider Approval of Hicks Consulting Group Contract for Financial Aid Support  
**Presenter: Vice Chancellor Ng**

Request approval to increase the contract with Hicks Consulting Group from \$145,000 to \$185,000 to assist in the implementation of the financial aid systems for the District, as well as reporting management information systems’ (MIS) data for fiscal year 2011-2012. **Funding Source: Measure E.** The contract compensation shall not exceed \$185,000. The added amount of \$40,000 is related to Hick consultant Judith Cohen, a retired Peralta Financial Aid Specialist. This contract is critical to our existing system. The Board has approved \$145,000 for other Hick’s contractors on July 19, 2011. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**PERSONNEL**

11. Consider Approval of Service Agreement for Benefits Bridge **Presenter Vice Chancellor Largent**

Consider approval of a contract with Benefits Bridge, a Keenan & Associates web-based product and service, to develop an integrated benefits enrollment capability, and to design a common remitting platform for delivering accurate employee and retiree benefits data which will be synchronized with all benefit business affiliates. Benefits Bridge is able to deliver payment for medical, dental, life, long-term disability, and employee assistance plan expenses for over 2000 employees, retirees and their eligible dependents. The service agreement is for one year, effective November 1, 2011, renewable annually not to exceed \$40,000. The District recommends execution of this agreement in order to provide updated and accurate data to conduct the Actuarial Study for fiscal year ending June 30, 2012. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

12. 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.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Chan	Cynthia	10/26/11	12/16/11	Instructional Asst I/DSPS	L
Clark	Ada	10/26/11	2/21/12	Clerical Assistant II	M
Galbraith	Aaron	10/26/11	6/30/12	Instructional Asst/Multimedia	B

**FACILITIES**

13. Consider Ratification of Change Order No. 4, Improvements to 860 Atlantic Avenue, Alameda, Cal-Pacific Construction Inc. **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 4 to the contract with Cal-Pacific Construction Inc. for the Improvements to the 860 Atlantic Avenue project in Alameda, in the amount of \$89,574.96. Including the previously Board ratified change orders, the cumulative total to date is \$285,056.07, which is 6.7% of the original contract amount (\$4,260,000.00). **Funding Source: Bond Measure A.** The change order items for the 860 Atlantic Avenue Improvements project are primarily due to the following:

- Some of the approved mechanical equipment was revised to accommodate the Maintenance Department’s revised District standard of using Carrier mechanical equipment.
- It was not possible to salvage the existing laboratory ionized water system, necessary for the Biology and Genomics programs. A new system was ordered that entailed a greater

installation effort by the contractor.

- The District standard security hardware was upgraded from Johnson Controls to a new Lenel security card access system this fall. This upgrade made it necessary for the contractor to provide and install the Lenel card reader system, per the current District standards.
- A non-compensatory time extension was required to account for delivery times of the Carrier and Lenel equipment.

In accordance with Board Policy 6.83, approval was requested from the Chancellor for 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. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

14. Consider Approval of Amendment No. 3 to Agreement for Architectural Services with Murakami/Nelson Architectural Corporation for Berkeley City College Build-Out Phase 3  
**Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 3 to the agreement for architectural services with Murakami/Nelson Architectural Corporation for services related to the Berkeley City College Build-Out Phase 3 construction project, in the amount of \$7,500. **Funding Source: Bond Measure A.** The design fees listed below for architectural and sub-consultant services are for the following:

- An updated cost estimate that reflects added scope to the basement level (Room 25), as well as Floor 1 (Rooms 151, 165, 141, 142, 143 and 125), Floor 2 (Room 243), Floor 3 (Rooms 342, 344, 346, 354 and 352), and Floor 4 (Room 461)
- Revisions to the electrical power drawings due to work performed as part of the Smart Classroom project

Murakami/Nelson	\$1,500
BWF Consulting Engineers	\$2,500
Mack5	\$3,500
Total:	\$7,500

The original agreement with Murakami/Nelson to provide architectural services for the Berkeley City College Build-Out Phases 1, 2 and 3 and the Multimedia Build-Out, in the amount of \$484,600, was awarded at the Board meeting of November 18, 2008. Amendment No. 1 in the amount of \$45,600 was approved by the Board of Trustees on December 15, 2009. Amendment No. 2 in the amount of \$101,863 was ratified by the Board of Trustees on September 28, 2010. Prior to the original agreement, Murakami/Nelson’s services were initiated under an independent contract (ICC) in the amount of \$72,400. Including this Amendment No. 3, the total agreement amount is \$711,963. It should be noted that the college requested scope changes were driven by changes in educational use from the original scope under which the architects were hired. In some cases, it was added scope changes, while in other cases, it was changes to the existing scope of work. Murakami/Nelson was

originally selected from the short list of architects that the Board of Trustees previously approved to perform architectural services for the District. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

15. Consider Approval of Amendment No. 2 to the Agreement with W. J. Robinson & Associates, Inc. for Construction Management Services for 860 Atlantic Avenue Building Improvements **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 2 to the agreement for construction management services with W. J. Robinson & Associates, Inc. for the 860 Atlantic Avenue Building Improvements project, in the amount of \$21,521. **Funding Source: Bond Measure A.** The 860 Atlantic Avenue facility is being renovated 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 two-month period, from October 1, 2011 through November 30, 2011. The project was substantially completed on September 15, 2011. 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 arriving laboratory equipment, which is now installed. This delayed the completion of punch list items and the 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:
  - Continued removal and relocation of laboratory furnishing from the main campuses of the College of Alameda and Merritt College
  - Final building systems commissioning
- Coordinating furniture moves for the remaining departments. In an effort to control the costs related to the project, existing furniture and equipment from the Merritt and College of Alameda campuses has been relocated to the laboratory spaces where possible.
- Project close-out, including submittal of the O & M (operations and maintenance) manuals, warranties, and equipment training

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. Including this Amendment No. 2, the total contract amount will be \$241,382. This firm was selected from the previously Board approved short list of project/construction management firms. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

16. Consider Approval of Short-Listed Firms for Construction & Project Management Services District-Wide **Presenter: Vice Chancellor Ikharo**

Approval is requested of short-listed firms that will provide construction & project management services District-wide for the foreseeable future. **Funding Source: Approval of the short list has no fiscal impact. The fees for project management/construction management services will be paid from the appropriate project budget when services are required. Board approval will be requested, as needed, when firms are hired.** The District previously solicited for Construction Management/ Project Management (CM/PM) services in December 2007. It was therefore necessary to update this list with current vendors. The firms were selected from proposals received in response to a formal Request for Qualifications (RFQ 10-11/29). The RFQ was publically advertised, and a total of 27 firms responded. A total of 8 (44%) out of 18 vendors selected were from the Oakland-Berkeley area. The responses were evaluated by a selection committee, based on the evaluation criteria listed in the RFQ (summary, narrative, additional data, experience and references). The committee identified the following fifteen (15) firms that received the highest

evaluation scores:

<b>FIRM</b>	<b>LOCATION</b>
1. HEERY INTERNATIONAL	Oakland, CA
2. KITCHELL	San Jose, CA
3. SEVILLE CONSTRUCTION SERVICES	Pasadena, CA
4. CONSOLIDATED CM INC.	Oakland, CA
5. APSI CONSTRUCTION MANAGEMENT	San Francisco, CA
6. SGI CONSTRUCTION MANAGEMENT	San Francisco, CA
7. GKK WORKS	Oakland, CA
8. CAMBRIDGE CM	Palo Alto, CA
9. GILBANE BUILDING COMPANY	San Jose, CA
10. DON TODD ASSOCIATES	San Francisco, CA
11. ANTHONIO INC	Oakland, CA
12. RUDOLPH & SLETTEN	Redwood City, CA
13. GAFCON, INC.	Los Angeles, CA
14. 4LEAF, INC.	Pleasanton, CA
15. CORDOBA CORPORATION	Oakland, CA

The following Small Local Business Enterprise (SLBE) and Small Emerging Local Business Enterprise (SELBE) firms located within Peralta Community College District’s market area (Alameda, Oakland, Piedmont, Emeryville, Berkeley, and Albany) that are capable of undertaking small to mid-range projects are recommended:

<b>FIRM</b>	<b>LOCATION</b>
1. OLIVE CONSTRUCTION MANAGEMENT	Oakland, CA
2. AMG MANAGEMENT GROUP	Oakland, CA
3. MILLER & ASSOCIATES	Oakland, CA

It should be noted that staff verified the claims by some businesses to be SLBE/SELBE (including financial tax returns) and sustains the validity of such claims. As necessities arise for project management services to address immediate and future facilities needs for health/safety and capital improvement projects throughout the District, selection will be made from these short-listed firms, based on their qualifications and experience required for the project. Some of these project management firms offer expertise in specific areas that could assist the District with capital projects. The Administration will invite the vendors listed to give actual price quotes when projects are available for implementation. All Board recommended contracts are subject to negotiation and



execution by the Chancellor. The Chancellor recommends approval.

17. Consider Approval of Resolution No. 11/12-20 to Change Third Party Administrator (TPA) for the Tax Deferred 403(b) and 457 (b) Plans from TSA Consulting to Mid-America Plan Administrators **Presenter Vice Chancellor Largent**

Peralta extends the opportunity for voluntary participation in tax-deferred 403(b) and 457 plans. With increased IRS regulation, many TPAs are imposing administrative fees which are born by either the employee or the employer. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider Approval to Enter into an Agreement with Olive Construction Management, Inc. for Project/Construction Management Services for the ADA Improvements at Laney College **Presenter: Vice Chancellor Ikharo.**

Approval is requested to enter into an agreement with Olive Construction Management, Inc. (OCM) to provide project/construction management services for the ADA Improvements at Laney College, in the not-to-exceed amount of \$76,250. **Funding Source: Bond Measure A. It is anticipated that the cost for these services will be recovered.** This project has been turned over from the initial contractor, IMR Contractor Corporation, due to a bankruptcy and is now under construction by Vertex, a contractor assigned by IMR's surety. The project is approximately 80% complete.

OCM's services will cover the period from October 24, 2011 to the end of February 2012. The project will require DSA certification. OCM was selected from the previously Board approved short list of project management firms, and is also included in the current short list on the agenda for Board approval at this October 25, 2011 meeting as a Small Local Business Enterprise (SLBE) vendor, which was verified. 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](mailto:repstein@peralta.edu)*