



Tuesday, October 8, 2019
REGULAR MEETING OF THE BOARD OF TRUSTEES

5:30 p.m. Closed Session
7:00 p.m. Public Session

333 East 8th Street
Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on KGPC, 96.9FM, and Peralta TV on Cable Channel 27 in Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont and Channel 99 on AT&T U-Verse. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on BoardDocs: <https://www.boarddocs.com/ca/peralta/Board.nsf>

Link on the Peralta Board Website: <http://web.peralta.edu/trustees/>

The meeting can also be viewed Live on Peralta College's YouTube link:

https://www.youtube.com/channel/UCTEVyZCQ1p_yqMRafmQFUww

PLEASE TURN OFF YOUR CELL PHONES DURING THE MEETING - THANK YOU!

1. CLOSED SESSION

Subject

1.1 Public Comment on Closed Session Items

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

Subject

1.2 Conference with Labor Negotiator Whittaker, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

Information

Subject

1.3 Public Employee Appointment (Government Code Section 54957)

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

Information

Subject

1.4 Public Employee Discipline/Dismissal/Release

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.

Subject

1.5 Public Employee Evaluation

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.

- Chancellor
- Chancellor Transition Plan

Subject

1.6 Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

1. CLOSED SESSION

Type

Information

- Conference with Legal Counsel (54956.9(a)), Payne v. Peralta Community College District, U.S. District Court, Northern District of CA, Case No. 3:16-cv-04390-MMC.
- Conference with Legal Counsel (54956.9(a)), Webb v. Peralta Community College District, Alameda County Superior Court Case No. RG18909473.
- Conference with Legal Counsel (54956.9(a)), Margoiles v. Peralta Community College District, Alameda County Superior Court Case. RG18905036.
- Stanford Health Care v. Peralta Community College Dist. Pre 7/2004 Retiree Benefit Plan, Santa Clara County Superior Court case no. 19CV342458
- Herrera v. Peralta Community College District et.al, Alameda Superior Court case no. RG18932402
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (3 cases).

2. OPEN SESSION

Subject

2.1 Call to Order

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Procedural

Subject

2.2 Pledge of Allegiance

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Procedural

Subject

2.3 Roll Call

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Procedural

Subject

2.4 Report of Action Taken in Closed Session

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

Subject

2.5 Approval of the Agenda

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Action

Subject

2.6 Approval of the Minutes

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Action, Minutes

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

No

Budgeted

No

Subject

2.7 Associated Student Government Reports

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

Subject

2.8 Peralta Classified Senate Report

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

Subject

2.9 District Academic Senate Report

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

Subject

2.10 Public Communication

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

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/>

Subject

2.11 Chancellor's Reports

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

2. OPEN SESSION

Type

Information

- Foundation update
- Enrollment update
- Facilities update
- ACCJC Report
- Update on Recovery Accountability & Sustainability Action Plan (FCMAT)

File Attachments

[190924 DGS Board Update_v.2a_FINAL.pdf \(5,742 KB\)](#)

[Chancellor's Report 10.08.19 \(v2\).pdf \(102 KB\)](#)

3. CONSENT CALENDAR - BOARD MATTERS

Subject

3.1 Consider Approval of Out of State Travel pursuant to Board Policy 7400.

Presenter: Chancellor White

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

3. CONSENT CALENDAR - BOARD MATTERS

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Budgeted

Yes

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Name	Travel Location	Dates
Ashley Flores	Portland, OR - 2019 NASPA Western Regional Conference	November 1, 2019 - Novem

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

Recommend Approval

File Attachments

[Out of State Travel Ratify 10-8-19.pdf \(235 KB\)](#)

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.

Subject

3.2 Consider Ratification of Out of State Travel pursuant to Board Policy 7400.

Presenter: Chancellor White

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

3. CONSENT CALENDAR - BOARD MATTERS

Type

Action (Consent)

Preferred Date

Dec 11, 2018

Absolute Date

Dec 11, 2018

Fiscal Impact

Yes

Budgeted

Yes

Name	Travel Location	Dates
Linda Handy	Congressional Black Caucus Annual Legislative Conference	September 10, 2019 - Septem
Herbert Kitchen	Congressional Black Caucus Annual Legislative Conference	September 10, 2019 - Septem

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

File Attachments

[Out of State Travel Ratify 10-8-19.pdf \(259 KB\)](#)

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4. CONSENT CALENDAR - ACADEMIC AFFAIRS

Subject

4.1 Consider Approval for College of Alameda to Accept the California Community College Chancellor's Office Key Talent Administration and Sector Strategy Sub-Grant in the Amount of \$200,000 to Host the Bay Area Region Deputy Sector Navigator for Advanced Transportation & Logistics. Presenter: President Karas

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

4. CONSENT CALENDAR - ACADEMIC AFFAIRS

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$200,000.00

Budgeted

Yes

Budget Source

California Community College Chancellor's Office (CCCCO), through Rancho Santiago Community College District as Fiscal Agent

Goals

C: Build Programs of Distinction

D: Strengthen Accountability, Innovation and Collaboration

B: Engage and Leverage Partners

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

College of Alameda has been awarded a grant of \$200,000 from the CCCCCO Workforce and Economic Development Division's Key Talent Administration and Sector Strategy grant to host the Bay Area region Deputy Sector Navigator (DSN) for Advanced Transportation & Logistics. The portfolio responsibilities for the DSN for Advanced Transportation & Logistics correlates to several College of Alameda programs, such as Automotive Technology, Aviation Maintenance Technician, Diesel Mechanics, Logistics, and Auto Body and Repair.

College of Alameda benefits from hosting a deputy sector navigator through increased exposure and connection to business and industry leaders, which can support membership on program advisory committees. Faculty have access to an individual dedicated to building regional networks and alignment with educational partners. This leverage can expand awareness of internships and pre-apprentice opportunities for CoA/PCCD students. Through these connections our programs are more responsive to community needs. CoA can also be an event/workshop/training location for the DSN, which creates synergy between CoA and regional partners.

The Deputy Sector Navigator grant is to be used to coordinate with industry, colleges and high schools to determine short and long-term skillset training needs and provide effective new and incumbent worker training, promote advanced transportation and logistic support for future initiative development and provide technical assistance within and outside the region to companies and community colleges.

The regional director works with representatives of business and industry labor, professional trade associations, government organizations and colleges within the region to explore, develop, manage and maintain effective partnerships or collaborative that enable new and incumbent workers to become more competitive in their region's labor market.

The grantee will support and improve regional workforce training within the sector (advanced transportation and logistics) for entry level and incumbent workers; and partner with regional employers, community colleges, high schools, Workforce Development Boards, and Regional Occupation Centers and Programs (ROCPs) on curriculum and certificate development and program alignment, and offering contract education, credit, and non-credit training.

Deliverables and Scope of Work:

The Deputy Sector Navigator grant for Advanced Transportation & Logistics is to be used to coordinate and collaborate regionally, and to develop effective sector partnerships with employers, regional consortium, community colleges, high schools, ROPs, Workforce Investment Boards (WIBS), and other regional organizations to ensure a skilled workforce in support of the regional economy and industry sector and to establish career pathways for the regional community into those economies.

The Regional Director for Advanced Transportation and Logistics annual work plan has the following deliverables/activities to the State Sector Navigator:

- Provide incumbent worker training to government partners.
- Collaborate with faculty to identify curriculum modifications and facilitate the development of new courses
- Collaborate with COE to prepare regional Sector Profile
- Identify needs of employers regarding logistics jobs
- Assist the region's heavy duty/diesel programs transition to E.V.
- Collaborate and partner with high school programs in advanced transportation
- Promote use of certificates in high school programs.
- Expand awareness of internships and pre-apprentice opportunities
- Collaborate with aviation faculty to determine training needs
- Collaborate with regional automotive programs to identify and structure future regional programs
- Support the region's colleges develop drone-related programs
- Provide training to industry partners

A full list of all program activities is outlines in Appendix B of the agreement.

Anticipated Completion Date:

September 30, 2020

Evaluation and Recommended Action:

Approve acceptance of the Grant for Advanced Transportation at College of Alameda from the California Community College Chancellor's Office in the amount of \$200,000.

The Chancellor recommends approval.

File Attachments

[Rancho Santiago CCD Grant Sub Agreement Regional Director CoA 9.18.19.pdf \(6,639 KB\)](#)

[CCCCO Key Talent Info.pdf \(159 KB\)](#)

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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.

5. CONSENT CALENDAR - FACILITIES

Subject

5.1 Consider Approval of Change Order No. 2 to the Contract with Bay Construction for the College of Alameda Veterans Center Phase II ("VET 2") Project to Extend the Contract Time by 186 Days. At the same time, the Board of Trustees is Asked to Consider Acceptance of the VET 2 Project and Release 10 % Retention to Bay Construction. Presenter: Vice Chancellor Sata

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$6,124.35

Budgeted

Yes

Budget Source

Measure A (Fund 63)

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

The goal of the VET 2 Project at College of Alameda was to improve way finding and accessibility along the existing path of travel to the Veterans Center and to improve the appearance of entries to offices and program space on the campus. On November 15, 2016 Bay Construction was awarded the general contract for \$67,000.00. On September 14, 2017, the Board approved Amendment #1 to the contract to update the terms and conditions of the contract. On November 13, 2018, the Board approved Amendment # 2 to the contract to account for a Deductive Change Order #1 in the amount of -\$5,756.59. While working to complete the VET 2 Project, Bay Construction experienced difficulties with defective hardware and associated installation issues, which delayed final project completion past the contract end date. A time extension was required to allow for the completion of the VET 2 Project.

The scope of work for the VET 2 Project, including all punch list work was completed on August 5, 2019.

Contract Summary:		
Document	Approved Amount	Board Approval
Original Contract	\$67,000.00	11/15/16
Amendment # 1 (Additional terms and conditions)	\$0.00	9/14/17
Amendment #2 (Change Order #1)	-\$5,756.59	11/13/18
Change Order #2	\$0.00	Pending 9/24/19
Contract Sum	\$61,243.41	

Bay Construction Co. is located in Oakland at 4026 Martin Luther King Jr. Way, Oakland, CA 94609

Deliverables and Scope of Work:

Bay Construction replaced three interior doors and modified and/or replaced two exterior doors. In addition the entity added automatic door operating systems to exterior doors and glaze panels to all five doors. The automatic door operating systems were not required for code compliance but improved accessibility for the Veterans Center. The glazed panels allow persons on both sides of the door to see through the door before it opens.

Anticipated Completion Date:

The project was fully completed on August 5, 2019. Following the Board of Trustees' acceptance of the project, the Chancellor will execute a Notice of Completion ("NOC") and the NOC will be filed with the County of Alameda.

Evaluation and Recommended Action:

The Vice Chancellor of General Services, Vice Chancellor of Finance, Administration, and Chancellor recommend both the approval of Change Order No. 2 to extend the contract time by 186 days and acceptance of the project and release of the 10% retention to Bay Construction.

File Attachments

[Bay Construction_ COA VET CO #2_3450359_1\(DMS\).PDF \(166 KB\)](#)

[Contract 16 17 01 Bay Construction plus bonds, ins.signed by Bay Constr.2017 02_02_3452783_1\(DMS\).PDF \(5,059 KB\)](#)

[Project Acceptance.Signed by College.2019 08 07_3450360_1\(DMS\).PDF \(95 KB\)](#)

[NOC_VET2_Bay Construction.pdf \(67 KB\)](#)

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Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

Subject

5.2 Consider Approval of an Independent Consultant Agreement for Construction Management Services with Swinerton Builders dba Swinerton Management and Consulting in the amount of \$1,271,000.00 for the Laney Locker Room Renovation and Interim Locker Room Project and Various Campus Modernization and Improvement Projects. Presenter: Vice Chancellor Sata.

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$1,271,000.00

Budgeted

Yes

Budget Source

Measure A

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

In December of 2017, the Department of General Services ("DGS") solicited Statement of Qualifications ("RFQ") from firms for the provision of Construction Management Services via RFQ 17/18-24. The RFQ was publically advertised and qualifications were received and reviewed by a committee composed of DGS staff, campus leadership, and classified staff. A total of seventeen (17) firms submitted responses to the RFQ. After a technical evaluation, fourteen (14) firms were determined qualified and at the July 10, 2018 Board of Trustees meeting, Resolution 18-19/12 ("Resolution") was approved. Per the Resolution, the Board accepted the list of fourteen (14) for use on various districtwide projects, subject to compliance with the requisite bidding, if and as applicable, and other District requirements.

On June 25, 2019, the Purchasing Department sent a Request for Proposal ("RFP") out to three vendors from the list of qualified construction management firms set forth in the Resolution. The vendors included Swinerton Management and Consulting ("Swinerton"), Roebbelen and Kitchell. The District sent the RFP to these three vendors because they were each under contract with PCCD for different scopes of services at the time, and were deemed to be more qualified for a project of this size and timeframe, than other vendors on the pre-qualification list.

Vendors were asked to submit comprehensive Statement of Proposals (“SOPs”) that included the following:

1. Introduction letter including firm background, project approach, and summary of relevant experience.
2. List key members of the project management team and their specific experience with community college projects and design-build projects.
3. List internal staff (or consultants) expected to support project managers (principal in charge, scheduler, cost estimator etc.).
4. Three recent community college and/or design-build references with email and phone numbers.
5. Fee: Include a rate and time commitment for DB manager. Include allowance for .5FTE for the period from August 2019 – December 2021 for a small projects PM. Provide rate and time commitment for additional staff, if necessary.
6. Schedule: include schedule for DB effort and interim housing effort.
7. Provide other standard forms and documents as required by Purchasing.
8. Provide construction management to various projects in support of the Laney Facilities Director.

SOPs were scored in the following way:

(100 Pts Total)

1. Experience of firm working with community colleges and design-build projects (25 points)
2. Experience of individual team members working with community colleges and design-build projects (25 points)
3. Availability of team members to start project immediately (10 points)
4. Quality of projects shown, not more than five (5 points)
5. References (5 points)
6. Fee (25 points)
7. Schedule (5 points)

Kitchell did not submit a SOP. Roebellen and Swinerton both submitted SOPs, which were reviewed by a selection committee consisting of two DGS managers and the Facilities Director from Laney College.

Swinerton Management and Consulting was selected as the most qualified vendor and DGS now requests that the Board of Trustees approves the Independent Consultant Agreement for Construction Management Services with the vendor.

Swinerton Management is a San Francisco based company and is located on 260 Townsend Street, Suite A San Francisco CA 94017. Mr. Jeffery Gee is the Managing Director of the office. phone (415) 421-2980 website: www.swinerton.com

Deliverables and Scope of Work:

The responsibilities and services of the Construction Manager are set forth in detail in **Exhibit “A”** to the Independent Consultant Agreement for Construction Management Services. In general the Construction Manager will provide the following services under this contract:

- Direct oversight and management of the contractor and subs on site.
- Oversee and manage daily activities and monitor and document progress for PCCD.
- Work with consultants through DSA submission and overall approval and close-out process.
- Oversee and bidding and advertising of the project.
- Schedule and phase all work related to the project.
- Provide updates to stakeholders on a monthly/quarterly basis.
- Monitor Master Schedule and provide updates related thereto.
- Perform commissioning services and ensure proper close-out of the project.
- Provide construction management support to the Laney College Director of Facilities.

All work will be performed with compliance to code regulations as required.

Anticipated Completion Date:

Swinerton will begin to perform the scope of services set forth in the Independent Consultant Agreement for Construction Management Services after the contract is approved by the Board of Trustees. The term of the contract is from September 25, 2019 through December 31, 2021.

Evaluation and Recommended Action:

Swinerton has been working with PCCD for the past several years on various complex projects at Laney College. They have provided construction management services for the following projects: (1) elevator modernizations; (2) HVAC upgrades in chemistry and biology labs; and (3) Laney Leaks Phase I and Phase II. In addition, Swinerton has provided support to the Laney College campus Facility Director on an as-needed basis.

A review of the vendor was sent to the college and staff reported that they were satisfied with the work that has been completed on previous projects on the campus, and did not express any reservations on using Swinerton in the future.

Approval of Independent Consultant Agreement for Construction Management Services with Swinerton in the amount of \$1,271,000.00 for the Laney Locker Room Renovation and Interim Locker Room Project and Various Campus Modernization and Improvement Projects. The Vice Chancellor of General Services, College President and Chancellor recommend approval of this contract.

File Attachments

[Resolution CM-PM Services 2018_3452554_1\(DMS\).PDF \(277 KB\)](#)

[Independent Consultant Services Agreement \(Swinerton Laney Locker Room\)\(DWK.9.12.pdf \(282 KB\)](#)

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Subject

5.3 Consider Acceptance of the Laney Leak Remediation Buildings A, F, and G - Phase 2 Project at Laney College and Release of 5% Retention to W. E. Lyons Construction Co. Presenter: Vice Chancellor Sata.

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$157,008.15

Budgeted

Yes

Budget Source

Measure A (Fund 63)

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

The District entered into a contract with W.E. Lyons Construction Co. to provide construction services for the Laney Leak Remediation of center courtyard A, center courtyard G, and all courtyards at Building F at Laney College. The scope of work in the construction agreement included repair work to fix leaks at various locations below courtyards A, F, and G due to faulty construction previously performed by another contractor.

The Governing Board of Trustees awarded the Leak Remediation for Laney College Buildings A, F, & G – Phase 2 Agreement (Bid No. 17-18/28) to W. E. Lyons Construction Co. at the May 8, 2018 meeting in the amount of \$3,057,545.00. A Notice to Proceed (NTP) was issued with a start date of May 29, 2018, and a project duration of 138 calendar days to Final Completion.

Thereafter the Board approved two (2) Change Orders on the project that totaled 2.7% of the original contract amount (\$82,617.92), as described below.

Contract	Approved Amount	Time Extension	Board Approval Date
Original Contract	\$3,057,545.00	N/A	5/8/18
Change Order No. 1	\$0.00	138 days	12/11/18
Change Order No. 2	\$82,617.92	214 days	7/23/19
New Contract Sum	\$3,140,162.92		

W. E. Lyons remediated the leaks directly below the courtyards of Buildings A, F, and G per plans and specifications provided by Alana Buick and Bers. The project scope of work including all change order work, punchlist, and/or project related work was completed on August 28, 2019.

W. E. Lyons Construction Co. is the General Contractor and has been in business since 1926. Greg Lyons is the current President of the company.

Contact Information

1301 Ygnacio Valley Road, Walnut Creek, CA 94598

925-658-1600

www.welyons.com

Deliverables and Scope of Work:

W. E. Lyons Construction Co. has fulfilled its contractual obligations by completing the project scope set forth in the construction agreement. The deliverables and/or services provided included the provision of a watertight environment at courtyards A, F, and G, closeout documentation, and as-builts per the construction documents. The Final Completion date for the project was August 28, 2019. As a consequence, and in light of the successful completion of the project, the next action is the execution of the Notice of Completion (NOC) and release of the remaining 5% retention in the amount of \$157,008.15.

Anticipated Completion Date:

The project was fully completed on August 28, 2019. Following the Board of Trustees' acceptance of the project, the Chancellor will execute the NOC and the NOC will be filed with the County of Alameda.

Evaluation and Recommended Action:

The Facilities Project Manager, Director of Capital Projects and Facilities, Director of Finance and Administration, and Chancellor recommend the Acceptance of the Laney Leak Remediation Buildings A, F, and G - Phase 2 Project at Laney College and the Release of 5% retention to W. E. Lyons Construction Co.

File Attachments

[Cert of Substantial Completion signed_3449923_1\(DMS\).PDF \(477 KB\)](#)

[WEL NOC signed by Chancellor in advance of Board Approval_3452634_1\(DMS\).PDF \(86 KB\)](#)

[W.E. Lyons Full Contract with Amendments.pdf \(3,695 KB\)](#)

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Subject

5.4 Consider Approval of Amendment No. 5 to C. Overaa & Co.'s Agreement with the District to Cover Change Orders #5 and #6 for a time extension of 132-Calendar Days and an Increase in the Contract Amount Not-to-Exceed \$35,528.00 for the College of Alameda New Center for Liberal Arts Project. Presenter: Vice Chancellor Sata.

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

5. CONSENT CALENDAR - FACILITIES

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$35,528.00

Budgeted

Yes

Budget Source

Measure A

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

The New Center of Liberal Arts Project includes the construction of a new classroom building at the College of Alameda. Following a formal procurement process, the District entered into contract with C. Overaa & Co. in February 2017, to provide Design-Bid-Build Services for the construction of the new classroom building at the campus.

Subsequently, the Board approved Change Orders No. 1 through 4. These Change Orders are shown in Table 1.1.

Table 1.1

Contract	Approved Amount	Board Approval Date
Original Contract	\$31,465,000.00	9/25/18
Change Order No. 1	\$ 484,505.00	11/13/18
Change Order No. 2	\$ 347,083.01	3/12/19
Change Order No. 3 – Presented via Amendment No. 3	\$ 56,265.00	5/28/19
Change Order No. 4 – Presented via Amendment No. 4	\$ 0.00	9/10/19
Change Order Total	\$887,853.01	

The Board is now asked to approve Change Order No. 5 and Change Order No. 6.

Change Order No. 5 includes three proposed change orders (“PCO”). The scope of work and services set forth in Change Order No. 5 stemmed from owner and Alameda Municipal Power initiated requests for the Contractor to provide additional services.

Change Order No. 6 is for time extension of 132- Calendar Days which will re-establish a new substantial completion date from 9/11/10 to 1/21/20. The pushed out substantial completion date resulted from DSA review and approval delays that caused the project to start later than anticipated.

The Change Order Scopes are detailed below in Table 1.2.

Table 1.2

Change Order No. 5		
Proposed Cost #30 (PCO #30)	Furnish and install permanent fiber and copper cabling from existing Building A/MDF Room to Cougar & Diesel Mechanic Shop (Owner Request)	\$28,556.00
Proposed Cost #37.1 (PCO #37.1)	Alameda Municipal Power (AMP) request for civil drawings to identify existing conditions on Atlantic Blvd (opposite side of project) where trenching, boring and permanent power connections to occur. (Agency Request)	\$17,698.00
	Deductive change for bolts and collar re-inspection and testing fees caused by steel subcontractor. District is not responsible for DBE/subcontractor negligence. (Owner Initiated)	(\$10,726.00)
	TOTAL:	\$35,528.00
Change Order No. 6		

	Time extension of 132 -Calendar Days. Project started later than anticipated due to DSA delays.	\$0.00
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For clarity, the previously approved Change Orders and both pending Change Orders are listed below with the accompanying Board approval dates.

Contract	Approved Amount	Board Approval Date
Original Contract	\$31,465,000.00	9/25/18
Change Order No. 1	\$ 484,505.00	11/13/18
Change Order No. 2	\$ 347,083.01	3/12/19
Change Order No. 3 – Presented via Amendment No. 3	\$ 56,265.00	5/28/19
Change Order No. 4 – Presented via Amendment No. 4	\$ 0.00	9/10/19
Change Order No. 5 – Presented via Amendment No. 5	\$ 35,528.00	Pending 10/8/19
Change Order No. 6 – Presented via Amendment No. 5	\$ 0.00	Pending 10/8/19
New Contract Sum	\$32,388,381.01	

C. Overaa & Co. is a Design Bid/Build General Contractor that provides design and construction services.

Contact Information

C. Overaa Co.
200 Parr Boulevard, Richmond, CA 94801
Phone: 510-234-0926 | Mobile: 510-719-0446
www.overaa.com

Deliverables and Scope of Work:

Change Order No. 5 is a combination of owner initiated work related to unforeseen conditions and an Alameda Municipal Power request for civil drawings to identify existing conditions. A deductive change order to compensate the District for the costs associated with bolts and collar re-inspection and testing fees is also included in Change Order No. 5.

Specifically, the Contractor will furnish and install permanent fiber and copper cabling between the existing Building A MDF Room to the Cougar & Diesel Mechanic Shop. Additionally, civil drawings will be prepared to identify existing conditions where trenching, boring and permanent power connections are planned.

Change Order No. 5 adds no additional days to the project schedule.

Change Order #6 is a no cost time extension of 132 -Calendar Days which allows the project schedule to re-establish a new final completion date of 3/23/20. The project started later than anticipated in the original baseline schedule due to DSA delays.

Anticipated Completion Date:

The Final Completion Date for the Project is March 23, 2020.

Evaluation and Recommended Action:

The Project Manager, Vice Chancellor of the Department of General Services, and Chancellor recommend approval of Amendment No. 5 to C. Overaa Co.'s Agreement with the District to cover Change Order No. 5 and Change Order No. 6 for a time extension of 132- Calendar Days and an increase in the contract Amount Not-to-Exceed \$35,528.00.

File Attachments

[Overaa Amendment 5 \(9.27.pdf \(25 KB\)\)](#)

[Overaa Contract + Amendment 1-4.pdf \(4,732 KB\)](#)

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.

6. ACTION ITEMS

Subject

6.1 Consider Ratification of Amendment No. 3 to the Agreement for Professional Services with Taylor Design to Extend the Contract Time by 132 Days for the Locker Room Title IX Project at Laney College. Presenter: Vice Chancellor Sata.

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action (Consent)

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

No

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

The District entered into an Agreement for Professional Services with Taylor Design to provide architectural design services on the Locker Room Title IX Project at Laney College on 1/24/17. The original value of the contract was for \$188,460 and had a completion date of 12/31/18. At that time, the Locker Room project was limited to addressing the facilities corrections required by the Resolution Agreement associated with the Office of Civil Rights case No. 09-14-2331. The Resolution Agreement focused exclusively on improving services and facilities to support female athletes.

Subsequent to the approval of the District's original Agreement with Taylor Design, the District decided to consider a more comprehensive project to improve the general locker room suites in addition to making improvements in locker room facilities directly associated with the women's sports teams. The change in the project's scope was formally documented by two amendments to the Agreement.

Amendment No. 1 to the Agreement increased the scope of services with the addition of a feasibility study for an additional \$79,095. The deliverables for Amendment No. 1 included programming, evaluation of existing conditions, analysis of code compliance, conceptual design, and cost estimating to support decision-making regarding a potential project at the Locker Room facility. The new contract amount was \$267,555.

Amendment No. 2 clarified and reduced the scope of Services under the original Agreement. Amendment No. 2 also extended the completion date of the Agreement by 141 days to May 21, 2019.

Amendment No. 3 further extended the completion date by 132 calendar days. Additional time was needed to ensure that the completed schematic design reflected the input received from the participating stakeholders and Laney College user groups. The completion date was 9/30/19.

A summary of the original contract amount and amendments are noted below and are attached.

Contract	Approved Amount	Time Extension	Board Approval Date
Original Contract	\$115,000.00	N/A	1/24/17
Typo correction	\$73,460.00	0 days	5/9/17
Amendment No. 1	\$79,095.00	0 days	9/12/17
Amendment No. 2	-\$8,824.27	141 days	3/26/19
Amendment No. 3 (this item)	\$0.00	132 days	Pending 10/8/19
New Contract Sum	\$258,730.73		

Deliverables and Scope of Work:

1. Amendment No. 3 - Complete and provide schematic design documents – Add cost \$0.00. Add time 132 days.

Anticipated Completion Date:

Project was completed by 9/30/19.

Evaluation and Recommended Action:

The Facilities Project Manager, Vice Chancellor for Department of General Services, Director of Finance and Administration, and Chancellor recommend the ratification of Amendment No. 3 to the Agreement for Professional Services with Taylor Design to extend the contract time by 132 days for the Locker Room Title IX Project at Laney College.

File Attachments

[Taylor Design-Original Agreement and Amendment 1-2.pdf \(14,498 KB\)](#)

[Amendment 3-Taylor Designs - Professional Services.pdf \(102 KB\)](#)

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.

Subject

6.2 Consider Adoption of Resolution No. 19/20-08 Declaring the Futility of Public Bidding for Previously Performed Work Arising from Unforeseen Conditions and Approving Change Orders No. 5 through 9 to Ojo Technology, Inc.'s Construction Agreement for the Laney College, Merritt College, and District Administrative Center Emergency Blue Phones Project in the amount of \$96,343.48. Presenter: Vice Chancellor Sata

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$96,343.48

Budgeted

Yes

Budget Source

Measure A, E and Scheduled Maintenance (Funds 63, 65 and 61)

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

The Governing Board of Trustees awarded the initial construction contract to OJO Technology, Inc. on March 13, 2018 for the Emergency Blue Phone Project at Laney College, Merritt College, and the District Administrative Center, in the amount of \$1,239,737.00.

A formal bid (Bid No. 17-18/06) was conducted for this project in compliance with Public Contract Codes Section 20651 with a bid opening that was held on December 7, 2017.

A total of two vendors bid on the project, but one bid was delivered late, and as a result was rejected by the administration in accordance with Board Policy, and OJO Technology, Inc., was selected as the lowest responsible and responsive bidder. Following award of the contract, OJO Technology, Inc. commenced work on the project. Subsequently, the Board approved Change Orders No. 1 through 4. These Change Orders are shown in Table 1.1.

Table 1.1

Change Order No.	Requestor	Description of Change	Reason for Change	Price
1	Owner	Installation of fiber optic wiring and media converters to Emergency Blue Phones at Laney.	Fiber solution required for Blue Phones to remain on 24/7.	\$57,075.51
2	Owner	Upgrade of electrical circuit for L33 emergency phones.	Electrical circuits supporting L33 emergency phones did not meet code requirements.	\$ 659.70
3	Owner	Relocate tower, install enclosure and remove M049C.	Current location was not visible to students.	\$17,296.90

4	Owner	Install new underground conduit at Laney parking lot.	Current conduit to four emergency phones was blocked and unable to be repaired.	\$29,496.51
Total (Change Orders):				\$104,528.62

The above listed previously approved Change Orders No. 1 through 4, account for 9.37% of the base bid which was below the statutory threshold of 10% of the original contract price.

The Board is now asked to approve a resolution declaring the futility of public bidding for previously performed work requested by the District that arose from unforeseen conditions and approve Change Orders No. 5 through 9 to the contract as described in Table 1.2.

Table 1.2

Change Order No.	Requestor	Description of Change	Reason for Change	Price
5	Owner	Installation of new conduits and inner ducts for Emergency Phones (L31-L34).	The existing conduits in sections of the Laney breezeway conduit tracks were not large enough to accommodate more cable. New conduits of proper dimensions were installed to allow for the project to proceed.	\$19,748.38
6	Owner	Installation of new conduits and inner ducts for Laney College Library Basement & Fitness Center.	The existing conduits in the Laney Library basement and sections of the Fitness Center were an inadequate size to accommodate cable. New conduits were installed to accommodate new fiber optic cables.	\$ 8,901.00
7	Owner	Provision of testing of existing cables to support Emergency Phones # M-01, M-02, M-03 & M-04 at Merritt College.	This change order allowed for the testing of the existing underground cables connecting all four phones in order to determine functionality. Some sections of the underground conduit were found to be damaged; this test determined the extent of the damage.	\$4,554.00
8	Owner	Installation of network extenders on existing cables to provide voice, data/video between Phones # M-01, M-02, M-03 and M-04 at Merritt College.	This change order allowed for a determination of the resiliency of the existing cables between all four phones. After the testing was completed, the District was able to install network extenders rather than the more expensive option of underground trenching to extend service.	\$25,793.10
9	Owner	Installation of additional Emergency Phone at swimming pool area at Laney College.	The swimming pool area phone was removed from the project scope during the value engineering process in order to reduce the entire project budget. During construction, the college requested that the phone be added back in because the college deemed the swimming pool a critical location that needed an operational emergency phone for public safety reasons. This change order represents the costs associated with the installation of a new emergency phone in the swimming pool area.	\$37,347.00

Total (Change Orders):	\$96,343.48
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OJO Technologies, Inc., an Alameda County based company, is located at 103 Hammond Ave, Fremont, CA 94539. The President and CEO is Angie Wong.

Deliverables and Scope of Work:

Change Orders No. 5 through 9 were all owner initiated. Change Orders 5 through 8 were initiated due to unforeseen circumstances and unpredictable site conditions. These conditions included the discovery of: (1) conduits that were too small to house new cable; and (2) damaged preexisting underground conduits and inoperative phones that required testing. Change Order 9, the addition of a phone in the swimming pool area at Laney College, was initiated to fulfill the College's request that a phone be included in Phase I of the work instead of during Phase II as planned.

The new set of Change Orders No. 5 through 9 for which approval is being sought, is listed below. For clarity, the previously approved Change Orders No. 1 through 4 are also listed below with the accompanying Board approval dates.

Description	Amount	Board Approval Date
Original Contract - Base Bid	\$1,115,763.30	March 13, 2018
Original Contract - Contingency	\$123,973.70	March 13, 2018
Change Order #1	\$57,075.51	November 13, 2018
Change Order #2	\$659.70	November 13, 2018
Change Order #3	\$17,296.90	November 13, 2018
Change Order #4	\$29,496.50	November 13, 2018
Total:	\$1,344,265.61	
Change Order #5	\$19,748.38	Pending
Change Order #6	\$8,901.00	Pending
Change Order #7	\$4,554.00	Pending
Change Order #8	\$25,793.10	Pending
Change Order #9	\$37,347.00	Pending
Sub-Total:	\$96,343.48	
Grand Total:	\$1,440,609.09	
Cumulative Change Orders as a percentage of contract including Change orders CO#1, CO#2, CO#3, CO#4, CO#5, CO#6, CO#7, CO#8 and CO#9		18.00%

Notwithstanding Public Contract Code section 20111, California law provides that, "Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply." (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694.) Accordingly, public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (See *Los Angeles Dredging Company v. City of Long Beach* (1930) 2 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631).

Based on the above-mentioned circumstances, it would have been incongruous, futile, and unavailing to solicit public bids for the above-described work arising from unforeseen conditions set forth in Change Orders No. 5 through 9 for the following reasons: (1) the scope of services set forth in the Change Orders were supported by documentation submitted by the Contractor; (2) the amounts contained in the Change Orders were reviewed by District staff and determined to be reasonable; (3) if a new contractor was brought in to perform the work necessitated by the differing conditions it would have resulted in waste and delay which would have come at the expense of the District; (4) if the District had been required to bid the necessary work, the prices of those bids would probably have been more than the price of the Change Orders because the Contractor was already mobilized on site; and (5) awarding the required

work to another Contractor could have created a potential dispute over the warranty for the original scope of work and the additional work if performed by a separate contractor.

Anticipated Completion Date:

All of the work set forth in Change Orders No. 5 through 9 has been completed. Additional work is required to close-out the project. The close-out of the project should be completed by September 30, 2019.

Evaluation and Recommended Action:

The Vice Chancellor for General Services, Vice Chancellor for Finance & Administration and the Chancellor recommend approval of the resolution declaring the futility of public bidding for previously performed work arising from unforeseen conditions and allowing for the approval and payment of Change Orders No. 5 through 9 in the amount of \$96,343.48.

File Attachments

- [Ojo Construction Change Order summary #05 - Conduits and inner-duct at Laney_3447125_1\(DMS\).PDF \(703 KB\)](#)
- [Ojo Construction Change Order summary #06 - Conduits and inner-duct at Laney library basement Fitness_3447127_1\(DMS\).PDF \(551 KB\)](#)
- [Ojo Construction Change Order summary #07 - Provide testing for existi \(Received 8.30.19\)_3448490_1\(DMS\).PDF \(720 KB\)](#)
- [Ojo Construction Change Order summary #08 - Merritt M1M2M3M4 on CAT \(Received 8.30.19\)_3448491_1\(DMS\).PDF \(2,874 KB\)](#)
- [Ojo Construction Change Order summary #09 - Additional Emergency Phon \(Received 8.30.19\)_3448492_1\(DMS\).PDF \(5,237 KB\)](#)
- [OJO Executed Contract Original \(in order\)_3452413_1\(DMS\).PDF \(1,715 KB\)](#)
- [RESOLUTION DECLARING THE FUTILITY OF PUBLIC BIDDING - CHANGE ORDER - OJO Technology_3446944_1\(DMS\).pdf \(46 KB\)](#)

Subject

6.3 Consider Ratification of an Independent Contractor/ Consultant Services Contract with Opening Technologies, Inc. to Assess and Repair Doors and Finish Hardware at the Laney College Campus in an Amount Not-to-Exceed \$14,804.50. This Ratification will Ensure Partial Compliance with the American with Disabilities Act (ADA) Requirements Addressed in the Payne v. Peralta Amended Consent Decree.

Presenter: Vice Chancellor Sata

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$14,804.50

Budgeted

Yes

Budget Source

Measure A (fund 63)

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

On March 14, 2019, the Board of Trustees adopted Resolution 18/19-66 which authorized District staff to take necessary measures required to expedite the retention of service providers required to ensure timely compliance with the provisions of the consent decree issued in the *Payne v. Peralta* civil action.

Accordingly, under the direction of Vice Chancellor Sata and with the support of legal counsel, the ADA Compliance Strike Team solicited a proposal from Opening Technologies, Inc. to assess and repair door and finish hardware at Laney College. The assessment and repair were necessary to ensure the District's partial compliance with ADA requirements identified in the District's remediation plan to address the *Payne v. Peralta* Amended Consent Decree.

Opening Technologies, Inc. provided a proposal for the scope of services, including trouble shooting and completion of minor repairs to the following doors at Laney College:

- Music Building - G170A, G174, G181A, G181B, G189A, G189B,
- Theater - TH 114, TH106, Theatre Storefront ADA operated doors,
- Student Center - Storefront ADA operated doors, 2nd Floor Men's and Women's restroom doors.

Under this agreement, Opening Technologies, Inc. will perform minor repairs and adjustments to the doors to ensure the doors' ADA operation components properly function. Any doors that cannot be brought to ADA operating standards and proper functionality will be written up and Opening Technologies, Inc. will provide proposals for bringing them up to ADA and functionality standards.

Opening Technologies, Inc. has serviced and installed doors and finish hardware at the District for several years. As such the vendor has valued institutional knowledge of how the existing doors and finish hardware operate.

Opening Technologies, Inc. is located at 2050 Commerce Avenue, Concord, CA 94520. Gary Allen is the Manager, Business Development Education Market for the company.

At this Board Meeting, the District is also requesting the ratification of the following contracts with Opening Technologies, Inc.:

Description of Contract	Amount	Date of Ratification
Laney ADA Door Repair and Review (this item)	NTE \$14,804.50	Pending Ratification 10/8/19
Laney Door & Hardware Replacement and Finish Hardware ADA Modification Project	NTE \$160,330.99	Pending Ratification 10/8/19
Laney Door and Finish Hardware Routine Maintenance Contract 3 years	NTE \$3,010,195.00	Pending Ratification 10/8/19
TOTAL	\$3,185,330.49	

Deliverables and Scope of Work:

Opening Technologies, Inc. will assess the above referenced doors and will complete necessary repairs. Any doors that cannot be brought into compliance with ADA and functionality standards will be assessed by Opening

Technologies, Inc. Recommendations will then be provided for the appropriate repairs, replacements and additions required to bring those doors within ADA compliance.

Anticipated Completion Date:

The term of this contract is from August 15, 2019 to October 31, 2019.

Evaluation and Recommended Action:

The Vice Chancellor of General Services, Vice Chancellor of Finance and Administration and Chancellor recommend ratification of the Opening Technologies, Inc. Independent Contractor/ Consultant Services Contract to assess and repair the above specified doors and finish hardware located on the Laney College Campus.

File Attachments

[Opening Tech.-- Contract.pdf \(893 KB\)](#)

[190514 Board Resolution Re. Consent Decree \(SR346548xD9697\) \(002\).pdf \(64 KB\)](#)

Subject

6.4 Consider Ratification of an Agreement for Construction Services with Opening Technologies, Inc. to Replace Doors and Finish Hardware at the Laney College Campus in the Amount of \$160,330.99. Presenter: Vice Chancellor Sata

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$160,330.99

Budgeted

Yes

Budget Source

Measure A

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

On March 14, 2019, the Board of Trustees adopted Resolution 18/19-66 which authorized District staff to take necessary measures required to expedite the retention of service providers required to ensure timely compliance with the provisions of the Amended Consent Decree issued in the *Payne v. Peralta* civil action.

Accordingly, under the direction of Vice Chancellor Sata and with the support of legal counsel, the ADA Compliance Strike Team solicited a proposal from Opening Technologies, Inc. to assess and repair door and finish hardware at Laney College. The assessment and repair were necessary to ensure District compliance with ADA requirements and the District's commitments in the Amended Consent Decree related to the Payne v. Peralta matter. Under a prior agreement, Opening Technologies, Inc. performed minor repairs and adjustments to the following doors:

- Music Building - G170A, G174, G181A, G181B, G189A, G189B,
- Theater - TH 114, TH106, Theatre Storefront ADA operated doors,
- Student Center - Storefront ADA operated doors, 2nd Floor Men's and Women's restroom doors.

In the course of Opening Technologies, Inc.'s performance of work under the prior agreement, the entity determined that the following doors could not be brought into compliance with ADA operating standards and proper functionality:

- Music Building – G170A, G189A and B, G181A and B, G174,
- Theater – TH106,
- Student Center – Storefront ADA operated doors, 2nd Floor Men's and Women's restroom doors.

Accordingly Opening Technologies, Inc. provided proposals to complete this work. The scope of work set forth in the proposals is the basis for the present Construction Services Agreement.

Opening Technologies, Inc. has serviced and installed doors and finish hardware at the District for several years. As such the vendor possesses valuable institutional knowledge of how the existing doors and finish hardware operate. Opening Technologies, Inc. is located at 2050 Commerce Avenue, Concord, CA 94520. Gary Allen is the Manager, Business Development Education Market for the company.

At this Board Meeting, the District is also requesting the ratification of the following contracts with Opening Technologies, Inc.:

Description of Contract	Amount	Date of Ratification
Laney College ADA Door Repair and Review	NTE \$14,804.50	Pending Ratification 10/8/19
Laney College Door & Hardware Replacement and Finish Hardware ADA Modification Project (this item)	\$160,330.99	Pending Ratification 10/8/19
Laney College Routine Maintenance Services Contract 3 years	\$3,010,195.00	Pending Ratification 10/8/19
TOTAL	\$3,185,330.49	

Deliverables and Scope of Work:

Description of Work	Building	Amount
Door 170A - Replace the pair of doors, and finish hardware to allow the doors to operate with new ADA actuator finish hardware.	Music Building	\$44,155.59
Doors G189A and G189B – Replace the ADA door actuator mechanism and hard wire electrically the door actuator.	Music Building	\$5,758.21
Doors G181A and G181B – Replace the ADA door actuator mechanism and hard wire electrically the door actuator.	Music Building	\$5,912.23
Door G174 – Replace the thumb turn and wiring to control the exterior ADA actuator.	Music Building	\$1,521.86
Door TH 106 – Replace the pair of doors, and finish hardware to allow the doors to operate with new ADA actuator hardware.	Theater Building	\$46,617.02
Main Entry Doors – Replace the pair of doors and finish hardware so doors operate properly.	Student Center	\$40,561.71
2 nd Floor Women's Restroom Door – Replace the ADA door actuators with new 36" long ADA door actuators.	Student Center	\$4,055.68

2 nd Floor Men's Restroom Door – Replace the ADA door operator and actuators with new operator and 36" long ADA door actuators.	Student Center	\$11,748.69
Total		\$160,330.99

Anticipated Completion Date:

The term of this contract is from September 10, 2019 to November 30, 2019.

Evaluation and Recommended Action:

The Vice Chancellor of General Services, Vice Chancellor of Finance and Administration and Chancellor recommend ratification of the Agreement for Construction Services with Opening Technologies, Inc. to replace doors and finish hardware for the above specified doors located on the Laney College Campus in an amount of \$160,330.99.

File Attachments

[NTP Door and Hardware ADA Modifications Executed.pdf \(57 KB\)](#)

[Door and Hardware ADA Modifications signed.pdf \(4,261 KB\)](#)

[190514 Board Resolution Re. Consent Decree \(SR346548xD9697\) \(002\).pdf \(64 KB\)](#)

Subject

6.5 Consider Ratification of a Contract for Routine Maintenance with Opening Technologies, Inc. to Provide Routine Maintenance Services for the Doors and Finish Hardware at the Laney College Campus for a One Year Contract with Two (2) One (1) Year Options for a Total of Three (3) Years in an Amount Not-to-Exceed \$3,051,384.00. This Ratification is Authorized by Resolution No. 18/19-66 in Support of Compliance with the Amended Consent Decree in the Payne v. Peralta Civil Action and is Required to Ensure that the District is in Compliance with the Terms of the Amended Consent Decree. Presenter: Vice Chancellor Sata

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$3,051,384.00

Budgeted

Yes

Budget Source

Measure A

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

On March 14, 2019, the Board of Trustees adopted Resolution 18/19-66 which authorized District staff to take necessary measures required to expedite the retention of service providers required to ensure timely compliance with the provisions of the consent decree issued in the *Payne v. Peralta* civil action.

Accordingly, under the direction of Vice Chancellor Sata and with the support of legal counsel, an ADA Compliance Strike Team was convened in order to ensure the District performed the remedial measures, and created the administrative procedures, outlined in the Amended Consent Decree in a timely manner.

Several of the remedial measures specified in the Amended Consent Decree relate to the retention of an outside contractor to inspect, repair, and maintain the exterior and ADA padded doors on the Laney College Campus. Specifically, the District agreed to retain a three-year maintenance contract with a contractor that would maintain the doors and finish hardware on the Laney College campus to ensure compliance with ADAAG and Title 24.

Consequently, the ADA Compliance Strike Team, solicited a proposal from Opening Technologies, Inc. to provide doors and finish hardware routine maintenance at the Laney College campus for a period of three (3) years. Although Opening Technologies, Inc.'s proposal originally anticipated an agreement for a term of three years, the District will be entering into a one year contract with two (2) one (1) year options for a total of three (3) years. Doing so provides the District with flexibility in years 2 and 3, should the bidding environment become more favorable. The Contract for Routine Maintenance is necessary to ensure District compliance with ADA requirements and the District's commitments in the Amended Consent Decree related to the *Payne v. Peralta* matter.

Contract Year	Amount
Year One – Oct. 1, 2019 to Sept. 30, 2020	NTE \$1,511,217.00
Year Two – Oct. 1, 2020 to Sept. 30, 2021	NTE \$775,562.00
Year Three – Oct. 1, 2021 to Sept. 30, 2022	NTE \$764,605.00
TOTAL	NTE \$3,051,384.00

Opening Technologies, Inc. has serviced and installed doors and finish hardware at the District for several years. As such the vendor possesses valuable institutional knowledge of how the existing doors and finish hardware operate.

Opening Technologies, Inc. is located at 2050 Commerce Avenue, Concord, CA 94520. Gary Allen is the Manager, Business Development Education Market for the company.

At this Board Meeting, the District is also requesting the ratification of two additional contracts with Opening Technologies, Inc. related to the Amended Consent Decree. All three contracts are listed in the following table:

Description of Contract	Amount	Date of Ratification
Laney College ADA Door Repair and Review	NTE \$14,804.50	Pending Ratification 10/8/19
Laney College Door & Hardware Replacement and Finish Hardware ADA Modification Project	\$160,330.99	Pending Ratification 10/8/19
Laney College Door and Finish Hardware Routine Maintenance Services Contract - 3 years (this item)	NTE \$3,051,384.00	Pending Ratification 10/8/19
TOTAL	\$3,226,519.49	

Deliverables and Scope of Work:

Opening Technologies, Inc. will furnish the Door and Finish Hardware Routine Maintenance Services detailed in Exhibit "A" to the Contract for Routine Maintenance. The Services performed pursuant to the one year maintenance agreement, with an option to extend the term for 2 additional one year periods, shall ensure District compliance with ADA requirements and its commitments under the Amended Consent Decree.

Anticipated Completion Date:

The term of this contract is from October 1, 2019 to September 30, 2020.

The terms of this contract allow the District to exercise an option to extend the term for 2 additional one year periods. (Year Two – Oct. 1, 2020 to Sept. 30, 2021 and Year Three – Oct. 1, 2021 to Sept. 30, 2022).

Evaluation and Recommended Action:

The Vice Chancellor of General Services and Chancellor recommend ratification of the Opening Technologies, Inc. Contract for Routine Maintenance for a one year contract with two (2) one (1) year options in an amount not-to-exceed \$3,051,384.00.

File Attachments

[Executed Opening Technology Routine Maintenance \\$3,051,384.00.pdf \(5,318 KB\)](#)

[190514 Board Resolution Re. Consent Decree \(SR346548xD9697\) \(002\).pdf \(64 KB\)](#)

Subject

6.6 Consider Approval of the Employment Agreement with Dr. Regina Stanback Stroud as Chancellor of Peralta Community College District. Presenter: President Bonilla

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

Yes

Dollar Amount

\$330,000.00

Budgeted

Yes

Budget Source

General Funds

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Consider approval of the Employment Agreement with Dr. Regina Stanback Stroud to serve as Peralta Community College District's Chancellor. The term of the Agreement is from October 21, 2019 to October 20, 2022 at an annual salary of \$330,000 with benefits. The terms have been agreed to by Dr. Stanback Stroud and the Employment Agreement is presented here for the Board's consideration.

File Attachments

[Peralta CCD Employment Agreement for Chancellor Stroud Final_ October 2019.pdf \(125 KB\)](#)

Subject

6.7 Consider Resolution #19/20-11 declaring October 14-18, 2019 as Undocumented Student Action Week. Presenters: Board of Trustees

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

6. ACTION ITEMS

Type

Action

Preferred Date

Oct 08, 2019

Absolute Date

Oct 08, 2019

Fiscal Impact

No

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Consider Resolution #19/20-11 declaring October 14-18, 2019 as Undocumented Student Action Week.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

The Chancellor recommends approval.

File Attachments

[Resolution 1920-11 undocumented students week.pdf \(69 KB\)](#)

7. REPORTS

Subject

7.1 Board of Trustees' Reports

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

7. REPORTS

Type

Information

8. ANNOUNCEMENTS

9. ADJOURNMENT

Subject

9.1 Meeting Adjournment

Meeting

Oct 8, 2019 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category

9. ADJOURNMENT

Type

Action