



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, December 6, 2011

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8<sup>th</sup> 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 Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session meeting materials are available on Granicus:

New link on the Peralta Website: <http://web.peralta.edu/trustees/meetings-votelog/>

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

### AGENDA

**CALL TO ORDER** (5:00 p.m.)

**CLOSED SESSION** (5:01 p.m.)

Topics to be discussed include:

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

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

- Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.
- Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.

- Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- Conference with Legal Counsel (54956.9(a)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- Conference with Legal Counsel (54956.9(a)), Block v. PCCD, Alameda County Superior Court, Case No. RG11570116.
- Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases).

Conference with Real Property Negotiator (Government Code § 54956.8):

- Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.
- Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.
- Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

Public Employee Appointment – Employment, Performance, Evaluation, Discipline, Dismissal, Release – All Employees (Government Code § 54957 and BP 3.62 Temporary Assignments - Interim and Acting definitions).

- Consider Public Employment Appointment, Acting Associate Vice Chancellor for Finance, District Office.
- Consider Public Employment Appointment, Acting Interim Director of Special Projects, Berkeley City College
- Consider Public Employment Appointment, Interim Dean, Special Programs and Grants, Merritt College.

**OPEN SESSION** (7 p.m.)

**PLEDGE OF ALLEGIANCE 7:00 P.M.**

**ROLL CALL** Trustees González Yuen Pr\_ Ab\_ Gulassa Pr\_ Ab\_ Handy Pr\_ Ab\_ Hodge Pr\_ Ab\_ Guillén Pr\_ Ab\_ Withrow Pr\_ Ab\_ and Riley Pr\_ Ab\_, Student Trustees Brumfield Pr\_ Ab\_ and Copenhagen Pr\_ Ab\_.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

**APPROVAL OF THE AGENDA** (Please state the Agenda Item Number and Identify the Issue)

**ANNUAL ORGANIZATIONAL MEETING**

Election of President of the Board of Trustees, 2012

Election of Vice President of the Board of Trustees, 2012

Appointment of Secretary of the Board of Trustees, 2012

Presentation of Awards to outgoing President Riley and Vice President Gulassa, 2011

## **APPROVAL OF THE MINUTES**

1. Consider approval of minutes of the special Board meeting of November 10, 2011, and the regular Board meeting of November 15, 2011.

**IDENTIFY ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE OR DISCUSSION** (Please make a separate motion to later discuss each removed item.)

## **IDENTIFY ITEMS WITH PUBLIC SPEAKERS**

### **PUBLIC COMMUNICATION**

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)

### **REPORTS**

The Board requests that constituent group reports be brief and concise, and that electronic copies be provided for posting onto Granicus.

#### 2. Associated Student Government Reports

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

#### 3. Chancellor's Reports

Vice Chancellor's Reports

Budget Update

Enrollment Update

Dr. Wise E. Allen

Vice Chancellor Gerhard

Vice Chancellor Budd

Easy Pass, Financial Aid, Student Health Fees, and Health Services Initiative Updates	Vice Chancellor Ng
General Services Update	Vice Chancellor Ikharo
College Reports	
Merritt College	President Adams
Laney College	President Webb
College of Alameda	President Jackson
Berkeley City College	President Inclan

## BOARD COMMUNICATION

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

## PUBLIC HEARING

At this time, the Board of Trustees will conduct a public hearing on the Redistricting Alternatives based upon 2010 Census Data drawn in compliance with California and Federal Law.

4. Presentation on the Draft Emerging Plan on the Lake Merritt BART Station Area  
**Presenter: City Planner Alicia Parker (30 minutes)**

5. State Lobbyist Update **Presenter: Patrick McCallum (30 minutes)**

6. Study Session on Proposed Board Policies **Presenter Jim Grivich (10 minutes)**

The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption:

Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11)  
Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20)

Board Policy 4040 Library Services (Replaces BP 5.30)

Board Policy 4050 Articulation (Replaces BP 5.12)

Board Policy 4070 Auditing and Auditing Fees (New Policy)

Board Policy 4100 Graduation Requirements for Degrees and Certificates (Replaces BP 5.20)

Board Policy 4220 Standards of Scholarship (Replaces BP 4.32, 5.22, and 5.23)

Board Policy 4226 Multiple and Overlapping Enrollments (New Policy)

Board Policy 4231 Grade Changes (Replaces BP 4.43A)

Board Policy 4260 Prerequisites and Co-Requisites (Replaces BP 9.01, 9.02, 10.01, and 10.02)

Board Policy 4300 Field Trips and Excursions (Replaces BP 5.35)

Board Policy 5055 Enrollment Priorities (New Policy)

7. District Academic Senate **Presenter: DAS President Karolyn van Putten**

### Public Comments on Consent Calendar Items

## CONSENT CALENDAR

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.

### Vote on the Consent Calendar

#### BOARD POLICIES

8. Consider Approval of Board Policy 2345 Public Participation at Board Meetings (Revised) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2345 Public Participation at Board Meetings. (Replaces BPs 1.10 and 1.11) The Chancellor recommends approval.

9. Consider Approval of Board Policy 2350 Speakers and Decorum (Revised) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2350 Speakers and Decorum. (Replaces BP 1.10) The Chancellor recommends approval.

10. Consider Approval of Board Policy 2360 Minutes and Recording (Revised) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2360 Minutes and Recording. (Replaces BP 1.10) The Chancellor recommends approval.

11. Consider Approval of Board Policy 2410 Board Policy and Administrative Procedure (Revised) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2410 Board Policy and Administrative Procedure (Replaces BP 1.25) The Chancellor recommends approval.

12. Consider Approval of Board Policy 2430 Delegation of Authority to the Chancellor (New) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2430 Delegation of Authority to the Chancellor (Replaces BPs 1.10 and 1.11.) The Chancellor recommends approval.

13. Consider Approval of Board Policy 2432 Chancellor Succession (New) **Presenter: Chancellor Allen**

Consider approval of Board Policy 2432 Chancellor Succession. The Chancellor recommends approval.

14. Consider Approval of Board Policy 3280 Grants (Revised) **Presenter: Chancellor Allen**

Consider approval of Board Policy 3280 Grants. (Replaces BP 5.02) The Chancellor recommends approval.

15. Board of Trustees' Self-Evaluation **Presenter: Trustee Riley**

The Board will discuss their updated annual self-evaluation at the January regular Board meeting. The self-evaluation form is posted on Granicus as background material.

16. (Item removed from the agenda.)

17. Consider Approval for Changing the July 2012 Board Meeting Date to July 17

Consider approval for changing the July 2010 Board meeting date to July 17. This will allow staff sufficient time to prepare for the Board meeting after the July 4<sup>th</sup> holiday. The Chancellor recommends approval.

18. Consider Approval of Redistricting Alternative Based on 2010 Census Data and Drawn in Compliance with California and Federal Law **Presenter: Charles Bradshaw, Marstel-Day**

Consider approval of redistricting alternative based upon 2010 census data and drawn in compliance with California and Federal law. The Board of Trustees reviews, takes public comment on the draft redistricting alternatives and votes on a redistricting alternative. The Peralta Community College District is required to perform post 2010 Census decennial adjustments to its Trustee Areas to comply with federal and state requirements for compact, contiguous districts of near equal population. The first four of the proposed alternatives were presented, discussed and public input was invited at the Board of Trustees May 10, 2011 and at public hearings held at each of the colleges during the month of May. The fifth alternative, developed in response to comments from the original four alternatives, was presented and public input was invited at the September 27<sup>th</sup> 2011 Board of Trustees meeting. The Proposed Trustee Areas are included, and a report was drafted that compares the measures and weights of all of the alternatives. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## EDUCATIONAL AND STUDENT SERVICES

19. Consider Approval of Independent Contractor Agreement Extension for EcoVision Consulting to Render Green Building Educational Program Support Services for Laney College's Employment Development Department Green Jobs Training Program **Presenter: Vice Chancellor Budd**

Consider approval of an independent contractor agreement extension for EcoVision Consulting in the amount of \$27,825 for green building educational support services for Laney College's Employment Development Department Green Jobs Training Program.

Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department Green Jobs Grant, categorical funds, with no fiscal impact on Peralta. The prior contract amount was \$24,975. Increasing the contract amount by \$27,825 brings the total contract amount for the fiscal year to \$52,800. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

20. Consider Approval of an MOU between the Peralta Community College District, College of Alameda and Consumer Directed Services Network to support the goals and objectives of the Direct Support Workers Career Ladder Training and Employment Program **Presenter: Vice Chancellor Budd**

Consider approval of an MOU between the Peralta Community College District, College of Alameda and Consumer Directed Services Network (CDSN) to support the goals and objectives of the Direct Support Workers Career Ladder Training and Employment Program for \$300,000. Budget shall not exceed \$36,000 from March 1, 2011 through June 30, 2012. *Funding Source: California Community Colleges' Economic and Workforce Development Program.* CDSN will be responsible for the following services:

- College of Direct Support on-line text book access
- Job development, placement, and support of recruitment services
- Support implementation and success of the program
- Provide leadership and technical support to program committees
- Assist with curriculum development
- Support acquisition of additional funding

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

21. Consider Approval of MOU and Contract with OD Network for Services **Presenter: Vice Chancellor Budd**

Consider Approval of MOU and Contract with OD Network for Services, effective September 1, 2011 through February 14, 2012, not to exceed \$200,000. *Funding Source: Department of Labor Grant, as approved by the California Department of Labor.* Under funding from the Department of Labor Community Based Job Training Grant for the ATLAS Program College of Alameda, OD Network will provide recruitment, training/education and job placement services for students enrolled in the ATLAS program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Approval of Consulting Agreement with William Gravelle for the ATLAS Program **Presenter: Vice Chancellor Budd**

Consider approval of Consulting Agreement with William Gravelle from November 1, 2011 through June 30, 2012 not to exceed \$97,920.00. *Funding Source: Department of Labor and CAA Grants, as approved by the California Department of Labor.* Contract services includes fiduciary and programmatic oversight of the ATLAS Program and related projects to include planning, organizing and directing activities, functions and

services including management, staffing, grant management and timely reports, budget and general administration.

The scope of work includes:

1. Implement program objectives according to timeliness established in grant
2. Direct ATLAS program education and training activities
3. Oversee the convening of the ATLAS steering committee, sub-committees, advisory board, and transportation and logistics initiative meetings.
4. Implement strategies and oversee systems for management control, record keeping, client tracking, reporting and other functions to manage the changing resources and responsibilities of the ATLAS program.
5. Represent the services of the ATLAS Program at meetings and before constituencies including employers, job seekers, government and community organizations.
6. Work with external and internal groups to establish effective working relationships with the ATLAS Program. Oversee the marketing of ATLAS Program's services to transportation and logistics employers and job seekers.
7. Oversee the dissemination of data, resources, and referrals to the business community including information in the labor market, tax credits, hiring incentives, and other human resources needs.
8. Remain in daily/weekly contact with Vice President of Instruction at College of Alameda. Submit weekly update reports to the VPI via email attachments. Phone, email, grants, finance reports, personnel, sector partners, faculty members, student concerns or needs, and programmatic needs.
9. Mr. Gravelle is responsible for the assurance of student success, and as such, he observes ATLAS students and faculty in the classroom setting, making programmatic decisions and adjustments to best serve students based upon anecdotal input, statistical data, and trend analysis.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval of Independent Contractor Agreement Extension for urban university to Render Case Management Services for Laney College's Employment Development Department Green Jobs Training Program

**Presenter: Vice Chancellor Budd**

Requesting Board action on independent contractor agreement extension for urban university in the amount of \$14,200 to Render Case Management Services for Laney College's Employment Development Department Green Jobs Training Program. The prior contract amount was \$24,950. Increasing the contract amount by \$14,200 brings the total contract amount for the fiscal year to \$39,150. *Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department Green Jobs Grant.* The proposed contract extension will allow the Laney Green Jobs Training Program a successful completion of deliverables for the second project year. As we are now becoming the recipient of additional federal ARRA and WIA funding via the EDD grant extensions, accordingly, timely completion of all existing grant deliverables is critical. urban university's scope of work addresses EDD Green

Jobs Grant Project Work Plan Objectives, including Start Up, Assessment and Enrollment, Training and Education, as well as Job Placement, Retention and Tracking. urban university provides services to multiple cohorts of Green Job Program participants, including up to 200 students total, (approximately 140 at Laney College, 60 at Cypress Mandela) through the conclusion of the EDD Green Jobs All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**24. Consider Approval of a Consultant Agreement with Skyline College for the ATLAS Program Presenter: Vice Chancellor Budd**

Consider approval of an MOU with Skyline College for services that include recruitment, training/education and job placement services for the ATLAS program in the amount of \$75,000 from October 14, 2011 through February 14, 2012. *Funding Source: Department of Labor Grant, approved by the Department of Labor Employment and Training Services.* This federally funded grant project is designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**25. Consider Approval of a Consultant Agreement with the Unity Council (TUC) Presenter: Vice Chancellor Budd**

Consider approval of a consultant agreement with the Unity Council (TUC) for services that include recruitment, assessment, and case management, documentation for participant outcomes and job placement referrals for the ATLAS program in the amount of \$48,489, from November 16, 2011 through February 14, 2012. *Funding Source: DOL grant, as approved by the Department of Labor Employment and Training Services.* Requesting Approval, Acceptance of Independent Contractor/Consultant Agreement with the Unity Council (TUC) for services that include recruitment, assessment, and case management, documentation for participant outcomes and job placement referrals for the ATLAS program in the amount of \$48,489, from November 16, 2011 through February 14, 2012. Federally funded grant project designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. The Unity Council, a key community-based partner in Oakland, will recruit the limited-English speaking participants for entry-level training for the ATLAS training program and incumbent workers to participate in advancement or additional skills training. TUC will be responsible for assessment of math and English proficiency (6<sup>th</sup> grade level) of participants to ensure appropriate skill levels of participants referred to the ATLAS program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. Consider Approval of Consultant Agreement with the Workforce Collaborative (TWC) **Presenter: Vice Chancellor Budd**

Consider approval of consultant agreement with the Workforce Collaborative (TWC) for services that include recruitment, assessment, enrollment, and documentation for participant outcomes and job placement referrals for the ATLAS program in the amount not to exceed \$70,174 from July 1, 2011 through February 14, 2012. *Funding Source: Department of Labor Grant, as approved by the California Department of Labor.* Federally funded grant project designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Green Diesel, Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

27. Consider Approval, Acceptance of MOU and Independent Contractor Agreement with Academy of Truck Driving (ATD) **Presenter: Vice Chancellor Budd**

Consider approval of an independent contractors agreement with Academy of Truck Driving (ATD) for services that include job readiness training, Commercial Driving License Training, job referral and placement for the ATLAS program in the amount of \$100,000.00, from November 1, 2011 through February 14, 2012. *Funding Source: Department of Labor grant, as approved by the Department of Labor Employment and Training Services.* Federally funded grant project designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

28. Consider Approval of Independent Contractor Agreement Extension for Maeve K. Bergman, LL.M. to Render Services for Laney College's Green Jobs Training Program **Presenter: Vice Chancellor Budd**

Requesting Board action on independent contractor agreement extension for Maeve K. Bergman, LL.M. in the amount of \$28,800 for green building educational support services for Laney College's Green Jobs Training Program. *Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department (EDD) Green Jobs Grant as well as funding from Department of Labor via the Clean Energy Commission.* The prior contract amount was \$20,790. Increasing the contract amount by \$28,800 brings the total contract amount for the fiscal year to \$49,590. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

29. Consider Approval of a Resolution Granting Authority for an Extension of the Clean Energy Grant between the California EDD and Laney College

Requesting Board consideration of a Resolution Granting Authority for an Extension of the Clean Energy Grant between the California EDD and Laney College. The prior EDD Clean Energy Grant was \$1,000,000, extending the grant will bring additional funding in

the amount of \$230,400 to the Laney College Green Jobs Program. *Funding Source:* Federal American Recovery and Reinvestment Act (ARRA) funds via an extension of the California EDD Clean Energy Act Grant, categorical funds, with no fiscal impact on Peralta. The proposed grant extension will allow the Laney Green Jobs Training Program to provide graduates of our Clean Energy Grant Training Cohorts with On-the-Job Training opportunities. As we are current recipients of nearly half a million dollars in WIA funding via the EDD Green Jobs Grant, timely acceptance and delivery of services under this EDD extension of ARRA funding is critical as well as beneficial to our Clean Energy Grant program graduates. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

30. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Vice Chancellor Budd**

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations – November 2011" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

31. Consider Approval of the Toyota Technician Training Agreement and College of Alameda **Presenter: President Jackson**

Consider approval of the Toyota Technician Training Agreement (the "T-TEN Agreement") and anticipated future donations by Toyota thereunder of Toyota parts, vehicles and tools in support of the Automotive Technology Program (the "ATech Program") at the College of Alameda, and of prior donations of Toyota parts, vehicles and tools by Toyota in support of the Program. *No fiscal impact.* All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

32. Consider Approval of Granicus Contract Extension **Presenter: Assistant Epstein**

Consider approval of Granicus contract extension for Media Manager Media Vault and Minutes Maker monthly managed services from November 2011 through October 2016 at a fee not to exceed \$13,338/year, totaling \$66,690. This is a five percent discount for a multi-year contract. *Funding Source: General Funds.* All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

## FINANCIAL SERVICES

33. Consider Ratification of Purchase Order Report **Presenter: Vice Chancellor Gerhard**

Consider *ratification* of purchase order report. This item is for informational purposes only. This report is being presented for review in accordance with Education Code section 81656 which states, "All transactions entered into by the District shall be

reviewed by the governing board every 60 days". All Purchase Orders listed have been issued in accordance with the District's policies and procedures by an authorized officer of the District and have been budgeted. The Chancellor recommends *ratification*.

34. Consider *Ratification* of the AP, Travel, and Consulting Contract Warrant Register  
**Presenter: Vice Chancellor Gerhard**

Consider *ratification* of the AP, Travel, and Consulting Contract Warrant Register. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

35. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Gerhard**

Consider approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval.

**HUMAN RESOURCES**

36. Consider Recommendation to Approve Dr. Alexis Montevirgen's Request for a Management Leave of Absence from his position as Dean of Enrollment Services, College of Alameda **Presenter: Vice Chancellor Largent**

In accordance with Board Policy 3.74 Leave of Absence without Pay, District administration requests Board approval to grant a leave of absence without pay for Dr. Alexis Montevirgen, Dean of Enrollment Services at College of Alameda from February 21, 2012 through May 1, 2012. Dr. Montevirgen will visit the University of the Philippines which has fourteen campuses throughout the Philippines. He will explore ways to internationalize College of Alameda through a student exchange program he hopes to establish. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

37. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees **Presenter: Vice Chancellor Largent**

Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned.

Last Name	First Name	Date of Hire	End Date	Position Title	Site

Alvarez	Dorsy	1/1/12	6/30/12	Instructional Asst II/DSPS	A
Attarian	Aram	1/1/12	6/30/12	Instructional Asst II/DSPS	A
Forlastro	Christana	2/1/12	6/30/12	Library Tech I	M
Hamilton	Darrian	12/6/11	1/19/12	Instructional Asst/Diesel Mechanics	A
Jacks-Young	Alena	12/18/11	6/30/12	Staff Asst/Admin	L
Lee	Kenneth	1/23/12	6/30/12	Lifeguard	L
Livsey	Andrew	12/19/11	6/28/12	Instructional Asst IV/DSPS	L
Louie	Joanna	12/18/11	6/30/12	Staff Asst/Admin	L
McCullough	Gloria	1/1/12	6/30/12	Accounting Technician	L
Roudebush	Tomoko	1/4/12	6/30/12	Program Specialist/AANAPISI	L
Sammel	Chelsea	1/3/12	6/30/12	Instructional Asst/Welding	L
Seay	Jamar	12/7/11	6/30/12	Financial Aid & Placement Asst.	L
Shaposhnikov	Nikolay	12/18/11	6/30/12	Instructional Asst/Mathematics	L
Vilchis-Lent	Leticia	1/1/12	6/30/12	Account Clerk II	L
Young	Yolanda	1/2/12	6/30/12	Account Clerk I	B

## GENERAL SERVICES

38. Consider Approval for the Chancellor or His Designee to Negotiate an Agreement with Turner Construction Company to Provide Design-Build Construction Project Delivery Services for the Merritt College Science and Allied Health Building **Presenter: Vice Chancellor Ikharo**

Approval is requested for the Chancellor or his designee to negotiate an agreement with Turner Construction Company (Turner) to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. **Funding Source: Bond Measure A.** On June 24, 2011, the District issued a formal request for proposals (RFP 11-12/01) inviting design-build teams to participate in the District's multiple-step process to submit a pre-qualified bid proposal to design and construct the Merritt College Science and Allied Health Building. The RFP stated evaluation criteria, including price, technical expertise, life cycle cost, skilled labor force availability, key design-build members, acceptable safety record, architectural aesthetics and design innovation, and SLBE and SELBE program compliance. The District's process included attending mandatory pre-qualification meetings, completing the pre-qualification questionnaire, submitting a pre-qualified bid proposal, and conducting oral interviews. Staff also performed due diligence verifying work history of vendors, conducting legal reference

checks to discover past and pending litigation with clients, verifying LEED and sustainability experience, and verifying past performance with SLBE and SELBE project participation with other governmental entities.

On August 19, 2011, the District received thirteen (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services to the District. From the thirteen (13) submittals, seven (7) design-build teams successfully pre-qualified. Five (5) of the pre-qualified teams submitted a bid proposal on November 7, 2011. Those five firms were: Clark & Sullivan/Walsh Construction, Hensel Phelps, Rudolph & Sletten, Turner Construction Company, and Webcor/GKK Works. The proposals were evaluated by an executive committee comprised of representatives from the Department of General Services and Merritt College administrative leadership, and the following scores were given:

**PROPOSALS**

	Evaluators Total Score				Average Score
	A	B	C	D	
Turner Construction	92	93	80	89	<b>89</b>
Clark & Sullivan	90	91	81	95	<b>89</b>
Hensel Phelps	88	81	82	84	<b>84</b>
Webcor/GKK Works	81	75	88	71	<b>79</b>
Rudolph & Sletton	77	76	79	69	<b>75</b>

Interviews were conducted by the executive committee on November 16 and November 21, 2011, and the teams were scored as follows:

**INTERVIEWS**

	Evaluators				Total	Average
	A	B	C	D		
Turner Construction	75	89	74	95.5	333.5	<b>83.38</b>
Clark & Sullivan	84	83	71	92	330	<b>82.50</b>
Hensel Phelps	77	71	66	90	304	<b>76.00</b>
Rudolph & Sletten	60	72	69	82	283	<b>70.75</b>
Webcor/GKK Works	42	70	64	84	260	<b>65.00</b>

Based on the review of the proposals and the oral interviews, the committee recommends Turner Construction Company (general contractor), working with MVE Architects. Both firms operate local offices in Oakland and have the capacity and the wherewithal to undertake this project. If the District and Turner Construction Company are unable to arrive at a design-build agreement that is acceptable to both parties, it is recommended that the Chancellor be authorized by the Board of Trustees to negotiate a contract with the next-highest scoring firm, Clark & Sullivan/Walsh Construction. After contract negotiations are complete, the Board of Trustees will be asked to approve the design-build agreement and budget at a subsequent Board meeting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

39. Consider Ratification of Change Order No. 4, ADA Improvements at Laney College, Vertex Construction Services **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 4 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$73,242. Including the previously Board approved Change Order Nos. 1, 2 and 3, the cumulative total is \$302,586, which is 13.1% of the original contract amount (\$2,318,000). **Funding Source: Bond Measure A.** Approximately 82% of the project is complete, and the remaining 18% is expected to be completed by the end of February 2012. The original general contractor, IMR Contractor Corporation, filed bankruptcy in July 2011, and the Laney ADA project will be completed under IMR's surety bond. Vertex Construction Services has been hired by IMR's surety company to complete the project. Change Order No. 4 became part of the takeover agreement between the District and the bonding company. This project is comprised of nineteen (19) separate work increments with extensive demolition of concrete ramps, renovations to the Theater, Library and Women's Locker Room restrooms, accessible parking lots, the road crossing at Fallon Street and East 7<sup>th</sup> Street, various door closers, thresholds, eighteen (18) drinking fountains, and the construction of two new elevators and an inclined lift.

Most of the items comprising this change order were necessary due to:

- The complexity of scheduling construction work around the college educational requirements in various and numerous areas
- Unforeseen conditions of our aged infrastructure and additional demolition of concrete foundations, footings and rebar for the new elevators. In some cases, such as the Women's Locker Rooms, the aged rebar crumbled and work outside the original scope had to be done.
- A significant change to the road crossing on East 7<sup>th</sup> Street by the City of Oakland, resulting in approximately 40% of this change order cost

Although every effort has been made to reduce the change order work on this project, because of the number of spaces throughout the campus that require ADA improvements and the age of the infrastructure, these changes were unavoidable. It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize and ratify this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

40. Consider Approval to Enter into an Agreement with Kitchell Corporation for Construction Management Services for the Merritt College Science and Allied Health Building **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Kitchell Corporation for construction management services for the Merritt College Science and Allied Health Building project, in

the not-to-exceed amount of \$1,212,327. **Funding Source: Bond Measure A.** A recommendation for the design-build contractor for this project will be made at this Board meeting. To help facilitate the construction process, the services of a construction manager are required for the project. The scope of services includes, but is not limited to:

- Project management and support
- Construction management services, including DSA project closeout
- Review estimates for content and constructability reviews
- Coordinate, attend and manage all project construction meetings
- Additional services as required by the District, such as cost negotiations with the contractor

Four construction management firms were requested to submit proposals for services. The firms were selected from the short list of construction management firms approved by the Board of Trustees at the meetings of December 11, 2007 and October 25, 2011. Two of the firms, Cordova and Bovis Lend Lease, declined to submit proposals for internal reasons. The proposals of the remaining firms, Kitchell Corporation and URS, were reviewed by a selection committee comprised of three members of the General Services Department staff and evaluated using the following criteria:

<b>Evaluation Criteria</b>	<b>Weights</b>
Resources and Key Personnel	10
Knowledge and Experience	15
Plan and Approach	15
Proposed Costs	50
Environmental Sustainability	5

The firms were scored with rankings from 1 to 100. Following is the evaluation score for each firm:

<b>Firm</b>	<b>Score</b>
Kitchell Corporation	92
URS	78
Cordova (did not submit proposal)	0
Bovis Lend Lease (did not submit proposal)	0

Kitchell Corporation received the highest ranking and is the recommended firm. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

41. Consider Approval of Amendment No. 3 to the Independent Contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Media Classroom Initiative **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 3 to the independent contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Classroom Initiative, in the amount of \$21,750. **Funding Source: Bond Measure A**

Rosen, Goldberg, Der & Lewitz, Inc. has provided the following additional audio visual design services required to complete the District-Wide Smart Classroom Initiative project, including Merritt College, Laney College, Berkeley City College and College of Alameda:

- Changes in the design configuration to systems in order to accommodate numerous changes required to meet site specific conditions. The consultant provided additional construction administrative services to ensure the installations were completed in accordance with the plans and specifications.
- Additional time required during the substantial completion walkthrough to ensure that all changes in the design and installation covered the scope of work required in all Level 1, 2 & 3 technology spaces. A total of 121 classrooms were included in the final scope of work.
- Delays incurred during the project due to logistical constraints required additional time to coordinate and verify the specific setups that varied with each respective classroom location.

The original agreement for conceptual design in the amount of \$78,000 was initiated under the Independent Contractor/Consultant Services Contract No. 17942 dated May 24, 2010. Amendment No. 1 in the amount of \$120,000 was approved at the Board Meeting of May 25, 2010, and Amendment No. 2 in the amount of \$69,100 was approved at the Board Meeting of October 26, 2010. Including the proposed Amendment No. 3 in the amount of \$21,750, the total contract amount will be \$288,850. This is the final amendment to close out the project. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends ratification.

42. Consider Approval of Amendment No. 1 to Agreement for Architectural Services with NBBJ, LP for the College of Alameda Swing Space (Expansion of Cougar Village) **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the agreement for architectural services with NBBJ, LP for services related to the College of Alameda Swing Space (Expansion of Cougar Village) project, in the amount of \$25,800. Funding Source: Bond Measure A. Following are the additional services to be provided by the architect and sub-consultants:

- A revised submittal format required by the Division of the State Architect, for a phased/split submittal for their review. This requirement has been predicated by a combination of existing and new portable classrooms that are required for this project. Additional work is required by the architect to provide revised drawings and coordination as required by the Division of the State Architect. The additional fee is \$18,000.

- The Division of the State Architect is requiring that the existing Cougar Village portables be reviewed by a structural engineer to determine structural compliance with current code versus the code under which they were constructed. The additional fee is \$7,800.

**Total Fee: \$25,800**

It should be noted that most of the additional services requested in this amendment have been driven by changes and additional requirements requested by the Division of the State Architect. These changes are required to comply with unique submittal requirements of the base plans and special structural engineering assessment of the existing portable facilities in Cougar Village.

The original agreement with Fisher-Friedman Associates (subsequently assigned to NBBJ, LP) to provide architectural services for the College of Alameda Swing Space (Expansion of Cougar Village), in the amount of \$340,000, was awarded at the Board meeting of March 9, 2010. Including this Amendment No. 1 in the amount of \$25,800, the agreement amount is \$365,800. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

43. Consider Approval of Amendment No. 2 to Agreement with Securitas Security Services USA, Inc. for Security Services (Graveyard Shift) at Laney College, Merritt College and College of Alameda **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 2 to the agreement for security services with Securitas Security Services USA, Inc. Amendment No. 2 will add an additional five (5) security guards to maintain security services for five months during the graveyard shift (11:00 p.m. – 7:00 a.m.), seven days a week, at Laney College, Merritt College and College of Alameda., at a cost not to exceed \$113,000. The term will be from December 1, 2011 to April 30, 2012. **Funding Source: District General Funds.** All of the terms and conditions of the original Board approved contract will remain in force, except for a slight reduction in the hourly rates. (The security guard hourly rate will be reduced from \$20.00 to \$19.70, and the holiday/overtime hourly rate will be reduced from \$30.00 to \$29.55). The five (5) additional security guards will provide on-site security services during the graveyard shifts at Laney College (two security guards), Merritt College (two security guards), and College of Alameda (one security guard).

Securitas was originally selected through a formal Request for Proposals process (RFP 06-07/61). Securitas received the highest ranking from the six firms that responded to the RFP. The original contract for security services at Berkeley City College was for a three-year period from August 1, 2007 to July 31, 2010. Under Education Code Section 17596, a district may continue contracts for services for a maximum of five years, under the same pricing. The current Board approved contract added services District-wide at the same hourly rates as provided in the Berkeley City College contract. The current contract was a not-to-exceed amount of \$415,920.00 for a one-year term from July 1, 2010 through June 30, 2011 to provide District-wide security services. Amendment No.

1, approved by the Board on June 14, 2011, extended the term for the same services from July 1, 2011 through June 30, 2012.

Amendment No. 2 will provide temporary coverage for the graveyard shifts at Laney College, Merritt College and College of Alameda. Security guards are to post and rove each campus observing for any crime damages or theft, focusing primarily on smart classrooms. The five (5) additional security guards will temporarily augment the ongoing Security Surveillance Project. If the additional security services are no longer required, they may be terminated any time during the five months upon a 30-day notice. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## ADJOURNMENT

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