



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, April 23, 2013

5:30 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 reports and meeting materials are available for viewing on Granicus:

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

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

### AGENDA

**CALL TO ORDER** (5:30 p.m.)

**CLOSED SESSION** (5:30 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)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.

- 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)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.
- Conference with Legal Counsel (54956.9(a)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.
- Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA, Case No. CV12-5943.
- Conference with Legal Counsel (54956.9(a)), Kimberly Alexander v. Peralta Community College District, etc., Case No. RS12657695.
- Conference with Legal Counsel (54956.9(a)), Emmanuel Tril v. Laney College et al., U.S. District Court, Northern District of CA, Case No. C131464 LB
- 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).

Consider Approval of Interim Vice President of Student Services, Laney College.

Consider Approval of Interim Director of Gateway to College, Laney College.

Consider Approval of Interim Director of Student Activities & Campus Life, Laney College.

**OPEN SESSION (7:00 P.M.)**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Trustees Brown, Pr\_ Ab\_, González Yuen Pr\_ Ab\_, Guillén Pr\_ Ab\_, Handy Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab\_, and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Cervantes 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. The Board will move to the Action Calendar items with public speakers.

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

1. Consider Approval of the Regular Board meeting Minutes of April 9, 2013.  
Consider approval of the regular Board meeting minutes of April 9, 2013. The minutes are posted on Granicus.

**PUBLIC COMMUNICATION (7:05 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 (7:30 P.M.)**

**The Board requests that constituent group reports and presentations be brief and concise, and that only electronic copies be provided for posting.  
All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on 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

Chancellor's Report

Dr. José M. Ortiz

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment and

Interim Vice Chancellor Orkin

Student Services Update

General Services Update

Vice Chancellor Ikharo

Human Resources

Vice Chancellor Largent

College Reports

Berkeley City College

President Budd

- Intent to Apply

College of Alameda	President Jackson
• Intent to Apply	
Laney College	President Webb
• Intent to Apply	
Merritt College	President Ambriz-Galaviz

4. Board of Trustees' Reports

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.

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

## PRESENTATIONS (8:30 P.M.)

6. Promise Pathways and STEPS - Using High School Transcripts to Predict Student Success

**Presenter: Interim Vice Chancellor Orkin** (15 minutes)

Recent pilot programs at Long Beach City College and elsewhere, including the statewide STEPS project ("Student Transcript Enhanced Placement Study"), have shown that using high school transcripts as part of multiple measures assessment into college courses provides a more powerful predictor of success than standardized tests and places fewer students in remedial courses. These initiatives and their implications for Peralta will be discussed.

## CONSENT CALENDAR (8:45 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.

## EDUCATIONAL AND STUDENT SERVICES

7. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Interim Vice Chancellor Orkin**

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 – April 8, 2013” contains course and program additions, changes and deactivations as approved by the colleges’ curriculum committees and CIPD. The Chancellor recommends approval.

8. Consider Approval of a Contract with Career Ladders Project (CLP) to participate in the California Community College Linked Learning Initiative (CCLLI) for Berkeley City College **Presenter: Interim Vice Chancellor of Educational Services**

Consider a grant acceptance from Career Ladders Project for a California Community College Linked Learning Initiative not to exceed \$75,000 from May 2013 through June 2014 for Berkeley City College. **Funding Source: Career Ladders Project’s California Community College Linked Learning Initiative.** California Community College Linked Learning Initiative project will support the creation of an institutionalized pathway between Berkeley City College’s department of Multimedia Arts and Oakland Unified School District’s multimedia Linked Learning Academies, including the Skyline High School’s Computer Science and Technology Academy, to institutionalize the pathways between the high school programs and the college to support student success, including employment and transfer. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

9. Consider Approval of a Contract Extension for the Spanish Speaking Unity Council Memorandum of Understanding (MOU), Merritt College **Presenter: Interim Vice Chancellor of Educational Services**

Consider approval of a contract extension and additional funds for the Spanish Speaking Unity Council MOU. The original contract through February 28, 2013 for \$465,992 will be extended until June 30, 2013, with additional funding not to exceed \$120,000, totaling \$585,992. **Funding Source: Unity Council (US Department of Labors’ American Reinvestment and Recovery Act (ARRA)).** These funds will enhance the Medical Assistant curriculum, provide Assisting training and instruction, and pay for the Medical Assisting refresher course instructors’ salaries. Merritt College will facilitate and provide instruction for the online training for Medical Assisting II and Chronic Care Assisting instruction, hire a Career Counselor to support Healthcare Sector Career Initiative (HSCI) participants, and develop curriculum and train prospective HSCI participants. During the grant period, Spanish Speaking Unity Council offered this additional funding and grant extension. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## FINANCIAL SERVICES

10. Review of Purchase Order Report **Presenter: Vice Chancellor Gerhard**  
The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from March 19, 2013 through April 4, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

11. 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 from March 19, 2013 through April 4, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for purposes only. The Chancellor recommends .

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

Consider approval of budget transfer report covering the period from March 19, 2013 through April 4, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

13. Consider Approval of Vavrinek Trine Day & Co. Contract **Presenter: Vice Chancellor Gerhard**

Consider approval of contract with Vavrinek Trine Day & Co., LLP (VTD) in the amount of \$135,000 to perform the District's annual audit for the fiscal year ended June 30, 2013. Funding Source: General Fund Unrestricted. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

14. Consider Approval of ERP Analysts PeopleSoft Portal Implementation Contract Amendment **Presenter: Vice Chancellor Gerhard**

Consider approval of an amendment to ERP Analysts' contract PeopleSoft Portal Implementation (IT Strategy 2012, Project # 2.9). The Board of Trustees' approved Information Technology Strategy identifies the upgrade of PeopleSoft from version

8.9 to 9.1. **Funding Source: Measure E.** This project began last fall and is currently anticipated to be completed in June 2013. The project budget for the entire PeopleSoft upgrade was approved for \$1,446,500 and actual expenditures through April 15, 2013 are \$649,486. The total not-to-exceed cost of this contract amendment is \$64,000 (including time and expenses) which will bring the full amount of the current contract with ERP Analysts to \$128,000. The scope of the project is to prepare the portal modules for upgrading the existing Campus Solutions (Student Administration), Human Resource Management System. The PeopleSoft Portal modules are the entry point into which students and staff access the PeopleSoft system. The Portal upgrade will improve ease of use, improve reliability, add additional functionality and features, configure a Portal test environment, provide knowledge transfer, and train existing employees. All deliverables included within the scope of this contract will be performed onsite by ERP Analysts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**HUMAN RESOURCES**

15. 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. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Darnell	Myles	4/24/13	6/30/13	Toolroom Keeper I/Aviation Maintenance Technology	A
Parris	Kanika	4/24/13	6/30/13	Facilities Services Specialist	L

16. Consider Approval of a Contract Agreement Extension with Systems Technology Associates, Inc. for Outreach Services, Merritt College **Presenter: President Ambriz-Galaviz**

Systems Technology Associates (STA), Inc. consultant Susan May will provide much-needed outreach services with the goal of recruiting potential students, not to exceed \$36,985. **Funding Source: General Funds.** The previous STA contract through VTEA grant funds was for \$24,500, and \$12,485 is requested for added services. STA’s service will expand to create the following: a photo display in the Student Services building hallways highlighting Merritt’s programs and services to potential students, parents, visitors, community partners and organizations, and the general public; an online photo archive with the photos to be used by faculty, staff, and administrators; a Merritt College viewbook/brochure to distribute throughout the college and community, for high school outreach, college fairs, events, and community partners; a presentation folder for orientations; updates to Merritt program websites with new photos and editing

for a consistent, branded look with the program and contact information needed to learn about Merritt with easy navigation. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## **FACILITIES**

17. Consider Approval to Purchase Furniture for the Laney College Tower through the use of a Piggyback-able Contract **Presenter: Vice Chancellor Ikharo**

Approval is requested to purchase furniture for the Laney College Tower from Allsteel Inc., The Gunlocke Company LLC., HON, and Sam Clar (Commercial Services Group) using a piggyback-able contract through The Cooperative Purchasing Network in the not-to-exceed amount of \$873,344.59. **Funding Source: Measure A Bond Funds.** Under Public Contract Code section 20652, the Board of Trustees of any community college district, without advertising bids, and when that Board has determined it to be in the best interests of the District, may authorize by contract to purchase materials and equipment utilizing piggyback-able contracts. The District would like to utilize the piggyback-able TCPN (The Cooperative Purchasing Network) Contract #R4971, R4859, and R4982 for Laney Tower's furniture needs.

The Cooperative Purchasing Network (TCPN) is a national governmental purchasing cooperative that exists to leverage the purchasing capabilities of governmental entities in all 50 states. All TCPN contracts are competitively bid and evaluated by a lead government entity. The lead entity awards the contract to national vendors in accordance with purchasing procedures mandated by state procurement laws and regulations. TCPN contracts are then available for use and benefit by public and private schools, colleges, universities, cities, counties, non-profits and all other governmental entities. This piggy-back contract has been reviewed and appropriate discount was applied to this purchase by the vendor as verified by the Purchasing Department. The Laney College administration, staff, and faculty are scheduled to reoccupy the Laney Tower by the end of June 2013. The building occupants previously relocated from Laney Tower into the Eagle Village swing space prior to the beginning of the Laney Tower Modernization Project. As part of the move into the swing space, the Board of Trustees approved a furniture purchase for a portion of Laney Tower floors 4, 5, & 6 in the amount of \$169,064.39 from Allsteel Inc. and Sam Clar (Commercial Services Group) were the furniture installers. This furniture purchase for a portion of Laney Tower floors 4, 5, & 6 was installed in the Eagle Village swing space to service the Laney Tower occupants (administration, staff, and faculty) while the Tower Modernization project was under construction.

The District, Laney College administration, faculty, and staff collaborated and participated in the furniture selection. Under this request, the District in collaboration with the Laney College administration will purchase the following from Allsteel Inc., The Gunlocke Company LLC., HON, and Sam Clar (Commercial Services Group) through a piggyback-able contract competitively bid out and negotiated by The Cooperative Purchasing Network: complete furniture requirement for the remaining floors 2, 3, 7, and

8 at Laney Tower. The remaining furniture for floors 4, 5, and 6 will be purchased from Allsteel Inc. The following are reasons why this furniture purchase is urgent:

- The District is on a strict timeline to move-in faculty, administration, and staff, currently housed at Eagle Village and the Library, before June 30, 2013, before the fall semester begins.
- The lead-time from issuing a PCCD Purchase Order and delivery of new furniture from the vendors will take eight (8) weeks. This only gives the furniture vendors a limited time to transport and install furniture, and for the occupants to move back into the Laney Tower.
- Employee’s productivity and motivation will be enhanced due to a better working environment.

Once the District issues a Purchase Order to the vendor Allsteel Inc., The Gunlocke Company LLC., HON, and Sam Clar (Commercial Services Group), the manufacturing, delivery and installation of furniture will begin, which requires a time period of approximately two months. Laney campus administration and District staff have completed their planning with the vendor and a quotation has been received and incorporated into this request. After Board approval, the District will immediately begin the requisition process in order for vendors to deliver the furniture by mid-June, 2013. The furniture installation and setup timeline is as follows:

<b>Anticipated Schedule for Furniture Installation and Setup</b>	
Board of Trustees Approval	April 23, 2013
Procure Furniture Process Begins	April 24, 2013
Estimated Time of Delivery of Furniture (8 weeks)	Mid-June, 2013
Completion of Furniture Setup & Installation	June 24, 2013
Final Occupancy	June 30, 2013

The District will coordinate and work with the Laney College administration to finalize the purchase of furniture. On January 18, 2011, the Board of Trustees approved a furniture purchase for a portion of Laney Tower floors 4, 5, and 6, in the amount of \$169,064.39. The remaining furnishings for Laney Tower floors 4, 5, and 6 will now be purchased from Allsteel Inc. and this will complete those floors.

<b>Laney Tower Floors 4, 5, and 6</b>	<b>Fees +Tax</b>
<b>Allsteel Inc. (Manufacturer)</b>	
1. Furniture Procurement for floors 4, 5, and 6	\$63,226.51
2. Dismantling and reinstallation of existing Eagle Village. Furniture and delivery and installation of new furniture for Floors 4, 5, and 6 – Prevailing Wage	\$56,276.92
<b>Sub-Total</b>	<b>119,503.43</b>
<b>Tax</b>	<b>10,755.31</b>
<b>TOTAL</b>	<b>\$130,258.74</b>

Additionally, this procurement will include full furnishings and installation for the remaining Laney Tower floors 2, 3, 7, and 8. The breakdown of this purchase is as follows:

<b>Laney Tower Floors 2, 3, 7, and 8 Manufacturers</b>	<b>Fees +Tax</b>
Allsteel	\$326,730.37
Gunlocke	\$304,672.37
HON	\$6,498.11
Labor	\$105,185.00
<b>TOTAL</b>	<b>\$743,085.85</b>

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

18. Consider Approval to Enter into an Agreement with Anthonio Inc. for Division of the State (DSA) Certified Inspection Services for the Chilled Water Infrastructure Project, Merritt College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Anthonio Inc. for Division of the State (DSA) certified inspection services for the Merritt College Chilled Water Infrastructure Project, in the not-to-exceed amount of \$61,950. **Funding Source: Bond Measure A.** The Merritt College Chilled Water Infrastructure Project includes alterations and installation of a chilled water plant in Building F and construction of a new cooling tower yard. In addition, there will be installation of new underground chilled water piping with connections to Building L and Building Q. Under provisions of the California Code of Regulations and the Education Code, the State of California Division of the State Architect (DSA) reviews plans and oversees construction projects for community college districts to ensure that plans, specifications and construction comply with the State Building Code (Title 24) and accessibility regulations. For each project subject to DSA review, a qualified and certified inspector must be hired by the District and approved by DSA. Anthonio Inc. is a DSA certified inspector who has provided inspection services on other District construction projects. Anthonio Inc. will bill for services at a total not-to-exceed amount of \$61,950. Anthonio Inc. scope of inspection services shall include all the requirements by DSA and Peralta Community College District to complete and close-out this project. Pursuant to the Public Contract Code (PCC) section 20657 and the District's Purchasing Procedures, the District conducted an informal competitive price quote and obtained three (3) written bids/price quotations as part of staff due diligence. Three (3) bids were received, as follows:

<b>CONTRACTOR</b>	<b>LOCATION</b>	<b>TOTAL BID</b>
Anthonio Inc.	Oakland	\$61,950
Panaguiton Construction Inspection	Martinez	\$62,400
Alisha R. Jensen	Hercules	\$69,000

The lowest responsible and responsive bid was submitted by Anthonio Inc. in the not-to-exceed amount of \$61,950. The anticipated completion date is May 7, 2014. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

19. Consider Approval to Enter into an Agreement with Anthonio Inc. for Division of the State (DSA) Certified Inspection Services for the Photovoltaic Project, Laney College and Berkeley City College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Anthonio Inc. for Division of the State Architect (DSA) certified inspection services for the Laney College and Berkeley City College Photovoltaic Project, in the not-to-exceed amount of \$14,560. **Funding Source: Bond Measure A.** The Laney College and Berkeley City College Photovoltaic Project involves the installation of a solar photovoltaic system on the roofs of two separate campuses: Laney College and Berkeley City College. At Laney College, the photovoltaic system will be installed on Buildings B, C, D, E, F, G, Forum, Gym and Theater. Full roof replacement will occur on Buildings C & G. The overall photovoltaic system for this campus will be 655KW or larger. At Berkeley City College, which has only one roof, the photovoltaic system will be 32 KW or larger. Under provisions of the California Code of Regulations and the Education Code, the State of California Division of the State Architect (DSA) reviews plans and oversees construction projects for community college districts to ensure that plans, specifications and construction comply with the State Building Code (Title 24) and accessibility regulations. For each project subject to DSA review, a qualified and certified inspector must be hired by the District and approved by DSA. Anthonio Inc. is a DSA certified inspector who has provided inspection services on other District construction projects. Anthonio Inc. will bill for services at a total not-to-exceed amount of \$14,560.

Pursuant to the Public Contract Code (PCC) section 20657 and the District's Purchasing Procedures, the District conducted an informal competitive bid by requesting written not-to-exceed price quotations from four firms. Two (2) bids were received. One bid was deemed non-responsive because the not-to-exceed quotation was not provided. The following are the results;

<b>CONTRACTOR</b>	<b>LOCATION</b>	<b>TOTAL BID</b>
Anthonio Inc.	Oakland	\$14,560
Panaguiton Construction Inspection	Martinez	Non Responsive
Alisha R. Jensen	Hercules	No Response
George Barral	San Jose	No Response

The anticipated completion date is August 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

20. Consider Approval for Reduction of Retention to E.F. Brett's Contract for the Berkeley City College Build-out Phase 3 Project from 10% to 5% **Presenter: Vice Chancellor**

Approval is requested to reduce the retention in E.F. Brett's Contract for the Berkeley City College Build-out Phase three (3) Project from 10% to 5%. E.F. Brett's original contract was approved by the Board at the meeting of July 17, 2012, in the amount of \$2,377,704 with a construction timeline of 334 calendar days and the project completion date of July 31, 2013. However, the construction work has progressed more timely and over 90% completion of the project has been achieved as of March 31, 2013. Substantial completion date for the above project is anticipated by the end of April 2013 and no change orders are anticipated. E.F. Brett (contractor) has requested a reduction in retention from 10% to 5%. Per the Public Contract Code, this reduction in retention is allowed. This reduction of retention will be in line with the District's newly adopted retention amount of 5% in all future projects. The District has recommended approval of the reduction to 5% to allow for release of 5% to E.F. Brett's contract at the end of April 2013. The new State of California retention percentage is now 5% effective from January 1, 2013. The anticipated completion date of this project is May 15, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### ACTION CALENDAR ITEMS

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. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

### ANNOUNCEMENTS

### 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.