



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
JANUARY 24, 2012

CALL TO ORDER

PLEDGE OF ALLEGIANCE (7:00 P.M.)

ROLL CALL

Trustees González Yuen Pr Ab , Guillén Pr Ab , Handy Pr Ab , Hodge Pr Ab , Riley Pr Ab , Withrow Pr Ab , and Gulassa Pr Ab , Student Trustees Brumfield Pr Ab and Copenhagen Pr Ab .

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

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor: 1. Dr. George Herring as Interim President of Merritt College, at an annual salary of \$190,000 effective December 7, 2011 through December 7, 2012, or until the permanent position is filled, whichever occurs first. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0 2. Anita Black as Interim Vice President of Instruction, Merritt College, at an annual salary of \$140,000 effective January 6, 2012 through June 30, 2012 or until the permanent position is filled, whichever occurs first. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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.

Agenda

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

APPROVAL OF THE MINUTES (7:03 P.M.)

MOTION: Motion by Trustee Bill Withrow, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

1. Consider Approval of the Regular Board meeting of December 6, 2011. Consider approval of the regular Board meeting of December 6, 2011. The minutes are posted on Granicus.

[Minutes 12-6-11](#)

#### **PUBLIC COMMUNICATION (7:04 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 (3 minutes per individual maximum) will be provided for speakers under this agenda section. 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, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public 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.)**

Speaker Casenza, Peralta Foundation, announced the Peggy Withrow memorial fund. She announced their upcoming events of the golf tournament, and the award of twelve \$1,000 scholarships to students, faculty and library grants. Three fundraising receptions will be planned. Speaker Goldstein, PFT President, shared some faculty concerns about classroom maximum sizes, and gave an update on PFT issues. Speaker Blake shared problems timely paying vendors. He feels that we need a better way to serve students so that they don't spend unnecessary time on administrative matters, and he suggested more effective systems. The Chancellor will look into these suggestions.

#### **Reports 7:20 P.M.**

**The Board requests that constituent group reports be brief and concise, and that only electronic copies be provided for posting onto 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 Bosneaga, ASLC Vice President, shared that students are having trouble registering with the Prompt system down, and asked that notice be given on the website how long it will be down. He asked that the budget be loaded for the student center fee fund. ASCOA Speaker Albine gave an update on student activities.

3. [Chancellor's Reports](#) [Dr. Wise E. Allen \(7:30 P.M.\)](#) [Vice Chancellor's Reports](#)  
[Budget Update](#) [Vice Chancellor Gerhard](#)  
[Enrollment Update](#) [Vice Chancellor Budd](#)  
[Easy Pass, Financial Aid, Student Health Fees, and Health Services Initiative Updates](#) [Vice Chancellor Ng](#)  
[General Services Update](#) [Vice Chancellor Ikharo](#)

[Enrollment report 1](#)

[Enrollment report 2](#)

[Budget report](#)

[Redirection memo](#)

### **College Reports**

#### **Merritt College Interim President Herring**

[Merritt College President Report](#)

#### **Laney College President Webb**

#### **College of Alameda President Jackson**

[COA President Report](#)

#### **Berkeley City College President Inclan**

[BCC President Report](#)

### **BOARD COMMUNICATION (7:35 P.M.)**

**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 Guillen shared that Assemblymember Swanson held a hearing on boys and men of color in the East Bay. He learned there that based upon zip codes, one can predict mortality rate. He attended the McClymond's MLK celebration where Dr. Webb provided the keynote address. Student Trustee Copenhagen shared the Board of Governors adopted the student success task force recommendations. He asked people to look out for the follow-up legislation that might impact our students. Trustee Gonzalez Yuen shared that Kaiser Permanente shocked the District with an 18% price increase. This is happening all over the country and state. This weekend the league will hold a legislative conference, which will include discussing those longer-term issues. Trustee Handy thanked George Herring and Anita Black for their service to the District in their new roles, and the Board is appreciative of their sacrifice. She thanked Dr. Siri Brown for her study abroad programs. Trustee Handy visited Cuba over the break visiting a program in Havana with free medical school programs for students willing to serve their communities. Student Trustee Brumfield reminded students to apply for available scholarships, and he asked other students to tell their friends and to spread the word. He suggested more TV monitors on campuses in front of long campus lines to share updates, announcements, and cancelled classes. We have a flood of information students need to know, but that we need to be better organized getting that in student hands. He's frustrated with the

Passport program failing during peak enrollment days. He applauded the student ambassadors and student leaders who are helping students to enroll, and feels that more admissions and records staff should have been hired to help students during enrollment programs. Trustee Gulassa shared that a Foundation holiday party was very enjoyable. He announced that Sanjiv Handa passed away and offered condolences to his family.

Chancellor Allen thanked George Herring and Anita Black for helping at Merritt College this year. The Chancellor shared the importance of us going out for a parcel tax to the voters in the spring, which will help to sustain existing services. We cut \$10.9 M this year, cut \$12.9 M last year, while serving 23,000 students, and were paid less from the state. Any possible new taxes will bring no new funds to this District. If the measure fails, we'll need to cut \$5M more in our workload. \$7.9M new dollars would be fully dedicated to our student services with a parcel tax.

4. [Poll Result Presentation Presenters: EMC Research, Inc. \(7:45 P.M.\) \(20 minutes\) This presentation will share results of the voter telephone survey related to the District's proposed parcel tax measure.](#)

#### [Background Materials](#)

#### **[PUBLIC HEARING \(8:05 P.M.\)](#)**

**[At this time, the Board of Trustees will conduct a public hearing on whether to order a June 5, 2012 election to levy a special tax of \\$48 annually upon each parcel in the District for educational purposes. \(Government Code Sections 50077 and 54954.2\)](#)**

#### [Background Materials](#)

Speaker Bartlett supports the parcel tax.

#### [Proposed Ballot language](#)

45. [Consider Approval of Resolution No. 11/12-27 Ordering a Special Election on June 5, 2012 for a Special Parcel Tax Presenter: Chancellor Allen Consider approval of Resolution No. 11/12-27 ordering a special election to be held on June 5, 2012 for the purpose of submitting to the qualified electors of the District the question of levying a special tax on each parcel in the District for educational purposes; and establishing the specifications of the election order. The Chancellor recommends approval.](#)

#### [Background Materials 1](#)

#### [Proposed Ballot language](#)

MOTION: Motion by Trustee Nicky Gonzalez Yuen, second by Trustee Bill Withrow to approve and to change the word "in" to "including" core academic programs on page 5.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.

NOES: and Trustee Abel Guillen.

ABSTAIN: None

ABSENT: None

The motion passed.

Trustee Withrow shared that Measure A is just for facilities, and that special funds are for student services, and he asked that be publicized. Trustee Riley asked about core academic programs in math, science, and

english, and if we are limiting the funds to those three disciplines. The Chancellor shared it includes all of the CTE and certificate programs and support staff, counselors. He suggested that change in the future. Trustee Gonzalez Yuen suggested "including" instead of "in", so the word count is the same. Trustee Guillén is excited with this measure. He's feels the measure should proceed in November when there is more voter turnout rather than June, for which reason he will vote No.

## **FINANCIAL SERVICES**

46. [Consider Approval of the 2010-2011 Annual Audit Report Presenters: Vice Chancellor Gerhard and Heidi White, Vavrinke, Trine, Day & Co. Consider approval of the 2010-2011 annual audit report. The Board is asked to receive and file the District's annual audit report for the fiscal year ending June 30, 2011. The audit will be posted on the Budget and Finance website. The Chancellor recommends approval.](#)

[Background Materials 1](#)

[Background Materials 2](#)

Trustee Withrow congratulated the finance department on getting the audit done in a timely manner. He feels we're within reach of being a financially responsible institution. Trustee Gonzalez Yuen asked about the corrective matrix action list and the timeline for fixes. Most will be complete by June 2012. The Chancellor shared that it's also an accreditation goal to correct the audit material weaknesses.

MOTION: Motion by Trustee Nicky Gonzalez Yuen, second by Trustee Bill Riley to approve.

AYES:	Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion passed.

## **HUMAN RESOURCES**

5. [Financial Aid Presentation Presenters: Vice Chancellor Ng and Director Nicholes \(8:10 P.M.\) \(20 minutes\)](#)

Student Trustee Brumfield asked about financial need based on unit load to get a BOGG waiver. Students need to update their home and email address on their Passport account, and he suggested it be uniformly posted on the website. Also, he suggested that there be a prompt reminder students to update the information and why, so that students know how important it is to do so. Jeff Heyman will also help to ensure that the information is also consistent on all college sites. Trustee Handy asked about the ATM card system, and what happens if students drop out are the first of two payments are collected. Trustee Guillen asked about the HigherOne hiring process, and what other colleges they serve. The contract did not go out to a competitive bid. Trustee Riley asked if a pilot was done on this program, which was not done. He gets students calling him sharing that people aren't called them back, which needs improving. Trustee Gonzalez Yuen feels this is the most comprehensive vision of financial aid he's ever seen in this District. He asked for a system to document that students are called back, and asked that staff monitor the facebook page, as well. He also suggested a hotline button, that has a dialogue trail. He asked for a public information campaign for AB 540 students to encourage them to apply. He feels that changes in the law is equivalent to class warfare. He feels that the Republicans in Congress are responsible for changing financial aid

eligibility. Trustee Withrow asked about the term unduplicated, which means not counted twice in attending two college in the same term. 44,000 are different individuals attending. "Unduplicated headcount" means that a student is counted only once during the entire time period and for the entire population over which the headcount is taken. Student Trustee Copenhagen shared that Cal Grants put in the state budget will be cut, and he asked people to become active on this issue. Student Trustee Brumfield about staffing and enrollment numbers. Trustee Handy shared the frustrations that exist in the current system, and she suggested linking the financial aid and Passport systems. All of the comments shared will be noted to find future solutions.

#### [Financial Aid report](#)

6. [District Academic Senate Presenter: DAS President Karolyn van Putten \(8:30 P.M.\)](#)

#### [DAS President Report](#)

#### [CONSENT CALENDAR \(8:35 P.M.\)](#)

[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 on the Consent Calendar](#)

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Riley to approve the consent calendar, including items 10, 11, 12, 13, 15 through 43, and to remove Items 7, 8, 9, and 14 from the agenda, and will return to the next Board meeting.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

#### **Public Comments on the Consent Calendar**

#### [Vote on the Consent Calendar](#)

#### **BOARD POLICIES**

7. Consider Approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11) Presenter: Chancellor Allen Consider approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11). The Chancellor recommends approval. (Removed from the agenda, and will return at the next meeting.)

#### [Background Materials](#)

8. Consider Approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General

Education (Replaces BP 5.20) Presenter: Chancellor Allen Consider approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20). The Chancellor recommends approval. (Removed from the agenda, and will return at the next meeting.)

[Background Materials](#)

9. Consider Approval of Board Policy 4040 Library Services (Replaces BP 5.30) Presenter: Chancellor Allen Consider approval of Board Policy 4040 Library Services (Replaces BP 5.30). The Chancellor recommends approval. (Removed from the agenda, and will return at the next meeting.)

[Background Materials](#)

10. Consider Approval of Board Policy 4050 Articulation (Replaces BP 5.12) Presenter: Chancellor Allen Consider approval of Board Policy 4050 Articulation (Replaces BP 5.12). The Chancellor recommends approval.

[Background Materials](#)

11. Consider Approval of Board Policy 4070 Auditing and Auditing Fees (New Policy) Presenter: Chancellor Allen Consider approval of Board Policy 4070 Auditing and Auditing Fees (New Policy). The Chancellor recommends approval.

[Background Materials](#)

12. Consider Approval of Board Policy 4100 Graduation Requirements for Degrees and Certificates (Replaces BP 5.20) Presenter: Chancellor Allen Consider approval of Board Policy 4100 Graduation Requirements for Degrees and Certificates (Replaces BP 5.20). The Chancellor recommends approval.

[Background Materials](#)

13. Consider Approval of Board Policy 4220 Standards of Scholarship (Replaces BP 4.32, 5.22, and 5.23) Presenter: Chancellor Allen Consider approval of Board Policy 4220 Standards of Scholarship (Replaces BP 4.32, 5.22, and 5.23). The Chancellor recommends approval.

[Background Materials](#)

14. Consider Approval of Board Policy 4226 Multiple and Overlapping Enrollments (New Policy) Presenter: Chancellor Allen Consider approval of Board Policy 4226 Multiple and Overlapping Enrollments (New Policy). The Chancellor recommends approval. (Removed from the agenda, and will return at the next meeting.)

[Background Materials](#)

15. Consider Approval of Board Policy 4231 Grade Changes (Replaces BP 4.43A) Presenter: Chancellor Allen Consider approval of Board Policy 4231 Grade Changes (Replaces BP 4.43A). The Chancellor recommends approval.

[Background Materials](#)

16. Consider Approval of Board Policy 4260 Prerequisites and Co-Requisites (Replaces BP 9.01, 9.02, 10.01, and 10.02) Presenter: Chancellor Allen Consider approval of Board Policy 4260 Prerequisites and Co-Requisites (Replaces BP 9.01, 9.02, 10.01, and 10.02). The Chancellor recommends approval.

### [Background Materials](#)

17. Consider Approval of Board Policy 4300 Field Trips and Excursions (Replaces BP 5.35) Presenter: Chancellor Allen Consider approval of Board Policy 4300 Field Trips and Excursions (Replaces BP 5.35). The Chancellor recommends approval.

### [Background Materials](#)

18. Consider Approval of Board Policy 5055 Enrollment Priorities (New Policy) Presenter: Chancellor Allen Consider approval of Board Policy 5055 Enrollment Priorities (New Policy). The Chancellor recommends approval.

### [Background Materials](#)

19. Consider Approval of Independent Contract Extension for James (Jim) Grivich Presenter: Chancellor Allen Consider approval of James (Jim) Grivich's contract extension for an additional \$25,000 to assist the Peralta Community College District with addressing the Accrediting Commission for Community and Junior Colleges' (ACCJC) recommendations provided within their June 2011 report. \$90,000 was approved by the Board on September 13, 2011, which brings the total contract amount to \$115,000 for Fiscal Year 2011 - 2012. Funding Source: General Funds. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### [Background Materials 1](#)

### [Background Materials 2](#)

## **EDUCATIONAL AND STUDENT SERVICES**

20. Consider Approval of an Independent Contractor Agreement Extension for Larry Chang for Laney College's National Science Foundation Project "Educating Technicians for Building Automation and Sustainability Presenter: Vice Chancellor Budd Consider approval of an independent contractor agreement extension for Larry Chang not to exceed \$34,000 for specialized program outreach and educational support services for Laney's National Science Foundation Project "Educating Technicians for Building Automation and Sustainability National Science Foundation. Funding Source: National Science Foundation. The prior contract amount was \$24,960. Increasing the contract amount by \$34,000 brings the total contract amount for the fiscal year to \$58,960. The scope of work for Mr. Chang is to: \* Facilitate a nationwide network of Heating, Ventilation, and Air Conditioning (HVAC) and Building Performance instructors, including an on-line instructor network and interactive resource website, facilitation of a specialized topic webinar, and facilitation of a face-to-face instructor workshop. \* Work with Bay Area high school teachers to plan ongoing partnership efforts for Physics and Environmental Science instructors with Laney's Environmental Control Technology program. \* Facilitate coordination of the 2012 Physics for Building Science high school program \* Translate building operations research reports into presentations and materials for classroom use \* Facilitate industry partnerships, including field placement opportunities for ECT students, industry participation tracking, and recruitment of new industry advisory members \* Conduct focused outreach to recruit students for the Building Automation Systems program All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### [Background Materials](#)

21. Consider Independent Contract Agreement Extension for Ms. Srujana Tumu for Moodle Support Presenter: Vice Chancellor Budd Consider independent contract agreement extension for Ms. Srujana Tumu for Moodle support not to exceed \$20,000 for a total fiscal contract amount of \$40,000. Funding Source: General Funds. Ms. Tumu has worked with Peralta Educational Services to provide support for distance education classes offered through Moodle. She has assisted with loading new classes into Moodle, interfacing Moodle with PeopleSoft, troubleshooting faculty problems, maintaining the Moodle database, upgrading to new versions, and other duties as assigned. Ms. Tumu's expertise in this area has enabled Peralta to maintain its growing distance education offerings without moving to a full-service outside hosting company. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Materials](#)

22. Consider Approval of Independent Contractor Agreement Extension for Jonel C. Seon to provide Green Job Training Programs Student Services for Laney College's Employment Development Department (EDD) and EcologyAction funded Green Jobs Training Programs Presenter: Vice Chancellor Budd Consider approval of an independent contractor agreement extension for Jonel C. Seon in the amount of \$22,400 to provide Green Job Training Programs student services, from outreach and recruitment to student support services and tracking, for Laney College's EDD and EcologyAction funded Green Jobs Training Program. The prior contract amount was \$14,000, for a total fiscal amount of \$36,400. Funding Source: Federal Workforce Investment Act (WIA) funds via the California EDD Green Jobs Grant as well as grant funds from EcologyAction. Jonel Seon's scope of work addresses EDD Green Jobs Grant Project Work Plan Objectives, including Assessment and Enrollment, Training and Education, Job Placement, Retention and Tracking as well as the student services and tracking requirements of the EcologyAction BPI training and certification grant. All Board recommended contracts are subject to negotiation and execution by the Chancellor.

#### [Background Materials](#)

23. Consider Approval of a Grant Acceptance from the San Francisco Foundation for Laney College Presenter: Vice Chancellor Budd Consider approval of a grant from the San Francisco Foundation not to exceed \$224,625 for calendar year 2012 to support the design and development of an interdisciplinary instructional program in Advanced Manufacturing at Laney College. Funding Source: S.F. Foundation. Through a grant from the San Francisco Foundation in the amount of \$224,625, Laney College will develop curriculum in Advanced Manufacturing and Industrial Maintenance and provide education and training to approximately 100 students, including students already enrolled in the Industrial Maintenance Career Advancement Academy program, to prepare these students for high-skilled, high-wage careers in the manufacturing sector. The grant will also fund the alignment of Laney's Machine Technology curriculum with the National Institute of Metalworking Skills (NIMS) certification system so that Laney students will be eligible for industry-recognized NIMS certifications. The grant will also fund Laney's efforts to strengthen its regional employer network, to develop internships and direct job placements in industry for students, and to ensure that the Laney curriculum meets the needs of multiple industry employers within the Bay Area labor market.

#### [Background Materials](#)

24. Consider Approval of an Independent Contractor Agreement for Dr. Mark Martin for Project Management Services for the S.F. Foundation for the Advanced Manufacturing and Industrial Maintenance Grant at Laney College Presenter: Vice Chancellor Budd Consider approval of an independent contractor agreement for Dr. Mark Martin in an amount not to exceed \$110,000 during the 2012 calendar year (February through December 2012) to provide project management services for Laney College's grant from the San Francisco Foundation for Advanced Manufacturing and Industrial

Maintenance education at the college. Funding Source: San Francisco Foundation. Laney College has been awarded a grant from the San Francisco Foundation in the amount of \$224,625 to develop curriculum in Advanced Manufacturing and Industrial Maintenance, to prepare students for high-skilled, high-wage careers in the manufacturing sector, to support the alignment of Laney's Machine Technology curriculum with the National Institute of Metalworking Skills (NIMS) certification system, to strengthen Laney's regional employer network, and to develop internships and direct job placements in industry for students. All Board recommended contracts are subject to negotiation and execution by the Chancellor. (Information was provided after the meeting that Dr. Martin also does business as Corporation Design 4X.)

#### [Background Materials](#)

25. 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 - December 2011" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Materials](#)

### **FINANCIAL SERVICES**

26. 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.

#### [Background Materials](#)

27. 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.

#### [Background Materials](#)

28. 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.

#### [Background Materials](#)

29. Consider Approval of the Corrective Action Matrix Presenter: Vice Chancellor Gerhard Consider approval of the Corrective Action Matrix. The Corrective Action Matrix has been and continues to be used as a management tool to document progress made towards correcting previous year audit findings. The matrix has been updated to reflect most recent audit findings contained in the 2010-11 annual financial audit report and efforts made to date towards their resolution. The Chancellor

recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

30. Consider Approval of the Nonresidential Student Tuition Fee Increase Resolution No. 11/12-28  
Presenter: Vice Chancellor Gerhard Consider approval of non-resident student tuition fee, Resolution No. 11/12-28. Education Code Section 76140 requires the Board of Trustees to annually adopt the nonresident tuition fee for the next year by February 1st. Determination of this fee is based on the District's 2010-11 expense of education as prescribed under the Education code. It is recommended that the Board of Trustees approve the 2012-13 Nonresident Tuition Fee of \$190.00 per semester unit. The worksheet used to arrive at the nonresident fee is attached. A statement noting that this fee will not be waived is included in the resolution. The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

[Background Materials 3](#)

[Background Materials 4](#)

[Executed resolution](#)

31. Consider Approval of the Nonresident Capital Outlay Fee Increase Resolution No. 11/12-29  
Presenter: Vice Chancellor Gerhard Consider approval of the non-resident capital outlay fee, Resolution No. 11/12-29. It is recommended that an additional \$6.00 per semester unit for capital outlay as allowed by Education Code 76141 (A). The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

[Executed resolution](#)

32. Consider Approval of the Fiscal Year 2012-13 Budget Development Calendar Presenter: Vice Chancellor Gerhard Consider Approval of the Fiscal Year 2012-13 Budget Development Calendar. The proposed budget development calendar has been created in accordance with Board Policy/Administrative Regulation 6.02 and is now being presented to the Board of Trustees for review and approval. The Chancellor recommends approval.

[Background Materials 1](#)

[Background Materials 2](#)

## **HUMAN RESOURCES**

33. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees Presenter: Vice Chancellor Largent Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified

positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. Last Name First Name Date of Hire End Date Position Title Site Chan Cynthia 1/24/12 5/30/12 Instructional Asst I/DSPS L Crawford Azi 1/25/12 6/30/12 Stage & Production Assistant L Crawford Shawna 1/3/12 6/30/12 Instructional Asst III/DSPS L Harshaw Dolores 1/25/12 5/31/12 Clerical Assistant II B Houlihan Sean 1/25/12 6/30/12 Instructional Asst/Biology B Japzon Linda 1/25/12 6/30/12 Staff Asst/Employee Relations D Komraz Lev 1/25/12 6/30/12 Instructional Asst/Mathematics B Okumus Bilge 1/25/12 6/30/12 Clerical Assistant II B Pak Nancy 1/11/12 6/30/12 Human Resources Generalist D Quesada Jessie 1/25/12 6/30/12 Staff Asst/Employee Relations D Turner Brian 1/25/12 6/30/12 Food Service Worker L Vazquez Gabrielle 1/25/12 6/30/12 Instructional Asst/Child Development M Woodward Denise 1/25/12 6/29/12 Staff Assistant/Admin (Grants) M Wright Michael 1/25/12 6/30/12 Librarian Technician I L

34. Consider Ratification for the Chancellor or His Designee to Negotiate an Agreement with Turner Construction Company to Provide Design-Build Construction Project Delivery Services for the Merritt College Science and Allied Health Building Presenter: Vice Chancellor Ikharo Ratification is requested for the Chancellor or his designee to negotiate an agreement with Turner Construction Company (Turner) to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. Funding Source: Bond Measure A. On June 24, 2011, the District issued a formal Request for Proposals (RFP 11-12/01) inviting design-build teams to participate in the District's multiple-step process to submit a pre-qualified bid proposal to design and construct the Merritt College Science and Allied Health Building. The methodology and evaluation factors to be used by the District in evaluating the proposals were clearly specified in the RFP. The evaluation factors and maximum points included in the RFP were developed in accordance with California Education Code Section 81703, which specifies the procedures and requirements for evaluating and selecting design-build entities for community college construction projects. The underlying intent of the referenced code is to establish reasonable, objective and fair procedures for evaluation proposals for design-build projects. Below are the evaluation factors included in RFP 11-12/01 and the maximum points:
- | Evaluation Factors                                 | Maximum Points |
|--|----------------|
| 1. Price   | 30             |
| 2. Technical Expertise (including Dedicated Staff) | 10             |
| 3. Life Cycle Costs over 25 Years                  | 10             |
| 4. Skilled Labor Force Availability                | 10             |
| 5. Key Design-Build Members                        | 10             |
| 6. Acceptable Safety Record                        | 10             |
| 7. Architectural Aesthetics and Design Innovation  | 10             |
8. SLBE and SELBE Program Compliance 10 On August 19, 2011, the District received thirteen (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services to the District. The responding contractors were required to participate in a multi-step process, included attending mandatory pre-qualification meetings, completing the pre-qualification questionnaire, submitting a pre-qualified bid proposal, and participating in oral interviews. Department of General Services staff performed due diligence verifying work history of vendors, conducting legal reference checks to discover past and pending litigation with clients, verifying LEED and sustainability experience, and verifying past performance with SLBE and SELBE project participation.

From the thirteen (13) submittals received, seven (7) design-build teams successfully pre-qualified. Five (5) of the pre-qualified teams submitted a bid proposal on November 7, 2011. Those five firms were: Clark & Sullivan/Walsh Construction, Hensel Phelps, Rudolph & Sletten, Turner Construction Company, and Webcor/GKK Works. The proposals were evaluated by an executive committee comprised of representatives from the Department of General Services and Merritt College administrative leadership, and the following scores were given: PROPOSALS

EVALUATORS? A B C D	PROPOSAL	SCORES	Average	Score	
Clark	&	Sullivan	90 91 81 95	89.25	
Turner			Construction	92 93 80 89	88.50
Hensel		Phelps		88 81 82 84	83.75
Webcor				81 75 88 71	78.75

Rudolph & Sletten 77 76 79 69 75.25 Interviews were conducted by the executive committee on November 16 and November 21, 2011. All contractors were given the same interview questions, and interview scoring was based on the evaluation factors and weighing included in the RFP. The contractors were scored as follows: INTERVIEWS  
Final Interviews Conducted on November 16 & November 21, 2011

EVALUATORS? A B C D Total	INTERVIEW	SCORES	Average
Turner	Construction	75 89 74 95.5	333.5 83.38
Clark	& Sullivan	84 83 71 92	330.0 82.50
Hensel	Phelps	77 71 66 90	304.0 76.00
Rudolph	& Sletten	60 72 69 82	283.0 70.75
Webcor		42 70 64 84	260.0 65.00

Below are the total scores from the evaluation of the proposals and the interview results: SUMMARY OF

Proposal	EVALUATORS? AVERAGE	SCORES	SCORES	Scores Difference
Turner	Interview	Total	Construction	88.50 83.38 171.88 0.13
Clark	&	Sullivan		89.25 82.50 171.75
Hensel		Phelps		83.75 76.00 159.75
Rudolph	&	Sletten		75.25 70.75 146.00
Webcor	78.75 65.00 143.75			

Based on the review of the proposals and the oral interviews, the committee recommended Turner Construction Company (general contractor), working with MVE Architects. Both firms operate local offices in Oakland and have the capacity and the wherewithal to undertake this project. If the District and Turner Construction Company are unable to arrive at a design-build agreement acceptable to both parties, it is recommended that a contract be negotiate with the next highest-scoring firm, Clark & Sullivan/Walsh Construction. Approval of the Chancellor, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), was received on December 20, 2011 to negotiate an agreement with Turner Construction Company to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. This was necessary so that negotiations for the agreement could commence during the Board winter recess period. Board ratification is now requested. After contract negotiations are complete, the Board of Trustees will be asked to approve the design-build agreement and budget at a subsequent Board meeting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

### Background Materials

35. Consider Ratification of Contract Award, Build-Out: Phase III Project at Berkeley City College (Bid No. 11-12/11), D.L. Falk Construction, Inc. Presenter: Vice Chancellor Ikharo Ratification is requested of the contract award to D.L. Falk Construction, Inc. for the Build-Out: Phase III Project at Berkeley City College (Bid No. 11-12/11), in the amount of \$1,924,000. Funding Source: Bond Measure A. Per the construction documents prepared by Murakami/Nelson Architects, the project scope includes: \* Build-out of existing unimproved spaces into art studios on the 4th floor

\* Improvements and alterations to lab spaces, classrooms and offices on the 1st, 2nd, 3rd and 5th floors

\* Modifications to mechanical, plumbing, electrical and fire sprinkler systems

CONTRACTOR LOCATION TOTAL					BID
D.L.	Falk	Construction,	Inc. Hayward,	CA	\$1,924,000
John	Plane	Construction,	Inc. Brisbane,	CA	\$1,942,000
Angotti	&	Reilly,	Inc. San Francisco,	CA	\$2,047,837
Cal-Pacific		Construction,	Inc. Oakland,	CA	\$2,057,000
E.F.	Brett	& Company,	Inc. Woodacre,	CA	\$2,064,354

A formal Request for Bids (11-12/11) was conducted for this project, and a bid opening was held on December 8, 2011. Five bids were received, as follows: The lowest responsible and responsive bid was submitted by D.L. Falk Construction, Inc., in the amount of \$1,924,000. The contract award was approved by the Chancellor on December 20, 2011, during the Board recess, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This allowed the project mobilization to happen sooner and will reduce the lease period for the annex space, which is being used until the renovated area is complete. Board ratification of the contract award is now requested. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

#### Background Materials

36. Consider Approval to Enter into an Agreement with Berkeley Sound Artists, Inc. in Collaboration with Jed Riffe Films + Electronic Media for Multimedia Design Services for the Africana Studies Center at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested to enter into an agreement with Berkeley Sound Artists, Inc. in collaboration with Jed Riffe Films + Electronic Media for multimedia design services for the Africana Studies Center at Merritt College, in the not-to-exceed amount of \$399,500. Funding Source: Bond Measure A. On July 19, 2011 the Board approved a budget transfer and appropriation for the Africana Studies Center at Merritt College, to be located in the Library/Learning Center. The construction of the Library/Learning Center is over 90% complete. The scope of services for the Africana Studies Center includes, but is not limited to: Interactive multimedia design and module development Research design and development Content and module creation Non-module information research and documentation A formal Request for Proposals was conducted for this project (RFP 11-12/12). Only one proposal was received on December 12, 2011, from Berkeley Sound Artists, Inc. in collaboration with Jed Riffe Films + Electronic Media. Although only one bid was received, staff considers it a responsive and responsible bid in this highly specialized field. This bid price is competitive and within budget. Approval is recommended for the Chancellor to enter into an agreement with Jed Riffe Films + Electronic Media in the not-to-exceed amount of \$399,500. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### Background Materials

37. Consider Ratification of Change Order No. 3, Library/Learning Center Project at Merritt College, Alten Construction, Inc. Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 3 to the contract with Alten Construction, Inc. for the Library/Learning Center project at Merritt College, in the amount of \$94,132. Including the previously Board ratified Change Order Nos. 1 and 2, the cumulative change order total to date is \$324,506, which is 9.3% of the original contract amount (\$3,497,000). Funding Source: Bond Measure A. The Library/Learning Center project is over 90% complete. The change order items include: Ductwork modifications required to connect the existing ductwork system to the new ceiling system. Upgrading the fire alarm and electric systems with new code-compliant devices and a new panel. A value engineered credit of \$23,122 for costs associated with the demo, removal and replacement of certain mechanical components (inertia bases

and springs). In order to save money for the District, the team conducted a walk-through of the mechanical penthouse with the seismic consultant, who determined that these existing components were in functional condition and did not require replacement. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 3 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.

[Background Materials](#)

[Background Materials - part 2](#)

38. Consider Ratification of Change Order No. 1, Laney Tower Modernization Project, AJF/BHM, A Joint Venture Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 1 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, in the amount of \$25,624, which is 0.6% of the original contract amount (\$3,997,351). Funding Source: Bond Measure A. Change Order No. 1, which is the result of unforeseen conditions, includes the following scope for work: Furnish labor, equipment and materials to demo the 4" mortar bed and waterproofing at 14 bathrooms on floors 2 through 8 Furnish labor, equipment and materials to demo the gypsum board walls in 14 bathrooms on floors 2 through 8 In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 1 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Materials](#)

[Background Materials - part 2](#)

39. Consider Approval of Amendment No. 1 to Agreement for Construction Management Services with Seville Group, Inc. dba SGI Construction Management for the Library/Learning Center Project at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the agreement for construction management services with Seville Group, Inc. dba SGI Construction Management (SGI) for the Library/Learning Center Project at Merritt College, in the amount of \$79,099. Funding Source: Bond Measure A. The District has increased the scope of work and requested that SGI assist with the construction coordination for the Library reroofing project and cellular antenna projects for AT&T, Sprint and T-Mobile. These cellular antenna projects will bring additional discretionary revenue to the college at a time when the state budget is being cut for college operations. These projects are being performed at the Library/Learning Center concurrently with the main construction project and have intersecting areas of work. Additionally, the ongoing construction time frame for the Library/Learning Center project has been impacted by unforeseen issues including a failure in the existing electrical system and the encounter of a boulder while drilling the new elevator pit, requiring a compensable time extension for construction management through February 29, 2012. The original agreement with SGI, in the amount of \$205,000, was approved by the Board of Trustees at the meeting of July 20, 2010. Including this Amendment No. 1 in the amount of \$79,099, the total agreement amount will be \$284,099. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials - part 2](#)

40. Consider Approval of Amendment No. 1 to Agreement with Anthonio, Inc. for DSA Certified Inspection Services for the Library/Learning Center Project at Merritt College Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the agreement with Anthonio, Inc. for DSA (Division of the State Architect) certified inspection services for the Merritt Library/Learning Center project, in the amount of \$32,504. Funding Source: Bond Measure A. This amendment is required because the project schedule was extended. The original contract dated April 8, 2011, is in the not-to-exceed amount of \$131,976. Board approval is also requested to increase the previously estimated fee for inspection services on this project to the actual amount of the contract including the amendment, which is not-to-exceed \$164,480. Historically, each year the Board of Trustees has approved an estimated total for inspection services that are anticipated to be required for construction projects during the year. This was done in an attempt to expedite the delivery of DSA certified inspector services, which are required for all construction projects falling under the jurisdiction of DSA. Because the number of DSA certified, qualified and available inspectors is limited, in the past this annual "blanket" approval has allowed inspections to be hired for projects without requiring a separate Board approval for every project. At the meeting of April 27, 2010, the Board approved staff to contract with DSA certified inspectors as needed for construction projects in the total not-to-exceed amount of \$995,000. Separate projects were listed with estimated fees for DSA inspection services. One of the projects included in the approval was the Merritt Library/Learning Center. DSA inspection services for this project were estimated to be \$90,000. Board approval is required to increase this approval amount to the actual contract cost. In the future, Board approval will be requested for DSA inspector services on individual projects, rather than an annual authorization. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

#### [Background Materials](#)

41. Consider Approval of Amendment No. 1 to Independent Contract with Jason Zalinski for DSA Certified Inspection Services for the 860 Atlantic Avenue Swing Space Project Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 1 to the independent contract with Jason Zalinski for DSA (Division of the State Architect) certified inspection services for the 860 Atlantic Avenue (Alameda) Swing Space Project, in the amount not to exceed \$16,500. Funding Source: Measure A. This amendment is required because the project schedule was extended. The original Independent Contractor/Consultant Services Contract #14251 dated November 30, 2010, is in the not-to-exceed amount of \$102,000. Board approval is also requested to increase the previously estimated fee for inspection services on this project to the actual amount of the contract including the amendment, which is not-to-exceed \$118,500. Historically, each year the Board of Trustees has approved an estimated total for inspection services that are anticipated to be required for construction projects during the year. This was done in an attempt to expedite the delivery of DSA certified inspector services, which are required for all construction projects falling under the jurisdiction of DSA. Because the number of DSA certified, qualified and available inspectors is limited, in the past this annual "blanket" approval has allowed inspections to be hired for projects without requiring a separate Board approval for every project. At the meeting of April 27, 2010, the Board approved staff to contract with DSA certified inspectors as needed for construction projects in the total not-to-exceed amount of \$995,000. Separate projects were listed with estimated fees for DSA inspection services. One of the projects included in the approval was the 860 Atlantic Avenue Swing Space Project. DSA inspection services for this project were estimated to be \$65,000. Board approval is required to increase this approval amount to the actual contract cost. In the future, Board approval will be requested for DSA inspector services on individual projects, rather than an annual authorization. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials - part 2](#)

42. Consider Approval of Agreement with Anthonio, Inc. for DSA Certified Inspection Services for the Build-Out: Phase III Project at Berkeley City College Presenter: Vice Chancellor Ikharo Approval is requested for an agreement with Anthonio, Inc. for DSA Certified Inspection Services for the Build-Out: Phase III project at Berkeley City College, in the not-to-exceed amount of \$77,100. Funding Source: Bond Measure A. Under provisions of the California Code of Regulations and the Education Code, the State of California Division of the State Architect (DSA) reviews plans and oversees construction projects for community college districts to ensure that plans, specifications and construction comply with the State Building Code (Title 24) and accessibility regulations. For each project subject to DSA review, a qualified and certified inspector must be hired by the District and approved by DSA. Inspectors are selected from the approved list provided by DSA. Recommendations from the Oakland DSA field inspector, availability of inspectors, and the skill level required are considerations in the employment of an inspector for each project or projects. These considerations limit the number of inspectors qualified and available for projects. The services to be provided as DSA Inspector of Record include: Providing DSA Form 5 prior to the beginning of each project On-site project inspections Preparing daily reports during construction for each project Verifying adherence to all DSA regulations for accessibility, fire/life safety and structural compliance Reviewing all contractor pay applications, Providing support and verified reports (DSA Form 6) for each completed project Project closeout Anthonio, Inc. is a DSA certified inspector who has provided inspection services on other District construction projects. Anthonio, Inc. will bill for services at an hourly rate of \$70, with a total not-to-exceed amount of \$77,100. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

43. Consider Approval of Bond Measure Budget Transfers and Appropriations (Nos. 32, 33 and 34) Presenter: Vice Chancellor Ikharo Approval is requested for three bond measure budget transfers and appropriations (Nos. 32, 33 and 34). The budget actions have been approved by the 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 and E. 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 District and College approvals and subsequent approval 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, a budget transfer form has been prepared for each budget transaction. The 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
32	(Measure E) To: Project Roofing	#2358	?	Merritt Library \$277,400.00
	From: Unallocated Measure E Funds	\$6,029,929.00	\$5,752,529.00	(\$277,400.00)
	Description: Creation of a new roofing project required during the work at the Merritt			

Library/Learning Center project and the associated work for the AT&T antenna. Transfer  
 Number Project/Budget Name Current Budget Revised Budget Transfer Amount  
 33

(Measure A) To: Project #2435 ? District-Wide  
 Drinking Fountains \$0 \$825,992.00 \$825,992.00

From: Project #2432 - Unallocated  
 Measure A Funds \$2,663,958.00 \$1,837,966.00 (\$825,992.00)

Description: Creation of a budget for the costs of construction and related items to provide new  
 drinking fountains District-wide. Transfer

Number Project/Budget Name Current Budget Revised Budget Transfer Amount  
 34

(Measure A) To: Project # 2434 ? DAC Service  
 Centers \$0 \$3,534,117.00 \$3,534,117.00

Project 2357 ? IT Infrastructure \$5,649,652.00 \$12,000,000.00 \$6,350,348.00

Total: \$9,884,465.00

From: District-Wide Measure A

Contingency \$4,621,000.00 \$2,303,173.00 (\$2,317,827.00)

District-Wide Interest (\$7,566,638.00)

Total: (\$9,884,465.00)

Description: Budget transfer to cover expenses and budget needs for District-Wide IT Infrastructure  
 and DAC Service Centers. All Board approved contracts are subject to final negotiation and  
 execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background Materials 2](#)

**ACTION CALENDAR ITEMS (8:45 P.M.)**

**from the Consent Calendar. 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.**

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

**BOARD MATTERS**

44. [Board of Trustees' Self-Evaluation Presenter: Trustee Riley](#) The Board will discuss their updated annual self-evaluation at the January regular Board meeting. The self-evaluation form is posted on [Granicus as background material.](#)

[Background Materials](#)

Trustee Gulassa was gratified that all the trustees completed the survey. Trustee Gonzalez Yuen was thanked for processing them through his survey service. Questions were all based upon accreditation standards. Most of the Board agreed that they are doing a fine, respectable job. Some of the negative comments can be used for a future Board workshop. Some administrators also rated the Board, as well.

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

47. [Consider Approval of Independent Contractor Agreement with the ELS Group, LCC for George Kozitza at Laney College Presenter: Vice Chancellor Largent Board authorization is requested to enter a Contracted Services Agreement with the ELS Group, LLC to utilize the professional and technical services of George Kozitza as a consultant beginning December 30, 2011 through June 30, 2012, or until the position of Business & Administrative Services Manager is filled on a regular basis, whichever occurs first. The contracted services will be at a rate not to exceed \\$11,500 per month or \\$69,000 for Fiscal Year 2011-12. Funding Source: General Funds. Contracted services includes business operations; fiscal solvency and budget development; development of periodic budget reports; and financial projections; assist planning for the operational needs of Laney College as well as applicable statutes, regulations and internal accounting, purchasing, payroll, fiscal, and facilities reporting policies and procedures; and review and make recommendations regarding the work of the department related to facilities maintenance and operations and leased facilities to assure optimum utility. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

#### [Background Materials](#)

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

Trustee Guillen asked if there's a test if we can provide these services or not. The Chancellor responded that a consultant can provide these services, but that he doesn't have the full authority as an administrator to accept recommendations, which is told with the college president.

48. [Sunshining of Initial Proposal for Successor Agreement for International Union of Operating Engineers \(IUOE\) Local 39 to the Peralta Community College District Presenter: Vice Chancellor Largent Pursuant to Educational Employment Relations Act, Section 3547, the International Union of Operating Engineers \(IUOE\) Local 39 hereby gives public notice of its initial proposal for a Successor Agreement with the Peralta Community College District. This item will introduce the initial proposal of the IUOE Local 39 to the District for the purpose of public notice \(sunshining\). Pursuant to Government Code Section 3547, public comment on such proposal shall be received at the next regular Governing Board meeting of February 14, 2012.](#)

#### [Background Materials](#)

MOTION: Motion by Trustee Bill Riley, second by Trustee Bill Withrow to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Nicky Gonzalez Yuen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

## **FACILITIES**

49. [Consider Approval of Amendment No. 3 to Agreement with Inspection Services, Inc. \(ISI\) for the Laney College Athletic Complex Project Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 3 to the agreement with Inspection Services, Inc. \(ISI\) for the Laney College Athletic Complex project, in the amount of \\$64,671.36. Funding Source: Bond Measure A. This amendment is necessary due to the extended construction schedule \(substantial completion was reached on October 27, 2011 versus the previously estimated date of July 29, 2011\). Another primary reason for Amendment No. 3 was the need for re-inspections on some of the subcontractors' work. A credit was issued to the District for some of the re-inspection fees. ISI was originally selected based upon solicitation of competitive quotes for testing and inspection services for this project. The original agreement, in the amount of \\$101,495.00, was approved by the Board at the meeting of December 15, 2009. Previously Board approved amendments include: Amendment No. 1, in the amount of \\$70,290.00, was approved by the Board at the meeting of December 7, 2010. Because this is a design-build project delivery, the total project design was not set when the project began, although it was necessary to have the contract for testing and inspection services in place to meet DSA requirements. As the project scope fully developed, the scope of work for testing services correspondingly became more specific and increased. The testing requirements for construction projects are specified by DSA. As part of the DSA approval process, they provide the District with a list of testing and inspection that will be required for the project. Because this project was designed in increments, ISI's original proposal and contract were based on the initial testing and inspection scope received from DSA. When the project scope was fully developed and reviewed by DSA, they finalized the testing and inspection requirements. The final testing and inspection requirements from DSA were not received until after the District contracted with ISI. As an example, DSA specified that continuous inspection of masonry was required during the installation of the dugouts, which added a significant number of hours for ISI than originally anticipated. Amendment No. 2, in the amount of \\$50,000.00, approved at the meeting of April 12, 2011. The following additional testing and inspections were covered under this amendment: The largest portion of these additional inspection services covers anchor/dowel installation and proof-load testing caused by design change Review of alternate concrete and grout mix designs Review and testing associated with PV \(photovoltaic\) piers \(not in original scope of work\) Review and testing of revised batter's eye pier foundation design \(revised due to previously encountered obstructions\) Extended construction schedule. The original target date of project substantial completion of May 31, 2011 was extended to July 29, 2011. Including this Amendment No. 3, in the amount of \\$64,671.36, the total contract price will be \\$286,456.36. This will be the final amendment for ISI, as the project is substantially complete. The base contract and amendments as a total are within the State recommended guidelines of 1.5% of the construction cost. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

[Background Materials](#)

[Background Materials - part 2](#)

MOTION: Motion by Trustee Bill Withrow, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillen, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky Gonzalez Yuen.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

50. [Consider Ratification of Amendment No. 5 to the Agreement for Architectural Services with NBBJ, LP \(formerly Fisher-Friedman Associates\) for the Library/Learning Center Project at Merritt College](#) Presenter: Vice Chancellor Ikharo
- [Ratification is requested for Amendment No. 5 to the agreement for architectural services with NBBJ, LP \(formerly Fisher-Friedman Associates\) for the Library/Learning Center project at Merritt College, in the amount of \\$33,000. Funding Source: Bond Measure A. The additional services were necessary before the construction project was bid, because the District did not possess complete or accurate existing \(?as-built?\) building documentation that was required by the architect \(NBBJ, LP\) to prepare construction documents. It was necessary for NBBJ to go to the site and field survey the existing architectural, mechanical and electrical conditions in order to create construction documents acceptable to the Division of the State Architect and for bidding purposes. This work was incorporated into the contract documents for the Merritt College Library/Learning Center Project, which is currently under construction. Approval of this item and other additional services were requested and received from former Chancellor Elihu Harris in December 2008, during the winter recess period. An amendment for NBBJ was ratified by the Board of Trustees at the subsequent Board meeting of January 27, 2009, but this item of work was not included by the former project manager in the amendment, and thus not formally ratified by the Board. The work was performed by NBBJ, LP at the request of the District, and the work performance and cost have been vetted, reviewed and approved by current Department of General Services? staff. The architect completed the work in good faith based on previous approval by the District. The services covered under this amendment included: Investigation of existing conditions, taking measurements and verifying as-built drawings furnished by the District. Preparing measured drawings from field investigations. Revising inaccuracies and omissions on drawings made from District furnished as-built drawings, based on information from field investigations. The original agreement with Fisher-Friedman, in the amount of \\$273,105, was approved by the Board at the meeting of April 8, 2008. Previously Board approved amendments include: Amendment No. 1, in the amount of \\$36,982, approved at the Board meeting of January 27, 2009, provided design services to support IT/networking upgrades to the second and third floors of the Library and acoustical engineering design services. This was an addition to the project scope requested by the college to provide more IT connections for addition computers. Acoustical engineering services were required because the Learning Center was to be located in the basement of the Library at the college?s request, instead of the Building D location. Amendment No. 2, in the amount of \\$87,800, approved at the Board meeting of February 10, 2009, provided design services for renovations to Building A rooms 120, 128, 129, 130 and 132 to serve as temporary swing space to house the Library until completion of construction of the Library/Learning Center project. This was a separate project, which was bid and contracted for construction separately from the Library/Learning Center project. Design services for the swing space were included as an amendment to the NBBJ agreement for ease of management and as a cost and time savings \(as opposed to hiring a new architect who was not familiar with the college?s needs for library swing space\). Amendment No. 3, in the amount of \\$28,722, approved at the Board meeting of April 7,](#)

2009, provided services to revise the construction documents to remove the chiller unit and redesign the systems to use chilled water from a central chilling plant. The original plans included a separate chiller unit for the Library only. Subsequently, the District made the decision to construct a central chiller plant that would serve not only the Library, but also Building Q and the new Science and Allied Health Building. A central chiller plant will be more energy efficient and realize energy cost savings for the District in the long run, as opposed to individual building chiller units.

Amendment No. 4, in the amount of \$51,000, approved at the Board meeting of February 9, 2010, provided services to modify the construction documents to replace the existing water stained and damaged splined acoustical ceiling system at the second and third floors of the Library with a new acoustical tile ceiling. The existing acoustical ceiling was water damaged and stained. The splined ceiling was obsolete, and the entire ceiling had to be replaced with a new ceiling that will allow individual panels to be replaced if they are damaged. Removing the old ceiling also necessitated replacement of light fixtures to fit the new grids, in compliance with code requirements. Including this Amendment No. 5, in the amount of \$33,000, the total agreement will be \$510,609. All previous amendments to this architectural agreement were for design services related to college requested changes to the scope of work for the project. A comprehensive approach to project planning has been put in place to avoid multiple amendments on future projects during the planning and design phase to avoid multiple changes as construction proceeds. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

#### Background Materials

MOTION: Motion by Trustee Abel Guillen, second by Trustee Bill Riley to approve.

AYES: Trustee Bill Riley, Trustee Linda Handy, Trustee Abel Guillen, Trustee Bill Withrow, Trustee Cy Gulassa, and Trustee Marcie Hodge.  
NOES: and Trustee Nicky Gonzalez Yuen.  
ABSTAIN: None  
ABSENT: None

The motion passed.

Trustee Yuen shared this is the same architect that had architectural omissions on past projects such as agenda Item 37, and thus he cannot support this item.

#### Announcements

Board meetings are recorded and stored for viewing on Granicus, posted on the new Peralta Board website. The public can always view recorded Board meeting presentations here at your leisure. The next regular Board meeting will be held here on February 14<sup>th</sup> at 7 p.m. here in the District Boardroom, which is the second Tuesday night of the month. The Board wishes to send the following Congratulations: To Ms. LaVerda Allen upon her 80<sup>th</sup> birthday. The Board wishes to send the following Condolences: To Trustee Withrow and family upon the passing of her beloved wife, Peggy; To the family of reporter Sanjiv Handa upon his passing; To the Laney College community upon the passing of dance instructor Dr. Lynette Stevens DeFazio, and upon the untimely passing of student Isaac J. White; To the College of Alameda community upon the passing of retired Apparel Design instructor Gordon Woods; To former Trustee Amey Stone upon the passing of her husband.

#### ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at

least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, repstein@peralta.edu at least 48 hours prior to the meeting.

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Wise E. Allen, Chancellor  
Secretary to the Board of Trustees  
PERALTA COMMUNITY COLLEGE DISTRICT