



Tuesday, April 27, 2021
REGULAR MEETING OF THE BOARD OF TRUSTEES

6:00 p.m. Closed Session
7:00 p.m. Public Session
333 East 8th Street
Oakland, CA 94606
VIRTUAL MEETING VIA ZOOM WEBINAR

NOTICE OF TELECONFERENCING IN COMPLIANCE WITH EXECUTIVE ORDER N-25-20
 Those that would like to view the meeting can do so Live on Peralta College's YouTube link:
https://www.youtube.com/channel/UCTEVyZCQ1p_yqMRafmQFUww

PUBLIC COMMENTS

In order to equitably facilitate public comments, the following is required:
 Those participating in public comment are required to register (no later than 12:00 p.m. the day of the meeting) for the webinar at the following link:
https://zoom.us/webinar/register/WN_yw99kh2nSFGNudI6VJFIcw
 After registering, you will receive a confirmation email containing information about joining the webinar.

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 6:00 P.M.

Subject	1.1 Public Comment on Closed Session Items
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 21, 2020
Absolute Date	Apr 21, 2020

1. CLOSED SESSION 6:00 P.M.

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

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

1. CLOSED SESSION 6:00 P.M.

Subject **1.3 Public Employee Appointment (Government Code Section 54957)(15 minutes)**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

1. Recommendation to appoint Natalie Rodriguez as the Director of Student Activities and Campus Life, College of Alameda.
2. Recommendation to appoint Garth Kwiecien as the Vice President of Administrative Services, Merritt College.
3. Recommendation to appoint Immaculate Adesida as the Director of Human Resources.

1. CLOSED SESSION 6:00 P.M.

Subject **1.4 Public Employee Discipline/Dismissal/Release**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

1. CLOSED SESSION 6:00 P.M.

Subject	1.5 Public Employee Evaluation
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action

1. CLOSED SESSION 6:00 P.M.

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

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

2. OPEN SESSION 7:00 P.M.

Subject	2.1 Call to Order
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Procedural

2. OPEN SESSION 7:00 P.M.

Subject	2.2 Pledge of Allegiance
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Procedural

2. OPEN SESSION 7:00 P.M.

Subject	2.3 Roll Call
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Procedural

2. OPEN SESSION 7:00 P.M.

Subject **2.4 Affirmation of the Statement of Cooperation**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Procedural

We the Peralta Community College District Board of Trustees commit to the following in our efforts to help students reach their educational goals:

1. We agree to listen and seek to understand others and opposing viewpoints with the expectation of good intentions and a deep commitment to the District's students.
2. We commit to being prepared for each meeting and to work within our established communication protocols when we seek additional information. Members will review the agenda in advance of each meeting and adhere to Board Policy 2340 for adding items to the agenda.
3. We have reviewed the Board's Code of Ethics and commit to reviewing it annually at our organizational meeting to remind ourselves of the behavior we are to exhibit and the guidelines we are to follow in our role.
4. If the Code of Ethics is violated, we commit to follow the process stated in the Code and will first address concerns informally to settle disagreements one-on-one between and among members before moving to the formal process.
5. We agree that from time to time, the Chair will remind members of appropriate behavior and may call for a recess or redirect members if they stray from the topic of discussion.
6. We collectively recognize that it is within the duties and authority of the Chair to render decisions or take actions to keep our meetings on track in adherence to Board policy.
7. We will strive to fulfill the vision we established for ourselves.
8. We will model the behavior we want others to exhibit.

File Attachments

[PCCD Cooperation Statement.final fully signed.pdf \(427 KB\)](#)

2. OPEN SESSION 7:00 P.M.

Subject	2.5 Report of Action Taken in Closed Session
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Information

2. OPEN SESSION 7:00 P.M.

Subject	2.6 Approval of the Agenda
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	No

2. OPEN SESSION 7:00 P.M.

Subject	2.7 Approval of the Minutes
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action, Minutes
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	No
Budgeted	No

2. OPEN SESSION 7:00 P.M.

Subject	2.8 Associated Student Government Reports
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Information

2. OPEN SESSION 7:00 P.M.

Subject	2.9 Peralta Classified Senate Report
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Information

2. OPEN SESSION 7:00 P.M.

Subject	2.10 District Academic Senate Report
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Information

2. OPEN SESSION 7:00 P.M.

Subject **2.11 Public Communication**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

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. 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. All public communication requests must be received prior to the Board's consideration of the item and are honored in the order the requests 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 in advance to the Board Clerk and shall not be distributed during the time of the meeting. Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings.

In response to the shelter-in-place orders issued by state and local governments, Meetings of the Peralta Community College District Board of Trustees will be held through Zoom. Individuals interested in being recognized for public communication shall email the Board Clerk at bmartinez@peralta.edu

<http://web.peralta.edu/trustees/board-policies/>

2. OPEN SESSION 7:00 P.M.

Subject **2.12 Chancellor's Reports**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Information

- College Reports

File Attachments

4.27.21 Merritt College BOT Report.pdf (761 KB)
4.27.21 Laney College BOT Report.pdf (895 KB)
4.27.21 CoA BOT Report.pdf (521 KB)

5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Subject	5.1 Consider Approval of Course and Program Additions, Deactivations and Changes. Presenter: Vice-Chancellor of Academic Affairs Siri Brown
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action (Consent)
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	No
Budgeted	No
Budget Source	N/A

TO: Peralta Board of Trustees

FROM: Department of Academic Affairs

PREPARED BY: Amany Elmasry, Curriculum and System Tech Analyst

BACKGROUND/ANALYSIS:

The role of Council on Instruction, Planning and Development (CIPD) is to review college curriculum additions, deletions, or modifications and submit them to the Board of Trustees for approval. CIPD meetings are held monthly throughout the academic year and are composed of college curriculum chairs (appointed by the Academic Senate), curriculum specialists, matriculation officers, the District Academic Senate President, the Vice Chancellor of Academic Affairs & Student Success, Deans and Vice Presidents of Instruction.

Course and program additions are based on industry demand and/or students need in the following fields: Geography :Introduction to Weather and Climate, California Geography; Geology:Historical Geology; communications:Gender and Communication ; Business Noncredit : OSHA General Industry 30 Hour Training, and OSHA General Industry 10-Hour Training; Media Virtual Production series, Spanish, Mam Language and Culture series (Beginning, Intermediate, and Advanced levels); ESOL noncredit courses in Reading and Writing series (Beginning, Intermediate, and Advanced levels).

Course modifications are required to comply with State Chancellor's Office initiatives such as the code alignment project for better reporting. They are also required for updates to course curriculum to ensure alignment with district-wide requisites and unit values in order to streamline student enrollment and to comply with Education Code Sections 70901(b), 70902(b), and 78016; and California Code of Administrative Regulations Sections 51000, 51022, 55100, 55130 and 55150.

Course deletions result in deactivating courses that are no longer offered from the college catalog, state inventory, CurriQunet, ASSIST, and Passport according to the approved effective term listed in the attached agenda.

The attached PDF entitled "Apr 2021 CIPD Report" and "Apr 2021 Program Proposals" contains course and program additions, changes, and deactivations as approved by the colleges' curriculum committees and The Council for Instruction, Planning and Development (CIPD).

DELIVERABLES/SCOPE OF WORK:

All curriculum additions, deletions, and modifications reflect work that occurs on an ongoing basis.

EVALUATION AND RECOMMENDED ACTION:

The Vice-Chancellor of Academic Affairs and Student Success and the Interim Chancellor recommend approval.

File Attachments

[April 2021 CIPD Report.pdf \(493 KB\)](#)

[Apr 2021 Program Proposals.pdf \(1,772 KB\)](#)

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.

5. CONSENT CALENDAR - ACADEMIC AFFAIRS

Subject	5.2 Consider Ratification of the Lao Family Community Development MOU Extension in the Amount not to Exceed \$53,752. Presenter: President Rudy Besikof
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action (Consent)
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	Yes
Dollar Amount	\$53,752.00
Budgeted	Yes
Budget Source	Lao Family Community Development Grant Budget Code: 5-11-552-1-672700-2036-00

TO: Peralta Board of Trustees

FROM: Acting Dean of CTE - Laney College Alejandria Tomas

PREPARED BY: Lynna Wong

BACKGROUND/ANALYSIS:

Since 2016, Laney College has been a member of an Alameda County consortium, led by the Lao Family Community Development, servicing members of the newcomer and refugee consortium. The attached extension extends Laney College's participation membership in the grant through Sept. 30, 2021.

What is being presented for consideration by the Board is Addendum #4, which extends the term of the contract and adds funds to cover the added scope of work related to the community outreach and career services for refugees.

<u>Description</u>	<u>Amount</u>	<u>Board Approval Date</u>
Original MOU Contract	\$68,256	Board Approved & signed by Chancellor LaGuerre 10/25/16
MOU Contract Addendum #2 to increase the Amount of contract #124064	\$51,192	Board Approved & signed by Chancellor LaGuerre 03/09/18
MOU Contract Addendum #3 to increase the amount of contract #124064	\$107,504	Board Approved & signed by Chancellor LaGuerre 12/12/2018
TOTAL	\$280,704	

DELIVERABLES/SCOPE OF WORK:

As a member of the consortium of community-based organizations including the Lao Family Community Development, Refugee Transitions, International Rescue Committee, and other refugee and immigrant support organizations, Laney College will provide industry outreach, engagement, employment education, and Laney registration and admission outreach.

ANTICIPATED COMPLETION DATE:

September 30, 2021

EVALUATION AND RECOMMENDED ACTION:

The Dean of CTE at Laney College has evaluated the deliverables to date for the Lao Family Community Development, Inc. MOU Grant
<https://go.boarddocs.com/ca/peralta/Board.nsf/vpublic?open#>

The Dean of CTE at Laney College has evaluated the deliverables to date for the Lao Family Community Development, Inc. MOU Grant extension and found them to be satisfactory.

The President of Laney College and the Interim Chancellor recommend ratification.

File Attachments

Lao Family Grant Extension MOU 031821_CTS#124064 - signed (1).pdf (518 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. CONSENT CALENDAR - FACILITIES

Subject	6.1 Consider Approval of Amendment No. 2 to the Independent Consultant Agreement for Geotechnical Services with Terraphase Engineering, Inc. to Increase the Not-To-Exceed Fee for Services by \$15,200.00 to Cover Project Specific Hazardous Material Services Required for the Demolition of Building B on the College of Alameda Campus. Presenter: Director of Planning and Development Atheria Smith
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action (Consent)
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	Yes
Dollar Amount	\$15,200.00
Budget Source	1-43-391-5105-1-710000-2404-00 (Fund 43-Measure G)

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Roebbelen Construction Management Services, Inc.

BACKGROUND/ANALYSIS:

The Board is asked to approve Amendment No.2 to the Independent Consultant Agreement for Geotechnical Services (“Agreement”) with Terraphase Engineering, Inc., (“Terraphase”). Under Amendment No. 2, Terraphase’s scope of work will increase to include the provision of Specific Hazardous Material Services; Abatement Specifications, Abatement Monitoring, including clearance air testing and closure reporting required for the demolition of Building B on the College of Alameda campus during demolition (“Project”).

Under the original terms of the Agreement, Terraphase provided Hazardous Materials reports that provided analysis of Asbestos Containing Material (ACM), Lead Based Paint (LBP) and Polychlorinated Biphenyls (PCB) for the existing College of Alameda Automotive and Diesel Building. Once the construction of the Project is completed, which includes new classrooms, an automotive mechanic shop, auto body shop and a diesel mechanic shop, Buildings B & E will then be demolished. This Amendment No. 2 contemplates additional Hazardous Material abatement services required to ensure the demolition is performed in a safe manner and any hazardous material found in Building B are contained and disposed of in accordance with local municipal, State of California, Environmental Protection Agency, and the Occupational Safety and Health Administration’s regulations.

This is the second amendment to the Independent Consultant Agreement. See Table 1.1 below for the history of this Agreement.

Table 1.1

Contract	Approved Amount	Board Approval Date	Contract End Date
Independent Consultant Agreement	\$134,262.00	4/21/2020	6/30/2021
Amendment No. 1	\$11,560.00	10/13/2020	1/19/2023
Amendment No. 2 (This item)	\$15,200.00	Pending 4/13/2021	
New Contract Total	\$161,022.00		

In the 2020-21 Fiscal Year, Terraphase has been awarded the following additional contracts or contract amendments with the District:

Contract Type	Entity Vendor	Using	Amount	Board Approval
Amendment No. 2 Independent Consultant Agreement for Geotechnical Services – New	College of Alameda		\$15,200.00	Pending 4/13/2021

Transportation Technology Center for Hazardous Material Abatement Monitoring Services. (This Item)			
Agreement for Professional Services with Terraphase Engineering, Inc. for Phase II Environmental Site Assessment – Hazmat Building Material Assessment and Surficial Soil Sampling for the New Landscape Horticulture Complex.	Merritt College	\$13,900.00	9/29/2020
Amendment No. 1 Professional Services – New Transportation Technology Center for Geotechnical and Hazardous Material and reporting services.	College of Alameda	\$11,560.00	10/13/2020
Amendment No. 1 Professional Services - additional environmental consulting services including a soil gas survey, incremental sampling at the Laney Child Development Center and Regulatory interface with the Alameda County Health Department	Laney College	\$33,225.00	7/28/2020
Agreement for Professional Services for the Landscape Horticulture Complex for percolation testing.	Merritt College	\$5,440.00	NA
TOTAL		\$79,325.00	

Contact Information

Jeff Raines jeff.raines@terraphase.com - Principal
 Terraphase Engineering Inc.
 1404 Franklin St. Ste 600
 Oakland, CA 94612
 510-645-1850
 510-645-1853 (direct)

DELIVERABLES/SCOPE OF WORK:

The increase in compensation by \$15,200.00 under Amendment No. 2 allows Terraphase to perform Hazardous Material Abatement Specifications and Abatement Monitoring services (i.e., asbestos-containing material [ACM], lead-based paint [LBP], polychlorinated biphenyls [PCBs], and visual assessment for mold) for Building B. As part of the increase scope of services under Amendment No. 2, Terraphase will provide Project Specific Hazardous Material Services; Abatement Specifications, Abatement Monitoring, including clearance air testing and closure reporting required for the demolition of Building B on the College of Alameda Campus during demolition that complies with federal, state and local regulations.

ANTICIPATED COMPLETION DATE:

Terraphase will complete the services set forth in Amendment No. 2 on or before January 19, 2023.

EVALUATION AND RECOMMENDED ACTION:

The Director of Planning and Development and the Interim Chancellor Recommend Approval.

File Attachments
[COA_NTTC_Amendment02 Board Package_Terraphase_2021.0423.pdf \(9,224 KB\)](#)

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.

8. CONSENT CALENDAR - HUMAN RESOURCES

Subject	8.1 Consider Approval of Classified Personnel Items. Presenter: Acting Vice-Chancellor Ronald McKinley
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	Yes
Budgeted	Yes
Budget Source	General Fund (01) and Grant (11)

TO: Peralta Board of Trustees

FROM: Dr. Ronald McKinley, Acting Vice Chancellor for Human Resources & Employee Relations

PREPARED BY: Socorro Taylor

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

APPROVAL OF CLASSIFIED PERSONNEL ITEMS

New employment; changes in assignment, compensation, and placement; leaves of absence; changes in staff allocation and classification of classified personnel; retirements, phase-in retirements and resignations; and short-term temporary classified positions.

A. CLASSIFIED EMPLOYMENT

(NP = New Position *= New Employee)

<u>Name</u>	<u>Location</u>	<u>Department/Reports to:</u>
None	<u>Berkeley City College</u>	
Muriel Montague Ratification of approval to hire Muriel Montague effective April 19, 2021	<u>College of Alameda</u>	Coordinator, Student Equity & Achievement Student Services, EOPS/Dean Shalamon Duke
None	<u>District Office</u>	
Alma Gomez* Recommendation to hire Alma Gomez effective May 1, 2021	<u>Laney College</u>	Senior Clerical Assistant/Counseling Student Services/Interim Dean Diane Chang
Veronica Castro* Recommendation to hire Veronica Castro effective May 5, 2021	<u>Merritt College</u>	Assessment Specialist (Student Accessibility Services) Student Services/Vice President Lilia Chavez

B. PHASE-IN RETIREMENT

None

C. LEAVE OF ABSENCE

None

D. PUBLIC EMPLOYEE RETIREMENT AND RESIGNATION

1. Retirement

<u>Name</u>	<u>Location</u>	<u>Department/Reports to:</u>
None	<u>Berkeley City College</u>	
None	<u>College of Alameda</u>	
None	<u>District Office</u>	
None	<u>Laney College</u>	
None	<u>Merritt College</u>	

2. Resignation

None	<u>Berkeley City College</u>
None	<u>College of Alameda</u>
None	<u>District Office</u>
None	<u>Laney College</u>
None	<u>Merritt College</u>

E. SHORT-TERM NON-CONTINUING POSITIONS

<u>Name</u>	<u>Location</u>	<u>Department/Reports to:</u>
None	<u>Berkeley City College</u>	
None	<u>College of Alameda</u>	
None	<u>District Office</u>	
None	<u>Laney College</u>	
None	<u>Merritt College</u>	

EVALUATION AND RECOMMENDED ACTION:

The Interim Chancellor recommends approval.

8. CONSENT CALENDAR - HUMAN RESOURCES

Subject **8.2 Consider Approval of an Academic Personnel Item (Faculty Retirement). Presenter: Acting Vice-Chancellor Ronald McKinley**

Meeting Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Apr 27, 2021

Absolute Date Apr 27, 2021

TO: Peralta Board of Trustees

FROM: Dr. Ronald McKinley

PREPARED BY: Socorro Taylor

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

APPROVAL OF ACADEMIC (FACULTY) PERSONNEL ITEMS

New employment; changes in assignment, compensation, and placement; leaves of absence; changes in staff allocation and classification of academic personnel; retirements, phase-in retirements and resignations; and equivalence of minimum qualifications for academic positions.

A. ACADEMIC (FACULTY) EMPLOYMENT

(NP = New Position *= New Employee)

<u>Name</u>	<u>Location</u>	<u>Department/Reports to:</u>
None	<u>Berkeley City College</u>	
None	<u>College of Alameda</u>	
None	<u>District Office</u>	
None	<u>Laney College</u>	
None	<u>Merritt College</u>	

B. PHASE-IN RETIREMENT

None

C. LEAVE OF ABSENCE

None

D. PUBLIC EMPLOYEE RETIREMENT AND RESIGNATION

1. Retirement

<u>Name</u>	<u>Location</u>	<u>Department/Reports to:</u>
	<u>Berkeley City College</u>	

None

College of Alameda

Debbie Green

Full-time faculty

Student Services, EOPS/Dean Shalomon Duke

Faculty retirement effective May 29, 2021

District Office

None

Laney College

None

Merritt College

None

2. Resignation

Berkeley City College

None

College of Alameda

None

District Office

None

Laney College

None

Merritt College

None

EVALUATION AND RECOMMENDED ACTION:

The Interim Chancellor recommends approval.

9. ACTION ITEMS

Subject	9.1 Consider Second Reading and Approval of Proposed Board Policies. Presenter: Interim Chancellor Jannett N. Jackson (2 minutes)
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	No
Budgeted	No
Goals	D: Strengthen Accountability, Innovation and Collaboration

TO: Peralta Board of Trustees

FROM: Dr. Jannett N. Jackson, Interim Chancellor

PREPARED BY: Sasha Amiri-Nair, Board Clerk

BACKGROUND/ANALYSIS:

The Board will conduct a second reading and consider approval of the presented Board Policies.

- **BP 2435 - Evaluation of the Chancellor** (This policy was last updated in 2015.)
- **BP 3410 - Nondiscrimination** (This policy was last updated in 2019.)
- **BP 3430 - Prohibition of Harassment** (This policy was last updated in 2019.)
- **BP 3518 - Child Abuse Reporting** (This is a new policy)
- **BP 5035 - Withholding of Student Records** (This policy was last updated in 2020.)
- **BP 5500 - Standards of Student Conduct** (This policy was last updated in 2015.)
- **BP 7330 - Communicable Disease - Employees** (This policy was last updated in 2017.)

EVALUATION AND RECOMMENDED ACTION:

The Interim Chancellor recommends approval.

File Attachments

BP 2435 Evaluation of the Chancellor (2).pdf (123 KB)
 BP 3410 Nondiscrimination.pdf (128 KB)
 BP 3430 Prohibition of Harassment.pdf (139 KB)
 BP 3518 Child Abuse Reporting.pdf (116 KB)
 BP 5035 Withholding of Student Records.pdf (69 KB)
 BP 5500 Standards of Student Conduct.pdf (105 KB)
 BP 7330 Communicable Disease - Employees.pdf (139 KB)

9. ACTION ITEMS

Subject	9.2 Consider Approval of Resolution No. 20/21-25 Supporting Award of the Design-Build Agreement with XL Construction Corporation for the Design and Construction Services for the Berkeley City College - 2118 Milvia St. Expansion Project. In an amount not to exceed \$65,400,000. Presenter: Director of Planning and Development Atheria Smith
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	Yes
Dollar Amount	\$65,400,000.00
Budgeted	Yes
Budget Source	Fund 63 (Measure A) and Fund 43 (Measure G)

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Kitchell CEM

BACKGROUND/ANALYSIS:

Education Code section 81702 requires the District's Board to evaluate the traditional design, bid, and build process and the design-build process for a community college facility in a public meeting. After consideration at a public hearing, the Board must determine that use of the design-build process will accomplish one of the statutory objectives: (1) reduce comparable project costs; (2) expedite the project's completion; or (3) provide features not achievable through the traditional design-bid-build method, for each project.

On July 14, 2020, the Board of Trustees voted to approve Resolution No. 20/21-01 authorizing the use of design-build delivery for six major capital projects, one of which was the new 2118 Milvia Street Project located at Berkeley City College. The Board's evaluation and determination in Resolution No. 20/21-01 were that utilizing the design-build method would reduce comparable project costs and expedite the project's completion.

In this action, the Board is asked to consider adoption of Resolution No. 20/21-25 supporting the award of the Design-Build Agreement between the Peralta Community College District ("District") and XL Construction Corporation ("XL") for the design and construction services for the Berkeley City College - 2118 Milvia St. Expansion Project ("Project"). Ratcliff Architects, Inc. is a member of the XL design-build team and will serve as the Architect of Record for the Project.

The Project involves the demolition of an existing three-story building (roughly 25,000 sq. ft.) and its replacement with a new six-story 60,000 sq. ft. building. This Project will expand classroom space, provide offices for faculty and administrators, including art studios, outdoor roof space, and provide for student activities services; including a Health Center, Veterans Center, Multi-Cultural Center, Bookstore, Student Lounge, and Learning Resource Center. On 10/02/2020 and 10/09/2020, in accordance with the Public Contract Code, the District ran public advertisements soliciting Request for Qualifications ("RFQ") (District RFQ 20-21/06) for the Project. On 11/06/2020 the District received a total of six (6) submissions in response to the RFQ. The RFQ selection committee evaluated all six submissions based on best value and completed a scoring matrix to determine the three highest-scoring proposals. On 11/20/2020, the District notified the three highest-scoring teams that they were shortlisted and would move on to the Request for Proposals "RFP" phase.

On 12/01/2020, the District released the RFP No. 20-21/06 documents to the three shortlisted teams from the RFQ phase. The RFP documents included detailed criteria documents prepared by Architect Noll & Tam Architects, a sample agreement, and multiple reference documents. On 01/29/2021, the District received three (3) proposals in response to the RFP. Over the course of December 2020, January 2021, and February 2021, the RFP selection committee conducted a total of three (3) rounds of individual interviews with

each of the three Design-Build Entity (DBE) teams. On 02/08/2021, the selection committee completed the best value scoring matrix for all three teams and determined that XL was the winning proposal. Furthermore, to ensure the accuracy of the RFP responses, the District conducted one round of “Requests for Supplemental Information” and one round of a “Best and Final Offer” process with all three (3) shortlisted DBEs. The outcome of this process re-affirmed that XL partnered with Ratcliff Architects provided the most comprehensive proposal of the three (3) teams and therefore represents the best value to the District.

A summary of the three (3) DBE proposals received:

DBE	Best Value Score (Max 500 Points)
XL Construction Corporation	431 Points
Turner Construction Company	425 Points
Blach Construction Company	405 Points

The requested not to exceed amount of \$65,400,000 includes a lump sum amount of \$5,693,010 for design services (including a design services contingency in the amount of 10 percent), a lump sum amount for general conditions - construction services in the amount of \$6,438,618, and fixed percentages for a fee, mark-ups, taxes, insurance, and bonds. Upon completion of the Design Development Documents, the Design-Builder will procure each individual construction trade package. Once approved by the District Facilities Planning and Development team, an amendment will be submitted to the Board for approval. The cumulative total for all amendments shall fall under the Design-Builder’s overall not to exceed amount for this Project of \$65,400,000.00. Any unused portion of the not to exceed amount shall be considered as cost savings and retained by the District.

The Project will be funded as follows:

Description	Budget String	Design Services	General Conditions - Construction Services	Total	% of Total
Design Services	1-63-391-6201-1-710000-2477-00	\$5,693,010		\$5,693,010	8.70%
General Conditions	1-63-391-6201-1-710000-2477-00		\$1,896,990	\$1,896,990	2.90%
General Conditions	1-43-391-6201-1-710000-2477-00		\$4,541,628	\$4,541,628	6.94%
Fee, Mark-ups, Taxes, Insurance, Bonds and Direct Construction Costs	1-43-391-6201-1-710000-2477-00		\$53,268,372		81.45%
				\$65,400,000	100%

As defined in the District’s RFP, the two (2) unsuccessful teams who submitted complete and responsive proposals (Turner Construction Company and Blach Construction Company) but were not selected by the District for the award of this Project, will each receive a stipend in the amount of \$25,000. The award of stipends is common practice in Design-Build competitions and are to serve as compensation for the effort expended developing their proposal and design for the District. The District will retain ownership rights to the submitted proposal and design documents, including the intellectual property, contained therein and may choose to incorporate any design elements, ideas, or features of the proposal documents during the subsequent development of the Project design that will be performed by XL. The two (2) stipends are within the approved Design and Construction Authorization (“DCA”) for the Project. In the 2020-21 Fiscal Year, XL has not been awarded and contracts with the District.

Contact Information for:

XL Construction Corporation
 Jeff Swinyer, Project Executive
 1111 Broadway, Suite 2050

DELIVERABLES/SCOPE OF WORK:

The Project involves the demolition of an existing three-story building (roughly 25,000 sq. ft.) and its replacement with a new six-story 60,000 sq. ft. building. This Project will expand classroom space, provide offices for faculty and administrators, including art studios, outdoor roof space, and provide for student activities services; including a Health Center, Veterans Center, Multi-Cultural Center, Bookstore, Student Lounge, and Learning Resource Center.

XL will meet periodically with the appropriate District staff and consultants to collaboratively develop the Design-Build Documents stamped by Ratcliff Architects, Designer of Record. XL then must submit to DSA for approval of the design documents to begin construction. The scope of work includes, but is not limited to, providing collaboration services to complete the criteria documents, design services, preconstruction services, project management services, labor, geotechnical surveys, surveying, hazardous materials surveys, abatement, demolition, coordination, materials, tools, and equipment to complete the construction of the Project.

ANTICIPATED COMPLETION DATE:

Notice of Intent to Award to XL Construction Corporation was issued on 03/12/21 and the Notice to Proceed is anticipated to be issued in April 2021. XL Construction Corporation would then immediately begin their Design Phase services. It is anticipated that the Guaranteed Maximum Price would be presented to the Board of Trustees approximately Q1 – 2022. The Design-Build Documents, stamped by Ratcliff Architects, Designer of Record would be submitted to DSA for approval approximately Q2 - 2022 with construction scheduled to begin approximately Q4 – 2022. Completion of the project is anticipated to be on or about Q4 – 2024.

EVALUATION AND RECOMMENDED ACTION:

The Director of Planning and Development and the Interim Chancellor recommend approval.

File Attachments

DBE -XL Con for Laney CUP MARC signed.pdf (7,485 KB)

Resolution 20.21-25 Supporting Award of Design-Build Contract - 2118 Milvia Street_3685250_1(DMS).pdf (64 KB)

Milvia Presentation Slides.pdf (1,249 KB)

9. ACTION ITEMS

Subject	9.3 Consider Approval of Resolution No. 20/21-26 Supporting the Award of the Design-Build Contract for the Laney College Central Utility Plant Upgrade Project to Gilbane Building Company in an Amount Not-to-Exceed \$12,000,000.00. Presenter: Director of Planning and Development Atheria Smith
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Action
Preferred Date	Apr 27, 2021
Absolute Date	Apr 27, 2021
Fiscal Impact	Yes
Dollar Amount	\$12,000,000.00
Budgeted	Yes
Budget Source	Fund 63 Measure A and Fund 43 Measure G

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Swinerton CM

BACKGROUND/ANALYSIS:

The Board is asked to reconsider and reaffirm the approval of the Design-Build Agreement between the Peralta Community College District (“District”) and Gilbane Building Company (“Gilbane”) for the delivery of the Laney College Central Utility Plant Upgrade Project (“Project”).

At the time the Board originally evaluated and approved the Design-Build Contract for the Project with Gilbane, the Board was asked to approve the design and construction services for the Project in the amount of \$1,453,115,00 and was advised that a change order would be submitted once the design work for the trade packages was complete and bid. The exact amount of the Design-Build Contract will not be finalized until after the design work for the trade packages has been completed and the associated scopes of work have been bid because of the nature of the selected project delivery method.

The cumulative total for all amendments to the Design-Build Contract shall fall under the Target Maximum Price of \$12,000,000.00 for the delivery of the Project.

At the time the Board was originally asked to approve the award of the Design-Build Contract, the Board was not asked to issue a written decision supporting its contract award for the Project. A resolution is the mechanism by which the Board issues written findings and the resolution that was intended to accompany the award of the Design Build Contract was inadvertently omitted from the submitted Board packet for the item. Although the Board did not adopt a formal resolution to memorialize written findings when the original Design-Build Contract was awarded, the Design-Build Contract is still valid and binding. By adopting the written findings set forth in the subject resolution at this point, the District achieves formal compliance with the statutory requirements for the award of design-build contracts set forth in Education Code section 81703.

Education Code section 81703 provides that the community college district governing board shall issue a written decision supporting its contract award for a design-build project and stating in detail the basis of the award.

The Board is asked to consider adoption of Resolution No. 20/21-26 supporting the award of the Design-Build Contract for the Project to Gilbane. Exhibit A to the Resolution details the basis for the award. The Board is also asked to confirm its approval of the award of the Design-Build Contract to Gilbane with the express understanding the cumulative amendments to the Project shall fall under the Target Maximum Price of \$12,000,000.00.

The Project will be funded as follows:

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Project Account Codes					
Line	Description	Account Code	Design	Gen. Cond.	Total
1	General Conditions	01-43-391-6206-1-710000-2493-00		\$514,665.00	\$514,665.00
2	Design Services	01-43-391-5105-1-710000-2493-00	\$938,450.00		\$938,450.00
4	Balance of NTE	01-43-391-6201(01)-71000-2493-00			\$10,546,885.00
5	Total Approval				\$12,000,000.00

DELIVERABLES/SCOPE OF WORK:

Gilbane design and oversee the construction of: 1) a new Utility Building to house the main transformer and emergency generator for the LRC; 2) a relocated Central Plant Cooling Tower, currently located in the footprint of the LRC; 3) a renovated Central Utility Plant (CUP) that will serve the LRC and the Laney College campus, including a new Building Automation System (BAS); and 4) pathways for the underground utilities connecting the Cooling Towers and the CUP, and the underground conduits connecting the transformer and generator to the LRC.

ANTICIPATED COMPLETION DATE:

Notice to Proceed for the Project was issued December 23, 2020, substantial completion is September 15, 2022, and the Final Contract Completion is October 31, 2022.

EVALUATION AND RECOMMENDED ACTION:

The Director of Planning and Development and the Interim Chancellor recommend approval.

File Attachments

Resolution Supporting Award of Design-Build Contract - Laney CUP Project_3686448_1(DMS)_3689361_1(DMS).PDF (57 KB)

Gilbane Building Co._LaneyCUP (1).pdf (2,217 KB)

Exhibit 1 - Gilbane Agreement.pdf (2,217 KB)

10. REPORTS

Subject	10.1 Board of Trustees' Reports (20 minutes)
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Information

12. ADJOURNMENT

Subject	12.1 Meeting Adjournment
Meeting	Apr 27, 2021 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Type	Procedural