



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
APRIL 14, 2015

CALL TO ORDER (7:00 p.m.)

CLOSED SESSION (5:30 p.m.) Topics to be discussed include: Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6) Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9) * Conference with Legal Counsel (54956.9(a)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396. * Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG. * Conference with Legal Counsel (54956.9(a)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733 * Conference with Legal Counsel (54956.9(a)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878. * Conference with Legal Counsel (54956.9(a)), Adcock v. PCCD, Alameda County Superior Court, Case No. RG14733487. * Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (13 cases) Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957).

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL

Trustees Bonilla Pr Ab_, Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Handy Pr_ Ab_, Riley Pr_ Ab_, Withrow Pr_ Ab , and Gulassa Pr_ Ab_, Student Trustees Oliver Pr_ Ab_ and Rolley Pr_ Ab_.

Present: Student Trustee Oliver, Student Trustee Rolley, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Riley, and Trustee Brown.

Absent: Trustee Bonilla, and Trustee Withrow.

REPORT OF ACTION TAKEN IN CLOSED SESSION (7:01 P.M.)

(Any public employee contracts are subject to contractual agreement by the Chancellor, and provided salaries are for informational purposes only.)

No action taken in closed session.

No Action taken in closed session.

APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are

discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board may move to the Action Calendar items with public speakers.

Agenda

MOTION: Motion by Trustee Riley, second by Trustee Gulassa to approve April 14, 2014 Agenda with the following amendments:

Agenda Items 32, 42 & 43 were pulled for discussion.

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

APPROVAL OF THE MINUTES (7:08 P.M.)

1. Consider Approval of the Regular Board meeting Minutes of March 24, 2015. Consider approval of the regular Board meeting Minutes of March 24, 2015. The minutes are posted on Granicus.

Minutes

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve the Regular Board meeting Minutes of March 24, 2015. The minutes are posted on Granicus.

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

PUBLIC COMMUNICATION (7:10 P.M.)

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

Speaker McCaster spoke on the resources at Merritt College and wants to make sure the resources are available to others and proposed that we have martial arts and dance classes and a radio station at Merritt College.

Speaker Price - see attached.

Speaker Kitchen spoke on the PAAAA letter that was handed out regarding Peralta's achievement gap and requested that the board leadership and guidance be a priority with the District and implement it in a timely fashion.

Speaker Young commented on his termination and would like the matter to go through an investigative process.

[Background Material](#)

REPORTS (7:20 P.M.)

The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting. All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.

2. Associated Student Government Reports Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. (Please provide your Name, College, and Position, and line-up to speak.)

Speaker Banks, Associated Students of Berkeley City College (ASBCC), spoke on events at the campus and election updates.

Speaker Buyeng, Associated Students of College of Alameda (ASCOA), spoke on events at the campus.

Speaker Jackson, Associated Students of Merritt College (ASMC), spoke on events at the campus.

3. Chancellor's Reports Chancellor's Report Dr. José M. Ortiz Interim Deputy Chancellor Dr. Eric Gravenberg Vice Chancellor's Reports Budget Update Interim Vice Chancellor Rinne Enrollment and Vice Chancellor Orkin Student Services Update General Services Vice Chancellor Ikharo Human Resources Vice Chancellor Largent College Reports

Chancellor Ortiz spoke on Cesar Chavez Day and mentioned that Peralta Community College District is one of the few districts to recognize the day.

Berkeley City College President Budd

[BCC](#)

College of Alameda President Blake

[College of Alameda Report](#)

Laney College President Webb

Merritt College President Ambriz-Galaviz

[Merritt Report](#)

4. Board of Trustees' Reports At this time, the Board of Trustees will report on matters related to attendance at conferences, professional affiliations, and community involvement directly related to their functions as Board members.

Trustee Gonzalez Yuen attended the APOHE conference in San Francisco and was pleased at how well Peralta was represented. It was a wonderful experience and next year APAHE will be coming to Oakland.

Trustee Handy attended APAHE and was proud to see faculty and staff and students from Peralta and saw a film from their experiences and was struck by the stories. Trustee Handy hopes that Peralta can be more involved in the filming.

Student Trustee Oliver doesn't feel that everyone is connected and feels we should listed and respect the leadership in the future as we are working towards one goal. Students are not aware that they can be a part of shared governance at the campuses.

Trustee Brown attended the APAHE conference and attended one of the sessions and enjoyed hearing the students talk about their experiences. Trustee Brown was happy to see that Peralta was well represented at the conference and was proud to be a sponsor through her law firm.

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

No District Academic Senate Report.

PRESENTATIONS (7:30 P.M.)

6. Budget Workshop Presentation (60 minutes) Presenter: Interim Vice Chancellor Rinne The Budget workshop presentation will focus on highlights from the governor's budget and current Peralta budget and cover the budget planning process.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

[Background Material 4](#)

[Background Material 5](#)

Trustee Yuen thanked Interim Vice Chancellor Rinne for her work and had questions on the document "History of full-time equivalent students" and asked why we have not hit the enrollment target for the last two years and what our plan is to hit the target next year. Interim Vice Chancellor Rinne is not sure why we did not hit it however, we are working on enrollment strategies. If we do not meet the 19,500 goal next year, we are still guaranteed the money for 2015-16. Trustee Yuen also asked what we are doing with enrollment management, what did we do wrong this year and what are we correcting? Interim Deputy Chancellor Gravenberg said there are multi-variant factors for this. Part of this reason is the economy and students deciding not to re-enroll and leadership changes at the various campuses. This will lead to a comprehensive

enrollment plan with long-term and short-term plans and we are looking at enrollment management as a continuous process. Furthermore, the campus have done some tremendous things as far as closing the gap.

Trustee Brown sees the impact of borrowing coming and using the two years before there's actually a penalty to do the enrollment management so that we can overtake the deficit. Interim Vice Chancellor said we are actually shooting for the target and anticipate we will make the 19500 goal. Trustee Brown also asked about the enrollment summit. Interim Deputy Chancellor Gravenberg says it will be an enrollment institute and when the recession hit, we didn't have resources to do the recruitment. When this happens, we lose all visibility. We are beginning to restore and forge and strengthen the partnerships that we have.

CONSENT CALENDAR (8:30 P.M.)

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

MOTION: Motion by Trustee Handy, second by Trustee Riley to approve The Consent Calendar Agenda Items 7 - 31, 33 - 41, 44 - 47.

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

7. Consider Approval of Board Policy 1200, Mission Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 1200, Mission. The Chancellor recommends approval.

[Background Material](#)

8. Consider Approval of Board Policy 2105, Student Board Members Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2105, Student Board Members. The Chancellor recommends approval.

[Background Material](#)

9. Consider Approval of Board Policy 2410, Board Policies and Administrative Procedures Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2410, Board Policies and Administrative Procedures. The Chancellor recommends approval.

[Background Material](#)

10. Consider Approval of Board Policy 2431 Chancellor Selection Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2431, Chancellor Selection. The Chancellor recommends approval.

[Background Material](#)

11. Consider Approval of Board Policy 2435 Evaluation of the Chancellor Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2435, Evaluation of the Chancellor. The Chancellor recommends approval.

[Background Material](#)

12. Consider Approval of Board Policy 2510 Participation in Local Decision-Making Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2510, Participation in Local Decision-Making. The Chancellor recommends approval.

[Background Material](#)

13. Consider Approval of Board Policy 2715 Code of Ethics/Standards of Practice Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2715, Code of Ethics/Standards of Practice. The Chancellor recommends approval.

[Background Material](#)

14. Consider Approval of Board Policy 2740 Board Education Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2740, Board Education. The Chancellor recommends approval.

[Background Material](#)

15. Consider Approval of Board Policy 2745 Board Self-Evaluation Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 2745, Board Self-Evaluation. The Chancellor recommends approval.

[Background Material](#)

16. Consider Approval of Board Policy 3200 Accreditation Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 3200, Accreditation. The Chancellor recommends approval.

[Background Material](#)

17. Consider Approval of Board Policy 3410 Nondiscrimination Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 3410, Nondiscrimination. The Chancellor recommends approval.

[Background Material](#)

18. Consider Approval of Board Policy 3540 Sexual and Other Assaults on Campus Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 3540, Sexual and Other Assaults on Campus. The Chancellor recommends approval.

[Background Material](#)

19. Consider Approval of Board Policy 4020 Program, Curriculum, and Course Development Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 4020, Program, Curriculum, and Course Development. The Chancellor recommends approval.

[Background Material](#)

20. Consider Approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 4025, Philosophy and Criteria for Associate Degree and General Education. The Chancellor recommends approval.

[Background Material](#)

21. Consider Approval of Board Policy 4030 Academic Freedom Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 4030, Academic Freedom. The Chancellor recommends approval.

[Background Material](#)

22. Consider Approval of Board Policy 4040 Library and Learning Support Services Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 4040, Library and Learning Support Services. The Chancellor recommends approval.

[Background Material](#)

23. Consider Approval of Board Policy 4050, Articulation Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 4050, Articulation. The Chancellor recommends approval.

[Background Material](#)

24. Consider Approval of Board Policy 5500, Standards of Student Conduct Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 5500, Standards of Student Conduct. The Chancellor recommends approval.

[Background Material](#)

25. Consider Approval of Board Policy 5700, Athletics Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 5700, Athletics. The Chancellor recommends approval.

[Background Material](#)

26. Consider Approval of Board Policy 6200, Budget Preparation Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6200, Budget Preparation. The Chancellor recommends approval.

[Background Material](#)

27. Consider Approval of Board Policy 6300, Fiscal Management and Accounting Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6300, Fiscal Management and Accounting. The Chancellor recommends approval.

[Background Material](#)

28. Consider Approval of Board Policy 6330, Purchasing Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6330, Purchasing. The Chancellor recommends approval.

[Background Material](#)

29. Consider Approval of Board Policy 6700, Civic Center and Other Facilities Use Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 6700, Civic Center and Other Facilities Use. The Chancellor recommends approval.

[Background Material](#)

30. Consider Approval of Board Policy 7120, Recruitment and Hiring Presenter: Chancellor Ortiz Consider approval of final reading for Board Policy 7120, Recruitment and Hiring. The Chancellor recommends approval.

[Background Material](#)

31. Consider Approval of Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty:

[Background Material](#)

32. Consider Board Vote for the CCCT Board Elections Presenter: Board President Brown Consider Board Vote for the CCCT Board Elections. Included in Trustee packets for consideration and action is a slate of candidates for the CCCT Board of the Community College League of California, due by April 25, 2015. The Board can vote for up to seven (7) CCCT Board candidates. No cumulative voting is allowed. Trustee Cy Gulassa, sitting CCCT board member recommends votes for the incumbents. Incumbents: Ann H. Ransford, Glendale CCD, Janet Chaniot, Mendocino-Lake CCD, Bernard "Bee Jay" Jones, Allan Hancock CCD, Doug Otto, Long Beach CCD, M. Tony Ontiveros, North Orange County CCD. Non-incumbents: Richard Watters, Ohlone CCD, Don Edgar, Sonoma County CCD, Brent Hastey, Yuba CCD, Janet Green, Riverside CCD, Bill Freeman, Hartnell CCD.

[Background Material 1](#)

[Background Material 2](#)

Trustee Gulassa supports the incumbents and recommends additionally that Janet Green and Richard Watters be included in the vote.

MOTION: Motion by Trustee Gulassa, second by Trustee Riley to approve Agenda Item 32. Consider Board Vote for the CCCT Board Elections.

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

EDUCATIONAL AND STUDENT SERVICES

33. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Orkin Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD March 2015" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

[Background Material 4](#)

34. Consider Approval of the College of Alameda Substantive Change Report for the relocation of programs to the Science Annex Presenter: President Blake Consider Approval of the College of Alameda Substantive Change Report for the relocation of programs to the Science Annex. To comply with accreditation policies and standards, colleges are required to submit substantive change reports whenever programs are located or moved to off-campus locations. At the College of Alameda, biology, chemistry, and physics were moved to the science annex located at 860 Atlantic Avenue.

[Background Material 1](#)

[Background Material 2](#)

35. Consider Approval of the College of Alameda mission statement Presenter: President Blake Consider Approval of the College of Alameda mission statement. "The Mission of College of Alameda is to serve the educational needs of its diverse community by providing comprehensive and flexible programs and resources that empower students to achieve their goals." As part of the College's planning cycle, the mission statement is reaffirmed by the college and taken to the board of trustees for re-adoption. The mission statement was reaffirmed by the college in October 2014.

[Background Material 1](#)

[Background Material 2](#)

36. Consider Approval of Contract addendum to increase Independent Contractor Agreement with Jack Tyler in the amount of \$11,040 Presenter: President Blake Consider Board ratification of a contract addendum to extend Independent Contractor Agreement number 16924 for Jack Tyler in the amount of \$11,040. Currently, Mr. Tyler provides Alameda County Workforce Investment Board mandated services to clients in the North Cities area. Mr. Tyler's service contract with the One Stop Career Centers, funded by the Alameda County Workforce Investment Board, is for \$ 24,960 through June 30, 2015. This request is to increase the contract by \$ 11,040 to provide workforce employment services under a subcontract with the International Rescue Committee (IRC). The Interim Director, Workforce Systems is requesting this increase to bring the total amount for contractor to \$ 36,000 for services through 06/30/2015.

[Background Material 1](#)

[Background Material 2](#)

37. Consider Approval of an amendment to an Independent Contractor Agreement with Building Intelligence Group for services to be rendered pursuant to project support for Laney College's

National Science Foundation Center called Building Efficiency for a Sustainable Tomorrow (BEST). Presenter: President Webb Consider approval of an extension to an independent contractor agreement for Building Intelligence Group to add \$19,000 to the contract to pay for primary and secondary research and report development on the proposed High Performance Building Technician Certification. Building Intelligence Group provides research and analytic services for the Laney College National Science Foundation BEST Center grant. The not to exceed amount for Building Intelligence Group will increase from \$24,500 to \$43,500. The timeframe for the contract is also extended from March 31, 2015 to June 30, 2015.

[Background Material](#)

38. Consider a no-cost modification of an Independent Contract for Danny Beesley (dba EcoVision Consulting) for services to be rendered pursuant to project management support for the Laney Career Day CTE Open House, updates to Laney College CTE department webpages, and work on the Laney Introduction to Manufacturing Program. Presenter: President Webb Consider approval to add an additional funding source to the independent contractor agreement for Danny Beesley (dba EcoVision Consulting). This will be for his work on the Alameda County WIB Introduction to Manufacturing program at Laney College. This will allow part of his contract to be paid from the AC WIB grant the college has received (accepted by the board on June 10, 2014) for his services on the program. All other aspects of the contract will remain the same (both dollar amount and performance period). All Board recommended contracts are subject to final negotiation and execution by the Chancellor. Funding Source: Alameda County WIB Youth Manufacturing Training grant

[Background Material](#)

39. Consider Approval of an amendment to an Independent Contractor Agreement with Matt Trocker for services to be rendered pursuant to project support for the Deputy Sector Navigator Advanced Manufacturing grant and the Alameda County WIB Youth Manufacturing Training Grant. Presenter: President Webb Consider approval of an amendment to an independent contractor agreement for Matt Trocker to add \$2,000 to the contract to pay for travel and other business-related expenses. Mr. Trocker provides full-time project management services for Laney College / AC WIB Introduction to Manufacturing program and the State of California Chancellor's office Deputy Sector Navigator (DSN) grant. The contract dates will not change (July 1, 2014 to June 30, 2015). The not to exceed amount will change from \$90,000 to \$92,000.

[Background Material](#)

Laney College has previously been awarded a Deputy Sector Navigator (DSN) grant in Advanced Manufacturing from the Chancellor's. The DSN grant is to coordinate and collaborate regionally among the twenty-eight (28) Bay Area community colleges, workforce organizations and industry within the advanced manufacturing sector.

Laney College has also received a grant from the Alameda County WIB to implement a Youth Manufacturing Training program for 18-24 year olds. This program will introduce youth to careers in the skilled trades and basic introduction to the community college programs.

Mr. Trocker will continue to support outreach, career pathway development, project management and other services on these grants. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. Funding Source: State of California Community College Chancellor's Office Deputy Sector Navigator grant.

FINANCIAL SERVICES

40. Consider Approval to purchase server and storage infrastructure and services for the Virtualization of Data Center Project Presenter: Associate Vice Chancellor Madlock Consider approval to purchase server and storage infrastructure and services for the Virtualization of Data Center Project utilizing piggyback compliant contracts. This project is a Priority B project under the "Sustainable IT Infrastructure" section of the IT Strategy: Project 2.7 of the District's Information Technology Strategy, Cloud/Virtualization of Data Center Project, calls for the virtualization of Data Center servers to increase efficiency of operations and reduce operating costs.

[Background Material](#)

FACILITIES

41. Consider Approval of Resolution No. 14/15-37, to Accept Bid and Award a Contract to Leica Microsystems Inc. for the Microscope Equipment Purchase and Installation in the Microscopy Department in the Barbara Lee Merritt College Science and Allied Health Building (Bid No. 14-15/25). Presenter: Vice Chancellor Ikharo. Approval is requested to accept the bid and award a contract to Leica Microsystems Inc. for the Microscope Equipment Purchase and Installation in the Microscopy Department in the Barbara Lee Merritt College Science and Allied Health Center (Bid No. 14-15/25), in the amount not-to-exceed \$537,809.00. This purchase consists of three (3) separate systems: freestanding cryostat microscope, a laser microdissection microscope system, and a scanning confocal microscope system with spectral detection and hybrid detector. Leica Microsystems Inc. will provide all installation, labor, material, equipment, and supplies to complete the work. In compliance with the Public Contract Codes, Section 20651, a formal request for Bids (Bid No. 14-15/25) was conducted for this project and the bid was publicized on February 13 and 20, 2015. A bid opening was held on March 11, 2015. Staff also reached out to ten (10) different suppliers of microscopy equipment in addition to the advertisement. A total of one (1) bid was received, as follows:

[Background Material](#)

42. Consider Approval of Resolution No. 14/15-38, to Purchase and Install Kitchen Equipment in the Nutrition Department in the Barbara Lee Merritt College Science and Allied Health Building (Bid No. 14-15/22) from East Bay Restaurant Supplies, Inc. Presenter: Vice Chancellor Ikharo. Approval is requested to purchase and install kitchen equipment and appliances in the Nutrition Department in the Barbara Lee Merritt College Science and Allied Health Center from East Bay Restaurant Supply, Inc., in the amount not-to-exceed \$129,092. The purchase of equipment from East Bay Restaurant Supply, Inc. comprised of refrigerators, freezers, ice machines, ovens, hot food prep stations, plate dispensers, dishwashers, and drying racks. This total bid price includes all taxes, delivery, installation/placement/assembly, and disposal of packaging material charges. All installations will comply with minimum wage ordinance in the City of Oakland. This vendor is also a local vendor. Pursuant with the Public Contract Codes, Section 20651, a formal request for Bids was conducted for this project; the bid was publicized on February 13 and 20, 2015. A bid opening was held on March 13, 2015. Also, the administration issued three (3) public advertisements in local newspapers: The Post, Sing Tao, and El Reportero. The Purchasing Department contacted and notified eleven (11) different suppliers of kitchen equipment of the advertised bid. To reach out to more bidders, this project was listed on the Bay Area Builders Exchange website, a Contractors Association serving the construction industry in Northern California. Licensed contractors, specialty subcontractors, material manufacturers and suppliers, design professionals and building-related business associates had access to public works information. Through the Bay Area Builders Exchange, over twelve (12) vendors viewed the procurement details. Only one (1) bid was received:

[Background Material](#)

Trustee Gonzalez Yuen is concerned that we went out for bid and on each of the items we just received one bid. Trustee Gonzalez Yuen feels if we are only getting one bid, there is something wrong with our process.

Trustee Gulassa would also like a brief explanation on why we only received one bid.

Vice Chancellor Ikharo said that three years ago when there were a lot of contracts or projects, we would receive 5-7 bidders which was due to the nature of the economy. We have a lot of new construction in the bay area so there are more jobs in the marketplace. If a vendor comes to determine whether they will do a project, we do not have control over the number of bidders that bid on an actual program. Trustee Gulassa asked without any other bidders, how did you determine this was a reasonable price. Vice Chancellor Ikharo sent the bid to a cost estimator and in each of these cases, the process are within the guidelines and engineering cost guidelines.

MOTION: Motion by Trustee Brown, second by Trustee Riley to approve Agenda Item 42. Consider Approval of Resolution No. 14/15-38, to Purchase and Install Kitchen Equipment in the Nutrition Department in the Barbara Lee Merritt College Science and Allied Health Building (Bid No. 14-15/22) from East Bay Restaurant Supplies, Inc.

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

43. Consider Approval of Resolution No. 14/15-36, to enter into an Agreement with Sposeto Engineering to Complete the Site Paving Improvement Project at the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/20). Presenter: Vice Chancellor Ikharo. Approval is requested to enter into an Agreement with Sposeto Engineering Inc. to complete the Site Paving Improvement Project at the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/20), in an amount not-to-exceed \$989,000. The contractor will complete the construction work described in the Contract Documents and Construction Documents prepared by JK Architecture. The contractor's construction scope of work includes: * Site preparation; new pedestrian concrete paving around the building; removal of existing hardscape and adding new concrete paving at bus stop; * Removal of existing ADA non-compliant concrete sidewalks leading to the building and in the courtyard; construction of new 4" thick concrete sidewalk to meet ADA requirements in these designated areas; * Removal of existing non-compliant ADA parking stalls, and building new ADA parking stalls to meet current regulations; construction of a new sidewalk from Parking Lot D to the east building entrance; add new 6" thick concrete in vehicular areas and turf blocks paving east of the building for the fire truck access; * Demolition and removal of existing light posts; salvage and relocate existing light posts in new locations; and relocate existing electrical conduit to accommodate new locations of light posts.

[Background Material](#)

Trustee Gonzalez Yuen is concerned that we went out for bid and on each of the items we just received one bid. Trustee Gonzalez Yuen feels if we are only getting one bid, there is something wrong with our process.

Trustee Gulassa would also like a brief explanation on why we only received one bid.

Vice Chancellor Ikharo said that three years ago when there were a lot of contracts or projects, we would receive 5-7 bidders which was due to the nature of the economy. We have a lot of new construction in the

bay area so there are more jobs in the marketplace. If a vendor comes to determine whether they will do a project, we do not have control over the number of bidders that bid on an actual program. Trustee Gulassa asked without any other bidders, how did you determine this was a reasonable price. Vice Chancellor Ikharo sent the bid to a cost estimator and in each of these cases, the process are within the guidelines and engineering cost guidelines.

MOTION: Motion by Trustee Brown, second by Trustee Riley to approve Agenda Item 43. Consider Approval of Resolution No. 14/15-36, to enter into an Agreement with Sposeto Engineering to Complete the Site Paving Improvement Project at the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/20).

AYES: Trustee Bonilla, Trustee Gonzalez Yuen, Trustee Gulassa, Trustee Handy, Trustee Withrow, Trustee Riley, and Trustee Brown.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

44. Consider an Award of an Emergency Contract for the Merritt College Central Heating Plant Repair with American Air Conditioning Heating and Plumbing. Presenter: Vice Chancellor Ikharo. Approval is requested for an emergency contract for the Merritt College Central Heating Plant Repair with American Air Conditioning, Heating and Plumbing, in the amount not-to-exceed \$36,284. The repair work is needed because the central heating plant at Merritt College has an undersized expansion tank that ruptured and needs to be replaced and enlarged. A larger expansion tank(s) is needed to accommodate the three boiler system and changing elevation (pressures) between the buildings on campus and the central heating plant. The contractor will replace the existing undersized and damaged expansion tank, with two new larger expansion tanks. This work will allow for a more reliable campus heating system, to improve safety, to improve energy and water conservation, prolong life of heating system, and prevent possible property loss and injury. In compliance with the Public Contract Code, Section 22050 for Emergency Contracts, the District is not required to conduct competitive bidding. However, informal competitive bids were requested from four (4) companies: American Air Conditioning, Heating and Plumbing, Diablo Boiler, Markin Mechanical, and Monterey Mechanical. Two (2) bids were submitted by American Air Conditioning, Heating and Plumbing, and Diablo Boiler. CONTRACTOR LOCATION TOTAL BID American Air Conditioning, Heating and Plumbing San Leandro, CA \$36,284 Diablo Boiler Antioch, CA \$55,318 Markin Mechanical Concord, CA Non-Responsive Monterey Mechanical Oakland, CA Non-Responsive

[Background Material](#)

45. Consider Approval of Change Order No. 2 for the Leaks Remediation for Laney College Buildings A, B, C, D, E & G at Laney College (Bid No. 13-14/22), Valentine Construction. Presenter: Vice Chancellor Ikharo. Approval is requested for Change Order No. 2 to the contract with Valentine Corporation, in the amount of \$20,335.00. Change Order No. 2 in the amount of \$20,335.00 is 3% of the original contract amount of \$2,339,369. Including the previously Board approved Change Order No. 1 (\$49,854) the cumulative contract amount to date is \$2,409,558. Change Order No. 2 is based on the following: deduction of the remaining allowance of (\$9,895.00) that was not spent during construction; and furnish and provide waterproofing to the existing round bench in the Courtyard G for \$30,230.00.

[Background Material](#)

46. Consider Approval of Change Order No. 3 for the Laney College Child Care Remodel (Bid No. 13-

14/29), OnPoint Construction. Presenter Vice Chancellor Ikharo. Approval is requested for Change Order No. 3 to the contract with OnPoint Construction, in the amount of \$3,691.00. This Change Order resulted in a cumulative change order amount of 8% of the original contract amount of \$397,546.34. Change Order No. 3 will also increase the contract final completion date by an additional thirty (30) calendar days due to long lead time on materials. The Governing Board of Trustees previously approved Change Order No. 1 (\$21,429) on February 17, 2015 (\$21,429), and Change Order No. 2 (\$7,640) on March 24, 2015. Including previously Board approved Change Order Nos. 1 and 2, the cumulative contract amount to date is \$430,306.34. Change order no. 3 is based on the California Division of the State Architect (DSA) required changes as follows: * DSA required a change in the door swing to provide the needed ADA clearance to the exterior door. The existing door could not be used because its structural component was in the way, preventing ADA clearance. Therefore, a new door and hardware were needed to change the door swing. It is in the best interests of the District and financially prudent to approve this change order. The anticipated completion date for the Laney Child Care Remodel is April 21, 2015. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Child Development Fund (Fund 68)

[Background Material](#)

47. Consider Approval to Enter into an Agreement with Jackson & Son Plumbing for the Districtwide Plumbing, Testing, Repairs, and Replacement. Presenter: Vice Chancellor Ikharo. Approval is requested to enter into an Agreement with Jackson & Son Plumbing for the Districtwide Emergency Plumbing Testing, Repairs, and Replacement, in the amount not-to-exceed \$40,200. Throughout the year, the District needs a variety of emergency and project plumbing services to help keep facility operations functioning and to keep classrooms open. This Agreement will allow Jackson & Son Plumbing to provide material, equipment, and labor to complete emergency 2014/2015 plumbing repairs and services. Board approval is required because the contractor's cumulative contract amount has exceeded the \$25,000 threshold. In compliance with the Public Contract Code, Section 22050 for Emergency Contracts, the District, "pursuant to a four-fifths vote of the Governing Board of Trustees, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Maintenance & Operation Funds and Scheduled Maintenance Funds.

[Background Material](#)

ACTION CALENDAR ITEMS

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board may move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, bmartinez@peralta.edu at least 48 hours prior to the meeting.

José M. Ortiz, Chancellor
Secretary to the Board of Trustees
PERALTA COMMUNITY COLLEGE DISTRICT