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PERALTA COMMUNITY COLLEGE DISTRICT

A Closed Session is scheduled at **5:00 P.M., September 27, 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)) (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).

- Consider Public Employee Appointment, TRIO Student Support Services Director, Laney College, (grant funded).
- Consider Employee Discrimination Claim.

REGULAR MEETING AGENDA

Regular Meeting of September 27, 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 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 September 13, 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.

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

CHANCELLOR

2. 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 Announcement, 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 Inlan**

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."

3. PUBLIC HEARING 8:10 P.M.

The public will receive an Introduction to Peralta Community College District's Redistricting Process, New, Fifth Alternative. Four alternatives have previously been reviewed by the public at several community meetings, and a fifth alternative has been prepared for consideration and public review, developed in response to public comments from the original four alternatives. The deadline to submit comments on the fifth alternative, or any alternatives, is Thursday, October 27, 2011 to: PeraltaRedistricting2011@marstel-day.com

CONSENT CALENDAR (FOR ACTION) 8:40 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 8:40 p.m. Meeting times are estimates.

4. Consider Approval of Board Policy 1100 The Peralta Community College District (new)

Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 1100 The Peralta Community College District (new). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The Chancellor recommends approval.

5. Consider Approval of Board Policy 1200 Mission (replaces BP 1.24) **Presenters: Trustees**

Riley and Gulassa

Consider approval of Board Policy 1200 Mission (replaces BP 1.24). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.24 Mission of the Peralta Community College District. The Chancellor recommends approval.

6. Consider Approval of Board Policy 2010 Board Membership (replaces a portion of BP 1.01)

Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2010 Board Membership (replaces a portion of BP 1.01). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.01 Membership. The Chancellor recommends approval.

7. Consider Approval of Board Policy 2015 Student Members (replaces BP 1.02) **Presenters:**

Trustees Riley and Gulassa

Consider approval of Board Policy 2015 Student Members (replaces BP 1.02). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.02 Student Trustees. The Chancellor recommends approval.

8. Consider Approval of Board Policy 2100 Board Elections (replaces a portion of BP 1.01)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2100 Board Elections (replaces a portion of BP 1.01). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.01 Membership. The Chancellor recommends approval.

9. Consider Approval of Board Policy 2110 Vacancies on the Board (replaces a portion of BP 1.01)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2110 Vacancies on the Board (replaces a portion of BP 1.01). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.01 Membership. The Chancellor recommends approval.

10. Consider Approval of Board Policy 2200 Board Duties and Responsibilities (replaces BP 1.05)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2200 Board Duties and Responsibilities (replaces BP 1.05). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.21 Committees. The Chancellor recommends approval.

11. Consider Approval of Board Policy 2210 Officers (replaces BP 1.04)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2210 Officers (replaces BP 1.04). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy Board Officers and Duties. The Chancellor recommends approval.

12. Consider Approval of Board Policy 2220 Committee of the Whole (replaces BP 1.21)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2220 Committee of the Whole (replaces BP 1.21). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy Board Duties and Responsibilities. The Chancellor recommends approval.

13. Consider Approval of Board Policy 2305 Annual Organizational Meeting (new)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2305 Annual Organizational Meeting (new). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The Chancellor recommends approval.

14. Consider Approval of Board Policy 2310 Regular Meetings of the Board (replaces a portion of BP 1.10)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2310 Regular Meetings of the Board (replaces a portion of BP 1.10). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes

former Board Policy 1.10 Meetings of the Board of Trustees. The Chancellor recommends approval.

15. Consider Approval of Board Policy 2315 Closed Sessions (replaces a portion of BP 1.10)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2315 Closed Sessions (replaces a portion of BP 1.10). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.10 Meetings of the Board of Trustees. The Chancellor recommends approval.

16. Consider Approval of Board Policy 2320 Special and Emergency Meetings (replaces a portion of BP 1.10)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2320 Special and Emergency Meetings (replaces a portion of BP 1.10). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.10 Meetings of the Board of Trustees. The Chancellor recommends approval.

17. Consider Approval of Board Policy 2330 Quorum and Voting (replaces a portion of BP 1.10)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2330 Quorum and Voting (replaces a portion of BP 1.10). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.10 Meetings of the Board of Trustees. The Chancellor recommends approval.

18. Consider Approval of Board Policy 2340 Agendas (replaces a portion of BP 1.10)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 2340 Agendas (replaces a portion of BP 1.10). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.10 Meetings of the Board of Trustees. The Chancellor recommends approval.

19. Consider Approval of Board Policy 6300 Fiscal Management (replaces BP 6.03)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 6300 Fiscal Management (replaces BP 6.03). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 6.03 Accounting. The Chancellor recommends approval.

20. Consider Approval of Board Policy 7400 Travel (replaces BP 6.39)
Presenters: Trustees Riley and Gulassa

Consider approval of Board Policy 7400 Travel (replaces BP 6.39). The first informational reading was presented to the Board at its September 13th meeting, and this is the second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 6.39 Conference/Professional Development and Travel. The Chancellor recommends approval.

21. Consider Approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20)
Presenter: Trustee Gulassa

Consider approval of Board Policy 2431 Chancellor Selection, (revised - replaces BP 1.20). This revision and second reading comes to the full Board upon the review and input from District Academic Senate, Peralta Federation of Teachers, Human Resources Department, Legal Department, and Board of Trustees. Classified Senates (including Confidential staff), SEIU Local 1021, Local 39, Associated Students, and Management are invited to provide feedback in September 2011. The first informational reading was presented to the Board at its September 13th meeting, and this is the

second and final reading for the Board adoption. The adoption of this policy deletes former Board Policy 1.20 Chancellor Selection. The Chancellor recommends approval.

FINANCIAL SERVICES

22. 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*.

23. 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*.

24. 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.

25. Consider Approval of the Annual CCFS 311A. **Presenter: Vice Chancellor Gerhard**

Consider approval of the Annual CCFS-311A: Community College Annual Financial (Fiscal Year 2010-11 and Budget (Fiscal Year 2011-12) Report, in accordance with the California Code of Regulations Section 58300. This report is due to the State Chancellor's Office on or before October 15, 2011. The Chancellor recommends approval.

26. Consider Approval of EB5C Contract Amendment. **Presenter: Vice Chancellor Gerhard**

Consider Approval of EB5C Contract addendum to include Asset Management implementation. This request seeks to extend the time and scope of the existing contract to include the implementation of the Asset Management module within PeopleSoft. This implementation will bring the District into compliance with Governmental Accounting Standards Board statement number 35 and address an outstanding audit finding (finding number 2010-10) related to capital asset accounting. The existing contract is for \$675,000. This addendum would increase the contract amount by \$250,000 bringing the total contract not to exceed value to \$925,000. Funding Source: Measure E. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

27. Consider Approval of Surplus Equipment Disposal **Presenter: Vice Chancellor Gerhard**

Consider approval to designate old computer equipment (and some typewriters and TVs), old weight equipment, and some miscellaneous furniture as surplus and to dispose of them. The Chancellor recommends approval.

28. Consider Annual Software Renewal Contract with ComputerLand of Silicon Valley for Microsoft Software **Presenter: Vice Chancellor Gerhard**

Consider approval of annual software renewal contract with ComputerLand of Silicon Valley for Microsoft Software for all four colleges and the District offices. Total cost for these agreements shall not exceed \$81,068. *Funding Source: Measure E.* Four (4) contracts with ComputerLand of Silicon Valley are required to renew the Microsoft Software licensing agreements for all colleges and the District offices. These are the site licenses to the various Microsoft software packages used in classrooms and administrative offices. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

College of Alameda:	\$14,105
Berkeley City College and the District Offices:	\$22,828
Laney College:	\$29,120
Merritt College:	\$15,015
TOTAL:	<u>\$81,068</u>

29. Consider Approval of PeopleSoft Update License and Support with Oracle **Presenter: Vice Chancellor Gerhard**

Consider approval of PeopleSoft update license and support with Oracle from September 18, 2011 through September 17, 2012 not to exceed \$235,216.16, excluding applicable tax. **Funding Source: General Funds.** This is the annual PeopleSoft Software Update License and Support required to maintain all PeopleSoft modules used by the district and the colleges (Student Administration, Human Resources, Finance, General Ledger, Purchasing, Benefits, etc.). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

30. Consider Approval to issue a Purchase Order for Bid No. 11-12/05 to ComputerLand of Silicon Valley for Instructional Computer Hardware at Berkeley City College **Presenter: Vice Chancellor Gerhard**

Consider approval to issue a Purchase Order for Bid No. 11-12/05 for instructional computer Hardware at Berkeley City College to ComputerLand of Silicon Valley, in the amount not to exceed \$112,695.63. **Funding Source: Measure A.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

31. Consider Approval of Resolution 11/12-17. **Presenter: Vice Chancellor Gerhard**

Consider approval of Resolution 11/12-17 authorizing the sale of 2011 OPEB bonds and approval of related Bond Purchase Agreement, Preliminary Official Statement, and Indenture of Trust. The fiscal impact is budgetary relief on the General Fund. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

32. Consider Approval of IT Staff Membership to the Project Management Institute (PMI) **Presenter: Vice Chancellor Gerhard**

Consider approval of IT staff membership to the Project Management Institute (PMI). Membership to the Project Management Institute (PMI) will help IT staff to obtain knowledge for the implementation of project management techniques to improve IT processes. The following staff has been identified to join PMI: Kyu Lee, Jonathan Olkowski and Silvia Cortez. Annual membership fees will not exceed \$700, which includes membership to PMI and the local chapter. **Funding Source: Unrestricted General Funds.** The Chancellor recommends approval.

EDUCATIONAL SERVICES

33. 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 – September 2011” contains course and program additions, changes and deactivations as approved by the colleges’ curriculum committees and CIPD. The Chancellor recommends approval.

PERSONNEL

34. Consider Approval of Designating Academic Manager Positions **Presenter: Vice Chancellor Largent**

Pursuant to Education Code Section 87002(B), "Educational administrator" means an administrator who is employed in an academic position designated by the District Governing Board as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, Chancellors, presidents, and other supervisory or management employees designated by the Governing Board as educational administrators. (The Ed Code provides that grant funded positions generally shall not have the right to become “first-year probationary faculty.”) It is recommended that the Board approve the designation of the following academic manager positions, and the Chancellor recommends approval.

Academic Administrator Positions

- Chief Administrative Officer, Technology & Information Systems
- Dean of Academic Pathways and Student Success, (grant funded)
- Dean of Enrollment Services, (grant funded)
- Dean of Special Programs and Grants, (grant funded)
- Dean of Workforce Development and Applied Sciences, (grant funded)
- Dean of Disabled Student Programs & Services (DSPS) and Trio Student Success, (grant funded)

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

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Bingham	Sharonda	9/28/11	5/31/12	Instructional Asst/Psychology	M
Forlastro	Christana	9/28/11	1/31/12	Library Tech I	M
Handy	Elyse	9/28/11	5/31/12	Clerical Assistant II	M
Jones	Carnell	9/28/11	6/30/12	Senior Clerical Assistant	D
Watkins	Janis	9/28/11	5/25/12	Instructional Asst/Psychology	M
Spencer	Maria	9/28/11	6/30/12	Staff Assistant/Admin	D

FACILITIES

36. Consider Approval of Resolution 11/12-16, Acceptance and Retention, and Ratification of Deductive Change Order No. 3, Exterior Lighting Improvements at Merritt College, John Plan Construction, Inc. **Presenter: Vice Chancellor Ikharo**

On September 28, 2010, this Board awarded a contract to John Plane Construction, Inc. for the Exterior Lighting Improvements at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt College President and Business Manager have signed the Project College Acceptance Form. This resolution accepts the work as complete and provides for a retention payment of \$146,996.10, which is 10% of the contract price. **Funding Source: Bond Measure A.** *Ratification* is also requested for Change Order No. 3, a deduction in the amount of (\$2,105.00). Including the two previously Board approved change orders, the cumulative total is \$113,727.00, which is 8.4% of the original contract amount (\$1,356,234.00). The deductive change order is a credit for the unused portion of an allowance that was included in the contract price. It was known that the lighting fixture installation would damage building property and require the repair of exterior building finishes on the campus. An allowance of \$10,000.00 was estimated for the needed repairs. The actual cost of these repairs was tracked throughout the project, and at the end \$2,105.00 remained. This deductive change order returns \$2,105.00 to the District. It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and ratification of Deductive Change Order No. 3 are recommended. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

37. Consider *Ratification* of Change Order No. 2, PCCD Smart Classroom Systems, Merritt College, One Workplace L. Ferrari LLC **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 2 to the contract with One Workplace L. Ferrari LLC for the PCCD Smart Classroom Systems at Merritt College, in the amount of \$14,358. Including the previously Board ratified Change Order No. 1, the cumulative change order total to date is \$48,757, which is 2.4% of the original contract amount (\$1,997,110.54). **Funding Source: Bond Measure A.** This change order includes computer shelving and associated cabling necessary to install the resident computers. The shelving was originally ordered through Computerland of Silicon Valley, Inc. and has not been received due to backordering issues, with no expected time of arrival (ETA). 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*.

38. Consider *Ratification* of Change Order No. 4 to the Design-Build Agreement with Gilbane Building Company for the Laney Athletic Complex **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 4 to the design-build agreement with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$165,000. **Funding Source: Bond Measure A.** The Board of Trustees originally approved a negotiated design-build contract with Gilbane Building Company at the Board meeting of November 18, 2008, following a competitive Request for Proposal process. At previous meetings, the Board of Trustees approved Change Order Nos. 1, 2 and 3 to the design-build agreement. Change Order Nos. 1 and 2 established a lump sum contract price of \$17,540,000, based on owner requested additional scope changes beyond the original design-bid services agreement amount of \$12,000,000. Change Order No. 1 included the addition of 3,000 sq. ft. and other changes to the Field House, and added a photovoltaic collection system (funded from the District-wide solar budget). Including these changes, the estimated design-build cost was \$17,650,000. Change Order No. 2 formally accepted the lump sum design-build project cost of \$17,540,000. This was a reduction of \$110,000 from the Change Order No. 1 estimate and was based on the actual bids Gilbane received for the three project phases. Change Order No. 3 was approved by the Board of Trustees at the meeting of July 19, 2011,

in the amount of \$263,367. This change order included owner requested additional scope changes, including a turnkey audiovisual package and other minor changes.

Board *ratification* of Change Order 4, in the amount of \$165,000, is now requested. Change Order No. 4 is the result of unforeseen conditions and college/owner requested scope of work items. An extension of Gilbane's contract until October 15, 2011 has been negotiated based upon the additional scope items in Change Order Nos. 3 and 4, and the added time is non-compensable. The original proposal from Gilbane for the Change Order No. 4 scope of work was \$294,438. Through multiple negotiation meetings, District staff was able to negotiate a global settlement of \$165,000, thus achieving a cost savings of \$129,438. The cumulative total of Change Order Nos. 3 and 4 is \$428,367, which is 2.4% of the final lump sum price established by Change Order No. 2. 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 approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

39. Consider Approval of Amendment No. 3 to Agreement with The Consulting Group (TCG) for District-Wide Security Project **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 3 to the agreement for professional services with The Consulting Group (TCG) for the District-Wide Security/Surveillance Cameras Implementation Project, in the amount of \$180,177. The increased fee is due to a major expansion of the pre-qualification process, expanded design work as requested by the IT Department, the additional time required from TCG to address issues surrounding the previous bid that was found to be unresponsive, and consolidation of documents for the re-bid process. **Funding Source: Bond Measure A.** Amendment No. 3 includes the following services:

Implement Increment II and Smart Media Classrooms, at a fee of \$109,755

- Pre-bid services, including pre-bid conference and all pre-construction activities
- Conduct post-bid evaluation and Board recommendation
- Construction project management for Increment II and the Smart Classrooms, including:
 - Conduct weekly project meetings
 - Access to campuses daily (implementation and construction)
 - Weekly updates to the District
- Report any problems and act as main interface between the District and the contractor

The above services are based on a 210-day construction work schedule for the Increment II and Smart Media Classrooms project, which will soon be out for public bid.

Design Work from March 15, 2011 through July 31, 2011, at a fee of \$70,422

This amount included additional design services not covered by the contract or previous amendments. The fee was negotiated by staff and reduced from the original request of \$93,896, thus achieving a cost savings for the District of \$23,474.

The original agreement with TCG, in the amount of \$280,000, was approved at the Board meeting of May 20, 2008. The original scope included design and preparation for the wireless surveillance camera system and construction management services during construction. Amendment No. 1, in the amount of \$309,046, was approved at the Board meeting of January 26, 2010. It included an increase of 119 additional cameras from the original contract and the addition of the design work required for the Police Services Control Center renovations. Amendment No. 2, in the amount of \$35,750, was approved at the Board meeting of January 18, 2011. It included the addition of security cameras for the Smart Classroom project and construction administration for that scope of work. Including Amendment No. 3, the total amount of the agreement with The Consulting Group will be \$804,973. All Board recommended contracts are subject to negotiation and execution by the

Chancellor. The Chancellor recommends approval.

40. Consider Approval of Amendment No. 2 to Agreement with Cordoba Corporation for Construction Management Services for the Laney College Athletic Complex **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 2 to the agreement for construction management services with Cordoba Corporation for the Laney College Athletic Complex project, in the amount of \$37,000. **Funding Source: Bond Measure A.** The duration of the project increased due to permitting and weather delays, unforeseen conditions, and additional scope at the request of the college/district. As a result, it was necessary to extend the construction management service period for Cordoba. Amendment No. 2 will cover the period from September 1, 2011 through January 31, 2012. Services for the extended period will be consistent with Cordoba’s current scope of work, which includes but is not limited to:

- Regular weekly construction meetings and meeting minutes
- Meetings with the owner and stakeholders (as needed)
- Coordination with DSA inspector of record (IOR), and geotechnical services provided by Inspection Services, Inc. (ISI), during project and through project close-out
- Regular review and tracking of construction documents, schedule information, submittals, daily inspection reports, and pay applications
- On-site management of daily construction activities and daily interface between owner and contractor

Cordoba was originally selected from the previously Board approved short list of project management firms. The Board approved negotiation of the agreement with Cordoba at the meeting of November 18, 2008. The amount of the original agreement is \$629,100. Amendment No. 1, in the amount of \$88,000, was approved at the Board meeting of December 7, 2010. Amendment No. 2 is the result of a negotiated process between the Department of General Services and Cordoba Corporation, and represents fair value for the services provided. Including Amendment Nos. 1 and 2, the total contract price will be \$754,100. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

41. Consider Approval of Bond Measure Budget Transfers and Appropriations (#26, #28 and #29) **Presenter: Vice Chancellor Ikharo**

Approval is requested for three bond measure budget transfers and appropriations (#26, #28 and #29). The budget actions have been approved by the appropriate College President, Vice Chancellor for General Services, Vice Chancellor for Finance & Administration, and the Chancellor. With the intent of full disclosure, they are 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. These three transactions indicate 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). Following are the budget transfer summaries:

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
26	To: District-Wide Security Project	\$5,034,548	\$5,509,548	\$ 475,000

(Measure A)	District-Wide Smart Classrooms	\$8,168,141	\$9,868,141	\$1,700,000
	Total:			\$2,175,000
	From: District-Wide Interest	\$2,175,000	0	(\$2,175,000)
Description: Increase projects to accommodate project scope growth and receipt of construction bids.				
28 (Measure A)	To: Laney Building Modernizations	\$23,194,716	\$23,744,716	\$ 550,000
	Laney Athletic Complex	\$19,731,409	\$20,181,409	\$ 450,000
	Laney Swing Space	\$ 2,000,000	\$ 2,691,656	\$ 691,656
	Laney Modified Master Plan	0	\$ 550,000	\$ 550,000
	Total:			\$2,241,656
	From: HVAC for Buildings F & G			(\$2,241,656)
Description: The project titled Laney HVAC for Buildings F & G (Job #2350) was completed under the general Laney Building Modernizations project (Job #2314). The result of this allows Laney College to transfer funds in the amount of \$2,241,656 to other projects. This amount can now be transferred to: <ul style="list-style-type: none"> • A new Laney project – Modified Master Plan • Increase the funding for the Laney Athletic Complex to accommodate the increase in soft costs, as well as furniture, fixtures and equipment • Increase the Laney Swing Space budget for current and future relocation needs 				
29 (Measure A)	To: Laney Photovoltaics	\$4,503,000	\$55,003,000	\$ 500,000
	From: District-Wide Solar/Sustainability	\$ 791,591	\$ 291,591	(\$ 500,000)
Description: The current Board approved budget for the Laney Photovoltaics project (Job #2371) is \$4,503,000. It has been discovered that some of the existing building roofs that will house the photovoltaic panels (for 25 years) have exceeded their warranty time period. Rather than patching the existing roofs, the installation of complete new roofing systems is recommended. This transfer will accommodate the integration of the new roofs into the project budget.				

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

42. Consider Approval for Request for an Increase in Encumbrance for Wulfsberg Reese Colvig & Firstman to Include Work Done to Prepare the Request for Qualifications for Design-Build Teams and Design-Build Contract Agreement for the College of Alameda Buildings C & D **Presenters: Vice Chancellor Ikhara and General Counsel Nguyen**

Approval is requested for an increase of \$18,000 in encumbrances for Wulfsberg Reese Colvig & Firstman for legal services to prepare the Request for Qualifications for a Design-Build Team and

Design-Build Contract Agreement for College of Alameda Buildings C & D for fiscal year 2010-2011. **Funding Source: Bond Measure A.** At the regular meeting of the Board of Trustees held on November 9, 2010, the Board approved the contract for Wulfsberg Reese Colvig & Firstman to provide legal services in the bid process and design-build contract strictly for Merritt College Science and Allied Health Center. The amount approved by the Board was not to exceed \$25,000 for fiscal year 2010-2011. The Department of General Services engaged this firm to apply similar methodology used at Merritt College Science and Allied Health Center also for Buildings C & D at COA, with a view to save cost. The total legal expense for College of Alameda is less than \$18,000. The total for both the Merritt College and College of Alameda projects is less than \$43,000. Board approval is needed to allow payment for work that is in progress and for work that has been completed for the College of Alameda project. The scope of work included, but was not limited to, assistance to prequalify design/build teams, establishing the state process for the selection of the design/build teams, developing a final Request for Proposal for pre-qualified bidders, developing the contract agreement for the awarded team, and assisting with bid protest, if required. Measure A funds will be allocated from the existing College of Alameda Building C& D project budget for services rendered. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

43. Consider Approval to Negotiate an Agreement with WLC Architects to Provide Architectural Services for Laney College Student Center Swing Space **Presenter: Vice Chancellor Ikharo**

Approval is requested to negotiate an agreement with WLC Architects for architectural services to design Laney College Student Center Swing Space for the not-to-exceed amount of \$262,200. **Funding Source: Bond Measures A.** WLC Architects is currently providing architectural services for Laney College Student Center project, and is therefore familiar with the swing space relocation requirements. Those spaces include the following areas:

- The Kitchen and Cafeteria
- A Meditation Space
- Permanent relocation of the Student Health Center

The scope of work for this agreement will include an investigation of existing conditions, the analysis of various design options, code analysis of the various options, and recommendations to relocate Laney College Student Center functions throughout the Laney Campus. The programming and scope of work will involve the following:

- Review all available drawings and reports specific to the building
- Perform site visits to assess existing spaces
- Meet with staff to determine building needs
- Prepare schematic drawings, design drawings and final construction drawings for governmental agency submittals including DSA (Division of the State Architect), and receive DSA approval
- Provide bid assistance and construction administration services
- Several site visits and meetings with the College President, Laney College staff and end users.

Work will begin immediately upon receiving Board approval. 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