

**PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 23, 2015**

ITEM TITLE:

Request Board Authorization to Increase Independent Contractor's Agreement for Professional Services for Fagan, Friedman, and Fulfroft LLP.

SPECIFIC BOARD ACTION REQUESTED:

Approval of contract addendum for Fagan, Friedman and Fulfroft LLP.

ITEM SUMMARY:

District administration requests Board authorization to increase an existing professional services agreement with Fagan, Freidman, & Fulfroft to provide legal services to the District. The current contract has approached its limit of \$80,000, therefore, the District requests an increase by an additional \$65,000 for a contract not to exceed \$ 145,000 limit for fiscal year ending June 30, 2015. This is specifically for legal services related to the acquisition of the Milvia Street Building.

Under this addendum, Fagan Friedman & Fulfroft will continue to provide the necessary legal services to complete and conclude the acquisition and renovation of the property located at 2118 Milvia Street.

Please note that the legal department also has an ICC with Fagan, Friedman and Fulfroft for \$25,000 for support in human resources and other general legal services. That ICC is part of the legal budget unrelated to Measure A.

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

SOURCE OF FUNDS:

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Berkeley City College, "Science Lab upgrades," "Remodeling classroom space," and "Equipment, technology upgrades and facility and classroom improvements for the college's following programs and proposed programs: American Sign Language, Biotechnology, Business, Computer Information Systems, Disaster Preparedness, Fine and Applied Arts, Global Studies, International Trade, Multimedia Arts, Social Services Paraprofessional, Travel and Tourism Industry, Foundations (Basic Skills), Network Administration, Teacher Preparation, International Studies and High School Honor's Courses (Advanced Placement).

BACKGROUND/ANALYSIS:

FAGEN, FREIDMAN, & FULFROST HAS PROVIDED LEGAL SUPPORT TO THE DISTRICT SINCE 2008. THE EXTENSION OF THE ICC WILL ENABLE THE OFFICE OF GENERAL COUNSEL TO PROVIDE A CONTINUITY OF LEGAL SERVICES TO THE DISTRICT.

Peralta Community College District was the lead agency for acquisition of the property and facility located at 2118 Milvia Street. The Office of the General Counsel initiated the due diligence processes, selected and established the original contract with Fagan Friedman & Fulfroft to provide legal representation for the District during the due diligence activities required to acquire the 2118 Milvia Street Property. Since this contract amount was under \$86,000 threshold for professional services, Board of Trustees approval was not required.

DELIVERABLES AND SCOPE OF WORK:

LEGAL SERVICES INCLUDING BUT NOT LIMITED TO PURCHASE OF 2118 MILVIA STREET AND ADVICE ON LAND USE AND PROPERTY LAW.

ANTICIPATED COMPLETION DATE: JUNE 30, 2015

ALTERNATIVES/OPTIONS:

N/A

EVALUATION AND RECOMMENDED ACTION:

FAGEN, FREIDMAN, & FULFROST, HAS PREPARED THE FOLLOWING DOCUMENTS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TITLE 14, CAL. CODE OF REGS., § 15000 *ET SEQ.* AND PUBLIC RESOURCES CODE, § 21000 *ET SEQ.* THE FOLLOWING LINK TO THE DISTRICT WEBSITE HAS BEEN PROVIDED SO THAT THE MITIGATED NEGATIVE DECLARATION/ INITIAL STUDY MAY BE VIEWED: [HTTP://WEB.PERALTA.EDU/GENERAL-SERVICES/FILES/2012/06/BCC-INITIAL-STUDY.PDF](http://web.peralta.edu/general-services/files/2012/06/BCC-INITIAL-STUDY.PDF).

ADMINISTRATION RECOMMENDS THE APPROVAL OF THIS ITEM TO PROVIDE A CONTINUITY OF LEGAL SERVICES TO THE DISTRICT.

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

YES _____ No X

COMMENTS:

-NONE

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

ACTING GENERAL COUNSEL NITASHA SAWHNEY

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

DOCUMENT PREPARED BY:

Prepared by: Alifea Davis, JD., L.L.M. Date: 6/16/15
Alifea Davis, Exec. Assist. to Deputy Chancellor and General Counsel

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Eric Gravenberg, Ph.D. Date: _____
Deputy Chancellor Eric V. Gravenberg

FINANCE DEPARTMENT REVIEW

X Finance review required _____ Finance review *not* required

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

If not approved, please give reason: _____

Signature: Susan Rinne
Susan Rinne, Interim Vice Chancellor for Finance and Administration

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

Legal review required Legal review *not* required

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

Signature: Nitasha Sawhney, Esq.
Nitasha Sawhney, Acting General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: Dr. José M. Ortiz
Dr. José M. Ortiz, Chancellor