



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, April 14, 2015

5:30 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 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 (7:00 p.m.)

CLOSED SESSION (5:00 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)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396.
- 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)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733

- Conference with Legal Counsel (54956.9(a)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878.
- Conference with Legal Counsel (54956.9(a)), Adcock v. PCCD, Alameda County Superior Court, Case No. RG14733487.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (13 cases)

Public Employee Appointment – Employment, Performance, Evaluation, Discipline, Dismissal, Release – All Employees (Government Code § 54957).

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL Trustees Bonilla Pr_ Ab_, Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Handy Pr_ Ab_, Riley Pr_ Ab_, Withrow Pr_ Ab_, and Gulassa Pr_ Ab_, Student Trustees Oliver Pr_ Ab_ and Rolley Pr_ Ab_.

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

(Any public employee contracts are subject to contractual agreement by the Chancellor, and provided salaries are for informational purposes only.)

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 may move to the Action Calendar items with public speakers.

APPROVAL OF THE MINUTES (7:08 P.M.)

1. Consider Approval of the Regular Board meeting Minutes of March 24, 2015.

Consider approval of the regular Board meeting Minutes of March 24, 2015. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:10 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 (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. 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 up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

REPORTS (7:20 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
Interim Deputy Chancellor
Vice Chancellor's Reports

Dr. José M. Ortiz
Dr. Eric Gravenberg

Budget Update
Enrollment and
Student Services Update
General Services
Human Resources

Interim Vice Chancellor Rinne
Vice Chancellor Orkin

Vice Chancellor Ikharo
Vice Chancellor Largent

College Reports

Berkeley City College
College of Alameda
Laney College
Merritt College

President Budd
President Blake
President Webb
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 (7:30 P.M.)

6. Budget Workshop Presentation (60 minutes) **Presenter: Interim Vice Chancellor Rinne**

The Budget workshop presentation will focus on highlights from the governor's budget and current Peralta budget and cover the budget planning process.

CONSENT CALENDAR (8:30 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.

BOARD MATTERS

7. Consider Approval of Board Policy 1200, Mission **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 1200, Mission. The Chancellor recommends approval.

8. Consider Approval of Board Policy 2105, Student Board Members **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2105, Student Board Members. The Chancellor recommends approval.

9. Consider Approval of Board Policy 2410, Board Policies and Administrative Procedures **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2410, Board Policies and Administrative Procedures. The Chancellor recommends approval.

10. Consider Approval of Board Policy 2431 Chancellor Selection **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2431, Chancellor Selection. The Chancellor recommends approval.

11. Consider Approval of Board Policy 2435 Evaluation of the Chancellor **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2435, Evaluation of the Chancellor. The Chancellor recommends approval.

12. Consider Approval of Board Policy 2510 Participation in Local Decision-Making **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2510, Participation in Local Decision-Making. The Chancellor recommends approval.

13. Consider Approval of Board Policy 2715 Code of Ethics/Standards of Practice **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2715, Code of Ethics/Standards of Practice. The Chancellor recommends approval.

14. Consider Approval of Board Policy 2740 Board Education **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2740, Board Education. The Chancellor recommends approval.

15. Consider Approval of Board Policy 2745 Board Self-Evaluation **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 2745, Board Self-Evaluation. The Chancellor recommends approval.

16. Consider Approval of Board Policy 3200 Accreditation **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 3200, Accreditation. The Chancellor recommends approval.

17. Consider Approval of Board Policy 3410 Nondiscrimination **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 3410, Nondiscrimination. The Chancellor recommends approval.

18. Consider Approval of Board Policy 3540 Sexual and Other Assaults on Campus
Presenter: Chancellor Ortiz

Consider approval of final reading for Board Policy 3540, Sexual and Other Assaults on Campus. The Chancellor recommends approval.

19. Consider Approval of Board Policy 4020 Program, Curriculum, and Course Development **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 4020, Program, Curriculum, and Course Development. The Chancellor recommends approval.

20. Consider Approval of Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 4025, Philosophy and Criteria for Associate Degree and General Education. The Chancellor recommends approval.

21. Consider Approval of Board Policy 4030 Academic Freedom **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 4030, Academic Freedom. The Chancellor recommends approval.

22. Consider Approval of Board Policy 4040 Library and Learning Support Services
Presenter: Chancellor Ortiz

Consider approval of final reading for Board Policy 4040, Library and Learning Support Services. The Chancellor recommends approval.

23. Consider Approval of Board Policy 4050, Articulation **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 4050, Articulation. The Chancellor recommends approval.

24. Consider Approval of Board Policy 5500, Standards of Student Conduct
Presenter: Chancellor Ortiz

Consider approval of final reading for Board Policy 5500, Standards of Student Conduct. The Chancellor recommends approval.

25. Consider Approval of Board Policy 5700, Athletics **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 5700, Athletics. The Chancellor recommends approval.

26. Consider Approval of Board Policy 6200, Budget Preparation **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 6200, Budget Preparation. The Chancellor recommends approval.

27. Consider Approval of Board Policy 6300, Fiscal Management and Accounting **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 6300, Fiscal Management and Accounting. The Chancellor recommends approval.

28. Consider Approval of Board Policy 6330, Purchasing **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 6330, Purchasing. The Chancellor recommends approval.

29. Consider Approval of Board Policy 6700, Civic Center and Other Facilities Use **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 6700, Civic Center and Other Facilities Use. The Chancellor recommends approval.

30. Consider Approval of Board Policy 7120, Recruitment and Hiring **Presenter: Chancellor Ortiz**

Consider approval of final reading for Board Policy 7120, Recruitment and Hiring. The Chancellor recommends approval.

31. Consider Approval of Out of State Travel pursuant to Board Policy 7400 **Presenter: Chancellor Ortiz**

Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty:

| Name | Travel Location | Travel Dates |
|------------------|-------------------|---------------------------------|
| Diana Bajrami | New York City, NY | June 20, 2015 – June 24, 2015 |
| Vina Cera | Las Vegas, NV | April 12, 2015 – April 16, 2015 |
| Elena Givental | Chicago, IL | April 22, 2015 – April 26, 2015 |
| Lasana Hotep | Washington, D.C. | May 25, 2015 – May 30, 2015 |
| Alexander Lee | Evanston, IL | April 21, 2015 – April 25, 2015 |
| Linda McPheron | Austin, TX | May 27, 2015 – May 31, 2015 |
| Tomoko Roudebush | Evanston, IL | April 21, 2015 – April 25, 2015 |
| Gregory Schwartz | Chicago, IL | April 20, 2015 – April 25, 2015 |
| Cynthia Taing | Evanston, IL | April 21, 2015 – April 25, 2015 |

32. Consider Board Vote for the CCCT Board Elections **Presenter: Board President Brown**

Consider Board Vote for the CCCT Board Elections. Included in Trustee packets for consideration and action is a slate of candidates for the CCCT Board of the Community College League of California, due by April 25, 2015. The Board can vote for up to seven (7) CCCT Board candidates. No cumulative voting is allowed. Votes are recommended for the incumbents. Incumbents: Ann H. Ransford, Glendale CCD, Janet Chaniot, Mendocino-Lake CCD, Bernard "Bee Jay" Jones, Allan Hancock CCD, Doug Otto, Long Beach CCD, M. Tony Ontiveros, North Orange County CCD. Non-incumbents: Richard Watters, Ohlone CCD, Don Edgar, Sonoma County CCD, Brent Hastey, Yuba CCD, Janet Green, Riverside CCD, Bill Freeman, Hartnell CCD.

EDUCATIONAL AND STUDENT SERVICES

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

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD March 2015" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

34. Consider Approval of the College of Alameda Substantive Change Report for the relocation of programs to the Science Annex **Presenter: President Blake**

Consider Approval of the College of Alameda Substantive Change Report for the relocation of programs to the Science Annex. To comply with accreditation policies and standards, colleges are required to submit substantive change reports whenever programs are located or moved to off-campus locations. At the College of Alameda, biology, chemistry, and physics were moved to the science annex located at 860 Atlantic Avenue.

35. Consider Approval of the College of Alameda mission statement **Presenter: President Blake**

Consider Approval of the College of Alameda mission statement. "The Mission of College of Alameda is to serve the educational needs of its diverse community by providing comprehensive and flexible programs and resources that empower students to achieve their goals." As part of the College's planning cycle, the mission statement is reaffirmed by the college and taken to the board of trustees for re-adoption. The mission statement was reaffirmed by the college in October 2014.

36. Consider Approval of Contract addendum to increase Independent Contractor Agreement with Jack Tyler in the amount of \$11,040 **Presenter: President Blake**

Consider Board ratification of a contract addendum to extend Independent Contractor Agreement number 16924 for Jack Tyler in the amount of \$11,040. Currently, Mr. Tyler provides Alameda County Workforce Investment Board mandated services to clients in the North Cities area. Mr. Tyler's service contract with the One Stop Career Centers, funded by the Alameda County Workforce Investment Board, is for \$ 24,960 through June 30, 2015.

This request is to increase the contract by \$ 11,040 to provide workforce employment services under a subcontract with the International Rescue Committee (IRC). The Interim Director, Workforce Systems is requesting this increase to bring the total amount for contractor to \$ 36,000 for services through 06/30/2015.

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

37. Consider Approval of an amendment to an Independent Contractor Agreement with Building Intelligence Group for services to be rendered pursuant to project support for Laney College's National Science Foundation Center called Building Efficiency for a Sustainable Tomorrow (BEST). **Presenter: President Webb**

Consider approval of an extension to an independent contractor agreement for Building Intelligence Group to add \$19,000 to the contract to pay for primary and secondary research and report development on the proposed High Performance Building Technician Certification. Building Intelligence Group provides research and analytic services for the Laney College National Science Foundation BEST Center grant.

The not to exceed amount for Building Intelligence Group will increase from \$24,500 to \$43,500. The timeframe for the contract is also extended from March 31, 2015 to June 30, 2015.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: National Science Foundation Advanced Technological Education grant.**

38. Consider a no-cost modification of an Independent Contract for Danny Beesley (dba EcoVision Consulting) for services to be rendered pursuant to project management support for the Laney Career Day CTE Open House, updates to Laney College CTE department webpages, and work on the Laney Introduction to Manufacturing Program. **Presenter: President Webb**

Consider approval to add an additional funding source to the independent contractor agreement for Danny Beesley (dba EcoVision Consulting). This will be for his work on the Alameda County WIB Introduction to Manufacturing program at

Laney College. This will allow part of his contract to be paid from the AC WIB grant the college has received (accepted by the board on June 10, 2014) for his services on the program. All other aspects of the contract will remain the same (both dollar amount and performance period).

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. **Funding Source: Alameda County WIB Youth Manufacturing Training grant**

39. Consider Approval of an amendment to an Independent Contractor Agreement with Matt Trocker for services to be rendered pursuant to project support for the Deputy Sector Navigator Advanced Manufacturing grant and the Alameda County WIB Youth Manufacturing Training Grant. **Presenter: President Webb**

Consider approval of an amendment to an independent contractor agreement for Matt Trocker to add \$2,000 to the contract to pay for travel and other business-related expenses. Mr. Trocker provides full-time project management services for Laney College / AC WIB Introduction to Manufacturing program and the State of California Chancellor's office Deputy Sector Navigator (DSN) grant.

The contract dates will not change (July 1, 2014 to June 30, 2015). The not to exceed amount will change from \$90,000 to \$92,000.

Laney College has previously been awarded a Deputy Sector Navigator (DSN) grant in Advanced Manufacturing from the Chancellor's. The DSN grant is to coordinate and collaborate regionally among the twenty-eight (28) Bay Area community colleges, workforce organizations and industry within the advanced manufacturing sector.

Laney College has also received a grant from the Alameda County WIB to implement a Youth Manufacturing Training program for 18-24 year olds. This program will introduce youth to careers in the skilled trades and basic introduction to the community college programs.

Mr. Trocker will continue to support outreach, career pathway development, project management and other services on these grants.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. **Funding Source: State of California Community College Chancellor's Office Deputy Sector Navigator grant.**

FINANCIAL SERVICES

40. Consider Approval to purchase server and storage infrastructure and services for the Virtualization of Data Center Project **Presenter: Associate Vice Chancellor Madlock**

Consider approval to purchase server and storage infrastructure and services for the Virtualization of Data Center Project utilizing piggyback compliant contracts. This project is a Priority B project under the “Sustainable IT Infrastructure” section of the IT Strategy:

Project 2.7 of the District’s Information Technology Strategy, Cloud/Virtualization of Data Center Project, calls for the virtualization of Data Center servers to increase efficiency of operations and reduce operating costs.

District IT has the opportunity to refresh the server and storage infrastructure and begin implementing cost saving technologies into the IT data center. IT will aim to virtualize over 90% of its server farm reducing power consumption and server hardware needs. IT will also utilize higher performing storage systems with greater deduplication to increase storage efficiency. IT must implement server and storage technologies that do more with less. Therefore, new server, storage, and software licenses are needed to support this increase.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A and Measure E.**

FACILITIES

41. Consider Approval of Resolution No. 14/15-37, to Accept Bid and Award a Contract to Leica Microsystems Inc. for the Microscope Equipment Purchase and Installation in the Microscopy Department in the Barbara Lee Merritt College Science and Allied Health Building (Bid No. 14-15/25). **Presenter: Vice Chancellor Ikharo.**

Approval is requested to accept the bid and award a contract to Leica Microsystems Inc. for the Microscope Equipment Purchase and Installation in the Microscopy Department in the Barbara Lee Merritt College Science and Allied Health Center (Bid No. 14-15/25), in the amount not-to-exceed \$537,809.00. This purchase consists of three (3) separate systems: freestanding cryostat microscope, a laser microdissection microscope system, and a scanning confocal microscope system with spectral detection and hybrid detector. Leica Microsystems Inc. will provide all installation, labor, material, equipment, and supplies to complete the work.

In compliance with the Public Contract Codes, Section 20651, a formal request for Bids (Bid No. 14-15/25) was conducted for this project and the bid was publicized

on February 13 and 20, 2015. A bid opening was held on March 11, 2015. Staff also reached out to ten (10) different suppliers of microscopy equipment in addition to the advertisement. A total of one (1) bid was received, as follows:

| CONTRACTOR | LOCATION | TOTAL BID |
|-------------------------|-----------------|-----------|
| Leica Microsystems Inc. | Los Angeles, CA | \$537,809 |

The price quote for this equipment is within the District’s engineering cost estimate and within budget. It was not immediately known to staff why only one vendor submitted a bid, but time is of the essence to deploy this equipment. Therefore, the lowest responsible and responsive bid was submitted by Leica Microsystems Inc., in the amount not-to-exceed \$537,809. Their United States headquarter is located in Buffalo Grove, Illinois. To do business in California, the company is registered with the California Secretary of State with a service agent, CT Corporation System, located in Los Angeles, CA.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

- 42. Consider Approval of Resolution No. 14/15-38, to Purchase and Install Kitchen Equipment in the Nutrition Department in the Barbara Lee Merritt College Science and Allied Health Building (Bid No. 14-15/22) from East Bay Restaurant Supplies, Inc. Presenter: Vice Chancellor Ikharo.

Approval is requested to purchase and install kitchen equipment and appliances in the Nutrition Department in the Barbara Lee Merritt College Science and Allied Health Center from East Bay Restaurant Supply, Inc., in the amount not-to-exceed \$129,092. The purchase of equipment from East Bay Restaurant Supply, Inc. comprised of refrigerators, freezers, ice machines, ovens, hot food prep stations, plate dispensers, dishwashers, and drying racks. This total bid price includes all taxes, delivery, installation/placement/assembly, and disposal of packaging material charges. All installations will comply with minimum wage ordinance in the City of Oakland. This vendor is also a local vendor.

Pursuant with the Public Contract Codes, Section 20651, a formal request for Bids was conducted for this project; the bid was publicized on February 13 and 20, 2015. A bid opening was held on March 13, 2015. Also, the administration issued three (3) public advertisements in local newspapers: The Post, Sing Tao, and El Reportero. The Purchasing Department contacted and notified eleven (11) different suppliers of kitchen equipment of the advertised bid. To reach out to more bidders, this project was listed on the Bay Area Builders Exchange website, a Contractors Association serving the construction industry in Northern California. Licensed contractors, specialty subcontractors, material manufacturers and suppliers, design professionals and building-related business associates had access to public works information. Through the Bay Area Builders Exchange,

over twelve (12) vendors viewed the procurement details. Only one (1) bid was received:

| CONTRACTOR | LOCATION | TOTAL BID |
|---------------------------|-------------|-----------|
| East Bay Restaurant, Inc. | Oakland, CA | \$129,092 |

Hence, the lowest responsible and responsive bid was submitted by East Bay Restaurant Supply, Inc., in the amount of \$129,092. The company is a Small Local Business Enterprise located in Oakland, managed by John Breznikar (President) and Lou Breznikar (Vice President). The administration recommends that the bid be awarded to meet the critical path of construction deadline. The anticipated project completion date is June 2015.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

43. Consider Approval of Resolution No. 14/15-36, to enter into an Agreement with Sposeto Engineering to Complete the Site Paving Improvement Project at the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/20). **Presenter: Vice Chancellor Ikharo.**

Approval is requested to enter into an Agreement with Sposeto Engineering Inc. to complete the Site Paving Improvement Project at the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/20), in an amount not-to-exceed \$989,000. The contractor will complete the construction work described in the Contract Documents and Construction Documents prepared by JK Architecture. The contractor’s construction scope of work includes:

- Site preparation; new pedestrian concrete paving around the building; removal of existing hardscape and adding new concrete paving at bus stop;
- Removal of existing ADA non-compliant concrete sidewalks leading to the building and in the courtyard; construction of new 4” thick concrete sidewalk to meet ADA requirements in these designated areas;
- Removal of existing non-compliant ADA parking stalls, and building new ADA parking stalls to meet current regulations; construction of a new sidewalk from Parking Lot D to the east building entrance; add new 6” thick concrete in vehicular areas and turf blocks paving east of the building for the fire truck access;
- Demolition and removal of existing light posts; salvage and relocate existing light posts in new locations; and relocate existing electrical conduit to accommodate new locations of light posts.

Pursuant with the Public Contract Codes, Section 20651, a formal request for Bids was conducted; the advertisements dates were on February 24 and March 3, 2015. A bid opening was held on March 20, 2015. The administration issued three (3) public advertisements in local newspapers: The Post, Sing Tao, and El

Reportero. Additionally, twelve (12) construction firms were contacted directly to bid on this project either through email or fax. The project was placed with the Bay Area Builders Exchange website, a Contractors Association, serving Northern California. Over thirty-six (36) builders viewed the project details. It should be noted that the bid “climate” for the construction industry in the San Francisco area is “hot” and it is not unusual to see single bids for a project.

A mandatory pre-bid walk was held on the 3rd of March, attended by five (5) potential bidders: Sposeto Engineering Inc, JA Gonsalves, B-Side Construction, Integra Construction, and Interstate Grading and Paving. After receipt of the one (1) bid from Sposeto Engineering Inc, other firms were contacted. JA Gonsalves confirmed that they did not have the manpower to handle a large scale project in short timeframe. Integra Construction noted that they could not comply with the Project Labor Agreement. Interstate Grading and Paving confirmed that they do not complete this type of construction work.

As a result, a total of one (1) proposal was submitted by Sposeto Engineering Inc.

| CONTRACTOR | LOCATION | TOTAL BID |
|--------------------------|---------------|-----------|
| Sposeto Engineering Inc. | Livermore, CA | \$989,000 |

Hence, the lowest responsible and responsive bid was submitted by Sposeto Engineering Inc., in the amount of \$989,000. This price quote is within the engineering cost estimate for the project and within budget.

John P. Sposeto is the President and Janice R. Sposeto the Treasurer of the company. The company has a current and active contractor’s license (no. 310292) with the California Contractors State License Board and is located in Livermore, California. The anticipated project completion date is August 2015.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

- 44. Consider an Award of an Emergency Contract for the Merritt College Central Heating Plant Repair with American Air Conditioning Heating and Plumbing.
Presenter: Vice Chancellor Ikharo.

Approval is requested for an emergency contract for the Merritt College Central Heating Plant Repair with American Air Conditioning, Heating and Plumbing, in the amount not-to-exceed \$36,284. The repair work is needed because the central heating plant at Merritt College has an undersized expansion tank that ruptured and needs to be replaced and enlarged. A larger expansion tank(s) is needed to accommodate the three boiler system and changing elevation (pressures) between the buildings on campus and the central heating plant. The contractor will replace the existing undersized and damaged expansion tank, with two new larger expansion tanks. This work will allow for a more reliable campus heating system,

to improve safety, to improve energy and water conservation, prolong life of heating system, and prevent possible property loss and injury.

In compliance with the Public Contract Code, Section 22050 for Emergency Contracts, the District is not required to conduct competitive bidding. However, informal competitive bids were requested from four (4) companies: American Air Conditioning, Heating and Plumbing, Diablo Boiler, Markin Mechanical, and Monterey Mechanical. Two (2) bids were submitted by American Air Conditioning, Heating and Plumbing, and Diablo Boiler.

| CONTRACTOR | LOCATION | TOTAL BID |
|--|------------------------|-----------------|
| American Air Conditioning, Heating and Plumbing | San Leandro, CA | \$36,284 |
| Diablo Boiler | Antioch, CA | \$55,318 |
| Markin Mechanical | Concord, CA | Non-Responsive |
| Monterey Mechanical | Oakland, CA | Non-Responsive |

The Chancellor, Finance Department, and the Purchasing have approved the procurement method, Agreement, and budget to complete this emergency project. The company has a current and active contractor’s license (no. 660334) with the California Contractors State License Board. Further, Board approval is required because the contractor’s accumulative contract amount within this fiscal year exceeds the \$25,000 threshold.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

- 45. Consider Approval of Change Order No. 2 for the Leaks Remediation for Laney College Buildings A, B, C, D, E & G at Laney College (Bid No. 13-14/22), Valentine Construction. **Presenter: Vice Chancellor Ikharo.**

Approval is requested for Change Order No. 2 to the contract with Valentine Corporation, in the amount of \$20,335.00. Change Order No. 2 in the amount of \$20,335.00 is 3% of the original contract amount of \$2,339,369. Including the previously Board approved Change Order No. 1 (\$49,854) the cumulative contract amount to date is \$2,409,558.

Change Order No. 2 is based on the following: deduction of the remaining allowance of (\$9,895.00) that was not spent during construction; and furnish and provide waterproofing to the existing round bench in the Courtyard G for \$30,230.00.

The District requested for an additional one hundred eleven (111) calendar days to the contract due to the need for investigation, testing and design services required to find the leaks. The anticipated completion date for the Leaks Remediation

Project was May 20, 2015. It is in the best interests of the District and financially prudent to approve this change order.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A Bond Funds.**

46. Consider Approval of Change Order No. 3 for the Laney College Child Care Remodel (Bid No. 13-14/29), OnPoint Construction. **Presenter Vice Chancellor Ikharo.**

Approval is requested for Change Order No. 3 to the contract with OnPoint Construction, in the amount of \$3,691.00. This Change Order resulted in a cumulative change order amount of 8% of the original contract amount of \$397,546.34. Change Order No. 3 will also increase the contract final completion date by an additional thirty (30) calendar days due to long lead time on materials. The Governing Board of Trustees previously approved Change Order No. 1 (\$21,429) on February 17, 2015 (\$21,429), and Change Order No. 2 (\$7,640) on March 24, 2015. Including previously Board approved Change Order Nos. 1 and 2, the cumulative contract amount to date is \$430,306.34. Change order no. 3 is based on the California Division of the State Architect (DSA) required changes as follows:

- DSA required a change in the door swing to provide the needed ADA clearance to the exterior door. The existing door could not be used because its structural component was in the way, preventing ADA clearance. Therefore, a new door and hardware were needed to change the door swing.

It is in the best interests of the District and financially prudent to approve this change order. The anticipated completion date for the Laney Child Care Remodel is April 21, 2015.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Child Development Fund (Fund 68)**

47. Consider Approval to Enter into an Agreement with Jackson & Son Plumbing for the Districtwide Plumbing, Testing, Repairs, and Replacement. **Presenter: Vice Chancellor Ikharo.**

Approval is requested to enter into an Agreement with Jackson & Son Plumbing for the Districtwide Emergency Plumbing Testing, Repairs, and Replacement, in the amount not-to-exceed \$40,200. Throughout the year, the District needs a variety of emergency and project plumbing services to help keep facility operations functioning and to keep classrooms open. This Agreement will allow Jackson & Son Plumbing to provide material, equipment, and labor to complete emergency

2014/2015 plumbing repairs and services. Board approval is required because the contractor's cumulative contract amount has exceeded the \$25,000 threshold.

In compliance with the Public Contract Code, Section 22050 for Emergency Contracts, the District, "pursuant to a four-fifths vote of the Governing Board of Trustees, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts."

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Maintenance & Operation Funds and Scheduled Maintenance Funds.**

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 may 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 8th Street, Oakland, CA, (510) 466-7203, bmartinez@peralta.edu at least 48 hours prior to the meeting.