



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, February 14, 2012

6:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street
Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on 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 (6:00 p.m.)

CLOSED SESSION (6:01 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 (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.
- Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases).

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

- Public Employment Appointment Interim Executive Vice President, Student Learning, Laney College.

OPEN SESSION (7:00 P.M.)

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

ROLL CALL Trustees González Yuen Pr_ Ab_, Guillén Pr_ Ab_, Handy Pr_ Ab_, Hodge Pr_ Ab_, Riley Pr_ Ab_, Withrow Pr_ Ab_, and Gulassa Pr_ Ab_, Student Trustees Brumfield Pr_ Ab_ and Copenhagen Pr_ Ab_.

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

APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board.

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

1. Consider Approval of the Regular Board meeting of January 24, 2012.

Consider approval of the regular Board meeting of January 24, 2012. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:04 P.M.)

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

REPORTS (7:20 P.M.)

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

2. Associated Student Government Reports

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

3. Chancellor's Reports

Dr. Wise E. Allen (7:30 P.M.)

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment Update

Vice Chancellor Budd

Easy Pass, Financial Aid, Student Health Fees, and Health Services

Initiative Updates

Vice Chancellor Ng

General Services Update

Vice Chancellor Ikharo

College Reports

Merritt College

Interim President Herring

Laney College

President Webb

College of Alameda

President Jackson

Berkeley City College

President Inclan

BOARD COMMUNICATION (7:35 P.M.)

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

4. PUBLIC HEARING (7:40 P.M.)

At this time, the Board of Trustees will conduct a public hearing on Sunshining the Initial Proposal for Contract Revision for the New Successor Agreement for the International Union of Operating Engineers (IUOE) Local 39 to the Peralta Community College District. (This public hearing relates to Agenda Item 27.)

5. ARCC Data Report 2011 **Presenters: Vice Chancellor Budd and Associate Vice Chancellor Orkin** (20 minutes)

The ARCC Data Report 2011 will present data on student performance indicators, cohorts, peer grouping, and demographics.

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

7. 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 3100 **Organizational Structure** (Replaces Board Policy 2.02)
- Board Policy 3200 **Accreditation** (Replaces Board Policy 1.28)
- Board Policy 3250 **Institutional Planning** (Replaces Board Policy 1.26)
- Board Policy 3300 **Public Records** (new)
- Board Policy 3900 **Speech: Time, Place, and Manner** (Replaces Board Policy 2.30)
- Board Policy 4230 **Grading and Academic Record Symbols** (Replaces Board Policy 5.22)
- Board Policy 6700 **Civic Center and Other Facilities Use** (Replaces Board Policy 6.64)

CONSENT CALENDAR (8:15 P.M.)

All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent

Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.

Motion on the Consent Calendar

Public Comments on the Consent Calendar Vote on the Consent Calendar

BOARD POLICIES

8. Consider Approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11) **Presenter: Chancellor Allen**

Consider approval of Board Policy 4020 Program, Curriculum, and Course Development (Replaces BP 5.11). The Chancellor recommends approval.

9. Consider Approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20) **Presenter: Chancellor Allen**

Consider approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education (Replaces BP 5.20). The Chancellor recommends approval.

10. Consider Approval of Resolution 11/12-31 on Tax Initiatives **Presenter: Trustee Gulassa**

Consider approval of Resolution 11/12-31 on tax initiatives. The Chancellor recommends approval.

11. Consider Approval of Resolution 11/12-32 on the "Millionaires" Tax to Restore Funding for Education and Essential Services Act of 2012" **Presenter: Trustee Gulassa**

Consider approval of Resolution 11/12-32 on the "Millionaires" tax to restore funding for education and essential services act of 2012. The Chancellor recommends approval.

12. Consider Approval of Resolution 11/12-33 In Support of the March 1st International Day of Action for Public Education and Public Services and the March 5th March in Sacramento for Public Education and Public Services **Presenter: Trustee Guillén**

Consider approval of Resolution 11/12-33 in support of the March 1st International Day of Action for Public Education and Public Services and the March 5th March in Sacramento for Public Education and Public Services. The Chancellor recommends approval.

13. Consider Approval of the Redistricting Population Variance Identified by the Registrar of Voters **Presenter: Chancellor Allen**

Consider approval of the redistricting population variance identified by the Registrar of Voter's Office. The Board approved the fifth redistricting alternative, which was subsequently submitted to the Registrar of Voters in November 2011. In working with

the Registrar's office, the staff there ascertained that per the County Assessors records there are a small number of census blocks within the City of Oakland that the Appraiser's records show are not within the Peralta Community College District. The small population number changes in two Trustee Areas resulting from the removal of these few blocks make no material difference to the redistricting plan adopted by the Trustees, or to any of the other redistricting plans that were prepared for the District and reviewed by the public and the District. The marginal result is that the several Oakland census blocks not within the Peralta have been removed from the reconciled map and data information we have prepared with the Registrar. The Chancellor recommends approval.

14. Consider Approval of a Board Workshop Meeting Calendar **Presenter: Trustee Gulassa**

The Governing Board will hold special workshops in various service area locations in order to encourage greater community participation and input. The special workshops will also allow the Board to focus on particular topics in depth, based upon Trustee requests. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

15. Consider Approval of an Independent Contractor Agreement Amendment with Lin Marlick **Presenter: Vice Chancellor Budd**

Consider approval of an Independent Contractor Agreement amendment with Lin Marlick for professional grant consultation services for the PCCD Office of Educational Services and Merritt College not to exceed \$36,000 through June 30, 2012. **Funding Source: Grant funds.** Services will include making system improvement recommendations, project planning and organizing, budget development and monitoring grant awards, developing grant objectives, and grant oversight. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

16. Consider Approval of Sub-grantee Renewal for Merritt College and the Spanish Speaking Unity Council **Presenter: Vice Chancellor Budd**

Consider approval of sub-grantee renewal for Merritt College and the Spanish Speaking Unity Council to partner through a US Department of Labor's American Reinvestment and Recovery Act Grant for the purpose of developing and implementing a worker training program that includes placement opportunities for individuals within the high-growth and emerging industry sectors. **Funding Source: The Unity Council.** Provided funds will not to exceed \$465,992 for the employment of one FTE Career Counselor, one FTE Chronic Care Instructor, one Online Medical Assisting II Specialist, and the cost of any online maintenance. This is a renewal of the sub-agreement that started in March 2010, with an anticipated completion date of February 28, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

17. Consider Approval of Resolution 11/12-30 Granting Authority for Signature Authorization **Presenter: Vice Chancellor Budd**

Consider approval of Resolution 11/12-30 granting authority for signature authorization to Chancellor Allen or his designee on behalf of the Governing Board. This resolution must be adopted for the Department of Rehabilitation (DOR) Workability Grant at Laney College to approve signature authorization change with the California Department of Rehabilitation. The grant was originally approved by the Board on March 15, 2011. The Chancellor recommends approval.

18. Consider Approval of the Peralta Community College District's application to the Alameda County Behavioral Health Care Services Campus Mental Health Education and Services Grant Competition **Presenter: Vice Chancellor Budd**

The Office of Educational Services is applying to the Alameda County Behavioral Health Care Services (BHCS) requesting a Campus Mental Health Education and Services grant. **Funding Source: Statewide Funding Initiative, administered by the Alameda County Behavioral Health Care Services.** The Office of Educational Services is requesting the maximum available for Phase I: \$332,183. This amount will be divided between the individual Peralta colleges and the District to cover costs associated meeting the grant priorities. The application is a collaborative effort between the student services divisions of each of the four Peralta colleges. The purpose of this initiative is to develop a comprehensive approach to promoting student mental health and well-being and the reduction of stigmas around students seeking help for mental health issues in the higher education setting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

FINANCIAL SERVICES

19. 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*.

20. 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*.

21. 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.

22. Consider Approval to Receive and File the 2010-2011 Annual Measure A Financial and Performance Audit **Presenter: Vice Chancellor Gerhard**

Receive and file Peralta Community College District's June 30, 2011 Measure A Financial and Performance Audit. The June 30, 2011 Annual Measure A Financial and Performance Audit is being presented to the Board of Trustees for acceptance. This annual financial and performance audit is required under Prop. 39 and the resolution approved by the Board of Trustees authorizing Measure A.

23. Consider Approval of the California Community Colleges Chancellor's Office Quarterly Financial Status (CCFS-311Q) Report **Presenter: Vice Chancellor Gerhard**

Consider approval of the District's fiscal year 2011-12 2nd quarter CCFS 311Q report. The CCFS-311Q is the State Chancellor's Office Quarterly Financial Status Report summarizing and communicating the results of the budgetary decisions and transactions made by the District through the second quarter of fiscal year 2011-12. The Chancellor recommends approval.

24. Consider Approval of the Quarterly Financial Status Reports **Presenter: Vice Chancellor Gerhard**

Consider approval of the Quarterly Financial Variance Reports. Quarterly financial variance reports for all funds are being presented to the board for review and approval. These reports present the 2011-12 adjusted budgets, 2011-12 activities through December 31, 2011, and 2010-11 activities through December 31, 2010. The Chancellor recommends approval.

HUMAN RESOURCES

25. 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
Hernandez	Alegria	2/15/12	5/25/12	Instructional Asst/ ADN	M

				Program	
Kahil	Si Yazid	5/20/12	6/30/12	Instructional Asst/Diesel Mechanics	A
Lagmay	Raytina	2/15/12	6/30/12	Instructional Asst/Biology	M
Lyons	Laura	2/15/12	5/11/12	Student Personnel Svcs. Specialist	B
Rehman	Uzma	2/15/12	6/30/12	Instructional Asst III/DSPS	B

26. Consider Approval to Reinstate Erica Harrell as Coordinator of the Child Development Center at Laney College **Presented by Vice Chancellor Largent**

District administration requests Board authorization to reinstate Erica Harrell as the Coordinator of the Child Development Center at Laney College effective March 1, 2012. **Funding Source: Child Development Fund.** Ms. Harrell voluntarily resigned in good standing from her position as Coordinator effective November 5, 2011 and pursuant to the Education Code the Board may, at its election, reinstate her to her previous position within 39 months of her resignation in accordance with California Education Code, Section 88128. The Chancellor recommends approval.

27. Sunshine of the Initial Proposal for Contract Revision for the New Successor Agreement for the International Union of Operating Engineers (IUOE) Local 39 to the Peralta Community College District **Presented by Vice Chancellor Largent**

Pursuant to Government code 3547(a), the public shall have an opportunity to comment upon the International Union of Operating Engineers (IUOE) Local 39 Initial Proposal for a contract revision for the new successor agreement with the Peralta Community College District that was received at the January 24, 2012 Board meeting. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends adoption of the IUOE Local 39 initial proposal.

FACILITIES

28. Consider Ratification of Change Order No. 5, ADA Improvements at Laney College, Vertex Construction Services **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 5 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$130,390. Including the previously Board approved Change Order Nos. 1, 2, 3 and 4, the cumulative total is \$432,976, which is 18.7% of the original contract amount (\$2,318,000). **Funding Source: Bond Measure A.**

This change order is comprised of the following:

- 40% of Change Order No. 5 reflects the Settlement Agreement and Order for work that was added to the contract as a compromise after the bid and DSA

approval

- 49% of Change Order No. 5 is for work along Fallon Street mandated by the City of Oakland
- The remaining 11% has resulted from District changed standards for the drinking fountains and unforeseen circumstances

Background/History

The ADA Improvements Project at Laney College is a court ordered project designed to address pathway access in accordance with the 1990 Americans with Disabilities Act and subsequent Amendments Act of 2008. The law mandated programmatic as well as physical barrier removal, in order to ensure that all persons with disabilities receive comparable access to all public and some private places of business. Nineteen (19) areas at the Laney campus were identified that required physical barrier removal through construction. The majority of the areas also required DSA approval due to significant structural, fire/life safety and access components included in the settlement. In addition, an aggressive time line was established to complete all facets of the work. Due to DSA review delays and the complexity of the final settlement, four areas of injunctive relief were agreed to be added as modifications to the awarded contract. On June 10, 2010, this Board awarded a contract for the ADA Improvements Project at Laney College to IMR Contractor Corporation in the amount of \$2,318,000. A Notice to Proceed was issued directing IMR to commence work on August 23, 2010, with construction targeted for completion in August 2011.

Unfortunately, the project was fraught with challenges at the beginning and continued throughout construction. In July 2011, IMR Contractor Corporation filed for bankruptcy, which effectively ended any further progress on the project. IMR's surety company, First National Insurance Company of America, assumed the responsibility of completing the construction. Subsequently, First National awarded the contract to Vertex Construction Services under a takeover agreement with the District. In September 2011 Vertex Construction Services began work on the project with an end date of February 29, 2012. The District also discontinued the services of the previous construction management firm, Stegeman & Kastner, and contracted with Olive Construction Management, Inc., in order to decrease management fees by hiring a local firm familiar with Peralta's campus and organization. Four previous change orders were ratified by the Board of Trustees:

- Change Order No. 1, in the amount of \$93,901, was ratified at the meeting of March 15, 2011. This change order was necessary due to the complexity of scheduling construction work around the college educational requirements in various and numerous areas. Additionally, due to the aged infrastructure, unforeseen conditions were encountered during the demolition of the walls, floors and ceilings.
- Change Order No. 2, in the amount of \$105,715, was ratified at the meeting of June 28, 2011. This change order was necessary due to the complexity of scheduling the construction work around the college educational requirements,

unforeseen conditions due to the aged infrastructure, and water intrusion problems.

- Change Order No. 3, in the amount of \$29,728, was ratified at the meeting of July 19, 2011. This change order was necessary due to field changes and to meet code compliance with DSA and the City of Oakland.
- Change Order No. 4, in the amount of \$73,242, was ratified at the Board meeting of December 6, 2011. It was issued to Vertex Construction Services for work performed by IMR as a provision of the takeover agreement between the District and the surety company, First National Insurance Company of America.

The total of the first four change orders is \$302,586, which is 13% of the original contract amount. Cumulatively these four change orders are attributed to:

Deferred Maintenance due the aged infrastructure		30%
Owner Requested Changes	7%	
Division 1 (permits)	15%	
Other Unforeseen Conditions (not deferred maintenance)		14%
City of Oakland requested changes	11%	
Changes required by DSA	7%	
Errors and Omissions	16%	

Change Order No. 5

To date Vertex Construction Services has submitted an additional \$292,129 in proposed change orders. Change Order No. 5 represents \$130,390 for work that is warranted and should be ratified by the Board in order to complete the project by March 13, 2012. The \$130,390 Change Order No. 5 amount represents a negotiated reduction of \$28,134, or 22%. Any delays to approval of Change Order No. 5 will result in future stop notices and prevent the project from attaining completion on schedule, as well as opening the District to delay liabilities by the surety company. The District will address the credit issues and liquidated damages at the completion of the project. From the additional \$292,129 of proposed change order items requested by Vertex, items totaling \$124,497 have been rejected and \$15,000 is still pending. Staff believes one final change order will be forwarded to the Board prior to project completion, but it may be deductive in nature. Staff is currently in the process of assessing existing requests in order to recommend rejection or approval. Although every effort has been made to reduce the change order work on this project, 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. 5 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*.

29. Consider *Ratification* of Change Order No. 2, Laney Tower Modernization Project, AJF/BHM, A Joint Venture **Presenter: Vice Chancellor Ikharo**

Ratification is requested for Change Order No. 2 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, in the amount of \$16,319. Including the Board approved Change Order No. 1, the cumulative change order total to date is \$41,943, which is 1.0% of the original contract amount (\$3,997,351). **Funding Source: Bond Measure A.**

Change Order No. 2, which is the result of unforeseen conditions, includes the following scope of work:

- Furnish labor, equipment and materials to provide bracing for all existing non-full height walls on Floors 2 through 8
- Furnish labor, equipment and materials to relocate existing communications ground cable in the women's restroom on the 6th floor

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 1 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

30. Consider Approval of Amendment No. 2 to the Agreement for PLA (Project Labor Agreement) Management Services, Davillier-Sloan, Inc. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 2 to the agreement for PLA (Project Labor Agreement) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month) from March 2012 through February 2013. **Funding Source: Bond Measure A.** These administration services are required for the implementation, enforcement, management and operation of the District's Project Labor Agreement.

The Board approved entering into an agreement with DSI at the meeting of March 23, 2010. DSI was selected through a formal Request for Qualifications process. The agreement was prepared for a one-year term, at a not-to-exceed fee of \$72,000. It was stipulated and noted in the Board report that the agreement could be extended for two additional one-year periods at the same fee based on a favorable annual performance review and Board of Trustees' approval. The first one-year extension, for the period of March 2011 through February 2012, was approved by the Board at the meeting of March 15, 2011. DSI has continued to perform satisfactorily, and it is recommended that the contract be extended for an additional one-year period. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

31. Consider Approval to Enter into an Agreement with Olive Construction Management, Inc. for Construction Management Services for the Build-Out: Phase III Project at Berkeley City College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Olive Construction Management, Inc. for construction management services for the Build-Out: Phase III project at Berkeley City College, in the not-to-exceed amount of \$199,750. **Funding Source: Bond Measure A.** Construction management services are anticipated for a maximum period of thirteen months and will be billed on an hourly basis as needed and approved by the Department of General Services. For this project, three construction management firms (Olive Construction Management, Inc., Miller & Associates, and AMG Management Group) were invited to respond to an informal Request for Proposals (RFP). The firms were selected from the short list of small construction management firms approved by the Board of Trustees at the meeting of October 25, 2011. All three firms submitted proposals, which were reviewed by General Services Department staff and evaluated using the following criteria:

EVALUATION CRITERIA	WEIGHTS
Letter of Interest, Resources and Key Personnel	15
Knowledge and Experience	20
Plan and Approach	25
Proposed Costs	30
Environmental Sustainability	5
Small Local Business Enterprise (SLBE)	5
Total:	100

The proposals were scored with a maximum ranking of 100. Interviews were then conducted with the three firms. The maximum interview score was 50. Following are the resulting proposal and interview scores:

CONSTRUCTION MANAGER	PROPOSAL SCORES	INTERVIEW SCORES
Olive Construction Management, Inc.	71	32
Miller & Associates	70	29.5
AMG Management Group	65	24.5

Olive Construction Management, Inc. received the highest proposal and interview scores and is the recommended firm. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar.

Motion on each Action Calendar Item

Public Comments on each Action Calendar Item

Vote on each Action Calendar Item

ADJOURNMENT

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