

PERALTA COMMUNITY COLLEGE DISTRICT Item No. \_\_\_\_  
Board of Trustees Agenda Report

For the Trustee Meeting Date of: June 14, 2011

ITEM TITLE: Request Board Authorization to Enter a Contracted Services Agreement with The ELS Group LLC

Consider Approval of Office of the President, Merritt College, to retain the services of Ms. Alice Marez as a consultant to the Merritt College Business Office through The ELS Group LLC.

**BOARD ACTION REQUESTED:** District administration requests Board authorization to enter a Contracted Services Agreement with the ELS Group LLC to utilize the professional and technical services of Alice Marez as a consultant beginning July 1, 2011 through December 31, 2011, or until the position is filled (whichever occurs first). The contracted services will be at a rate of \$11,500 per month or \$69,000 for Fiscal Year 2011-12.

**ITEM SUMMARY:** Contracted services includes business operations; fiscal solvency and budget development; development of periodic budget reports; and financial projections; assist planning for the operational needs of Merritt College as well as applicable statutes, regulations and internal accounting, purchasing, payroll, fiscal, and facilities reporting policies and procedures; and review and make recommendations regarding the work of the department related to facilities maintenance and operations and leased facilities to assure optimum utility.

**BACKGROUND/ANALYSIS:** Not Applicable

**ALTERNATIVES/OPTIONS:** Not Applicable

**EVALUATION AND RECOMMENDED ACTION:**

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):** The source of funds to accommodate the contract would be from Cost Center 631 (Merritt College Business Office). The cost of hiring a consultant would substantially save the District in costs associated with PERS contributions and other payroll contributions.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ NO  X

**COMMENTS:**

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Trudy Largent, J.D., Vice Chancellor for Human Resources

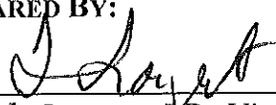
**DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM?**

YES \_\_\_\_\_ NO  X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

(\*\*\*\*\*Board contract approval is subject to negotiation and execution by the Chancellor.)

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**  
Prepared by:  Date: 6/9/11  
Trudy Largent, J.D., Vice Chancellor for Human Resources

**DOCUMENT PRESENTED BY:**  
Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Trudy Largent, J. D., Vice Chancellor for Human Resources

**FINANCE DEPARTMENT REVIEW**

Finance review required       Finance review *not* required

If Finance review is required, determination is:       Approved       Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature:  Date: 6/9/11  
Vice Chancellor for Budget & Finance

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required       Legal review *not* required

If Legal review is required, determination is:       Approved       Not Approved

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda       Not Approved, but Place on Agenda

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Wise E. Allen, Chancellor



## MERRITT COLLEGE Office of the President



June 7, 2011

### MEMORANDUM

TO: Chancellor Wise Allen

FROM: President Robert Adams *RA*

SUBJECT: Justification to Continue Ms. Alice Marez as an Independent Contractor for Merritt's Business and Administrative Services through December, 2011

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Ms. Alice Marez has served as an Independent Contractor for Merritt's Business and Administrative Services since August 2010, and has played a key role in assisting the administrative team in achieving college goals and objectives. I am requesting her continuance through December, 2011.

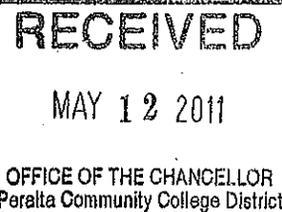
Ms. Marez has help guide the college, through our shared governance process, in this year's budget reduction scenarios and her continuing is critical for ensuring the financial health and stability of the college. She is finalizing a revision of out of date business office and college policies which she should have completed by the end of the year. She is also in the last stages of assisting in the reorganization of the Business Services Office to insure that it effectively and efficiently serves faculty, staff and students. Ms. Marez is also working with the Offices of Instruction and Student Services to develop a college-wide Master Calendar which we hope to have completed by Fall 2011. In light of these, and many other campus projects, continuity in Business Office leadership is vital.

Ms. Marez has effectively helped us in restructuring custodial services, duplication services, telephone and switchboard operations, processing of time sheets, requisitions, and facility rental. She has brought cohesiveness to the department that has not existed since I became President.

Your favorable consideration to continue Ms. Marez through December, 2011, is critical for our college and will be greatly appreciated.

RAA:jpb

*The ELS Group LLC*



## *CONTRACTED SERVICES AGREEMENT*

The following proposal, once executed and returned, outlines an agreement for contracted services to be provided by The ELS Group, to Peralta Community College District (Merritt College). More specifically, The ELS Group (hereinafter "ELS"), agrees to contract with Peralta Community College District (hereafter "District") to utilize the professional and technical services of Alice Marez (hereafter "Consultant"), an independent *Consultant*, and to pay fees for time and delivery of those services as outlined herein.

It is also mutually agreed herein that:

1. To the extent allowed by law, the District and ELS, shall each defend, indemnify, and save harmless the other and its Board of Trustees, officers and employees against any and all claims, actions, liabilities and losses, by whomever asserted, of acts, errors, or omissions on the part of their respective officers, agents, students, or employees arising out of any activities in the performance of this Agreement, providing, however, that either party shall be given sufficient notice to enable it to participate and conduct an appropriate defense of any claims made.
2. It is understood that ELS is responsible for the actions of its officers and employees; that the Consultant is not an employee of the District regardless of nature and extent of the acts performed by the Consultant; that inasmuch as said Consultant shall not be an employee of the District, the District does not assume liability under law for any act of the Consultant performing or traveling pursuant to this Agreement. Furthermore, as the Consultant is a self-employed independent contractor, neither the District nor ELS shall be responsible for the payment of any unemployment insurance, Workers' Compensation Insurance, Social Security or Medicare taxes, or collection of federal or state income tax withholding for or on behalf of the Consultant.
3. Payment of fees in consideration of this agreement shall be as stipulated in Appendix "B". ELS will bill, at the beginning of each month for the services outlined in Appendix "A". The District will reimburse ELS for services provided by the Consultant within 30 days of receipt of a valid invoice from ELS.
4. It is expressly understood and agreed that this Agreement is not intended and shall not be construed to create the relationship of agent, employee, partnership, joint venture, or association between the District and ELS, but is, rather, an agreement by and between the independent contractors, these being District and ELS.

## APPENDIX "A"

### Contract Between The ELS Group and Peralta Community College District (Merritt College) Services of Consultant Alice Marez

Services to be performed:

#### Fiscal Solvency & Budget Development

- Assess financial health of College, recommend control programs and systems designed to assure compliance with budget allocations
- Develop and provide periodic budget reports and financial projections
- Coordinate audits of campus and student activities, review financial accounts for Associate Students and the College and the Bookstore and advise college administration
- Review and recommend improvements to budget development process
- Review revenue and expenditure assumptions and determine efficacy of 2010/11 budget
- Recommend actions necessary to balance 2011/12 budget

#### Operational Protocols & Procedures

- Review business office organizational structure and recommend changes as needed consistent with the planning agenda and operational needs of the college as well as applicable statutes, regulations and internal accounting, purchasing, payroll, fiscal, and facilities reporting policies and procedures
- Review work of the department and provide recommendations for fiscal and general business activities, including custodial services, time sheets, requisitions, duplicating services, telephone and switchboard operations, cash collection and disbursement of funds
- Consistent with District policies, procedures and union agreements, assess activities related to records maintenance, selection, evaluation, discipline and grievance processing for personnel and recommend related changes
- Make recommendations regarding the maintenance of campus equipment inventory control records in coordination with District records and procedures
- Review/revise/write business operational procedures as needed and develop a College standard operating procedures manual

#### Facilities

- Consult with the Director of Physical Plant and other appropriate officials regarding the overall maintenance and operation functions of the college's

APPENDIX "B"

Contract Between  
The ELS Group and Peralta Community College District (Merritt College)  
Services of Consultant Alice Marez

ELS will bill, at the beginning of each month for the services outlined in Appendix "A". The District will reimburse ELS for services provided by the Consultant within 30 days of receipt of a valid invoice from ELS as stipulated below.

|                    |                           |
|--------------------|---------------------------|
| Consultant's Fee   | \$10,000.00               |
| Expenses           | 500.00                    |
| ELS Group Fee      | <u>\$ 1,000.00</u>        |
| Total Monthly Fees | <u><u>\$11,500.00</u></u> |