

Tuesday, March 24, 2020 REGULAR MEETING OF THE BOARD OF TRUSTEES

5:00 p.m. Closed Session 7:00 p.m. Public Session

333 East 8th Street
Oakland, CA 94606
(PARTICIPATION THROUGH ZOOM)

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Meeting ID: 984 479 512

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 KGPC, 96.9FM, and Peralta TV on Cable Channel 27 in Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont and Channel 99 on AT&T U-Verse. 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 BoardDocs:

https://www.boarddocs.com/ca/peralta/Board.nsf

Link on the Peralta Board Website: http://web.peralta.edu/trustees/

The meeting can also be viewed Live on Peralta College's YouTube link:

https://www.youtube.com/channel/UCTEVyZCQ1p_ygMRafmQFUww

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

1. CLOSED SESSION

Subject 1.1 Public Comment on Closed Session Items

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

1. CLOSED SESSION

Subject 1.2 Conference with Labor Negotiator Whittaker, Peralta Federation of Teachers,

Local 39, and SEIU 1021 (Government Code § 54957.6)

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Information

1. CLOSED SESSION

Subject 1.3 Public Employee Appointment (Government Code Section 54957)

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action, Information

• Consider Administrative Appointment of the College President of Berkeley City College, effective May 1, 2020 through April 30, 2023.

The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.

1. CLOSED SESSION

Subject

1.4 Public Employee Discipline/Dismissal/Release

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

1. CLOSED SESSION

Subject 1.5 Public Employee Evaluation

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

1. CLOSED SESSION

Subject 1.6 Conference with Legal Counsel, Multiple Cases: (Government Code §

54956.9)

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

• Conference with Legal Counsel (54956.9(a)), Payne v. Peralta Community College District, U.S. District Court, Northern District of CA, Case No. 3:16-cv-04390-MMC.

• Herrera v. Peralta Community College District et.al, Alameda Superior Court case no. RG18932402

• Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (4 cases).

6/60

2. OPEN SESSION

Subject 2.1 Call to Order

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Procedural

2. OPEN SESSION

Subject 2.2 Pledge of Allegiance

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Procedural

2. OPEN SESSION

Subject 2.3 Roll Call

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Procedural

2. OPEN SESSION

Subject 2.4 Report of Action Taken in Closed Session

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

2. OPEN SESSION

Subject

2.5 Approval of the Agenda

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action

2. OPEN SESSION

Subject

2.6 Approval of the Minutes

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action, Minutes

Preferred Date

Mar 24, 2020

Absolute Date

Mar 24, 2020

Fiscal Impact

No

Budgeted

No

2. OPEN SESSION

Subject 2.7 Associated Student Government Reports

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

2. OPEN SESSION

Subject 2.8 Peralta Classified Senate Report

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

2. OPEN SESSION

Subject 2.9 District Academic Senate Report

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

2. OPEN SESSION

Subject 2.10 Public Communication

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Information

At this time, the Board of Trustees will listen to communication (via Zoom) 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. Please email the Board Clark, Brenda Martinez, bmartinez@peralta.edu if you wish to speak. All requests 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 via email. Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings.

http://web.peralta.edu/trustees/board-policies/

2. OPEN SESSION

Subject 2.11 Chancellor's Reports

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Information

• College Reports

• Emergency Preparedness and Response Update

• FCMAT & CBT Recommendations

File Attachments

COA March_24_Presidents_Report.pdf (641 KB)

3. PRESENTATIONS

Subject 3.1 Monthly Bond Update. Presenter: Vice Chancellor Leigh Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Information

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Leigh Sata, Interim Vice Chancellor, Department of General Services

BACKGROUND/ANALYSIS:

Presenter Keith Kajiya, Principal, AECOM, will present a monthly bond update to the Board.

4. CONSENT CALENDAR - ACADEMIC AFFAIRS

Subject 4.1 Consider Approval of Course and Program Additions, Deactivations and

Changes Presenter: Vice Chancellor Brown

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact No

Budgeted No

Budget Source N/A

PREPARED BY: Curriculum and System Tech Analyst: Amany Elmasry

BACKGROUND/ANALYSIS: The attached PDFs entitled "March 2020 CIPD Report" and "March 2020 Program Proposals" contain course and program additions, changes and deactivations as approved by the colleges' curriculum committees and The Council for Instruction, Planning and Development (CIPD).

EVALUATION AND RECOMMENDED ACTION:

The Chancellor recommends approval.

File Attachments

March 2020 CIPD Report.pdf (643 KB) Mar 2020 Program Proposals.pdf (859 KB)

4. CONSENT CALENDAR - ACADEMIC AFFAIRS

Subject 4.2 Consider Approval of the revised Berkeley City College Mission, Vision and

Values Statement. Presenter: Interim President Budd

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact No

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Deborah Budd, Interim Berkeley City College President

BACKGROUND/ANALYSIS:

As part of our continuous improvement and assessment of our programs and services, Berkeley City College regularly reviews its Mission and Vision to ensure it describes the institution's broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement.

As part of this assessment, in December 2019 Berkeley City College reviewed its existing Mission and Vision and made some suggested changes. The revised Mission and Vision was then put out to the college community for review and comments. After over 235 positive responses, the College Roundtable moved to approve the changes.

We are asking for the board to review and approve our updated Mission and Vision on the consent agenda.

Below is the original and the Revised Mission and Vision.

[ORIGINAL] [Adopted 2016] Mission

Berkeley City College's mission is to promote student success, to provide our diverse community with educational opportunities, and to transform lives. The college achieves its mission through instruction, student support and learning resources which enable its enrolled students to earn associate degrees and certificates, and to attain college competency, careers, transfer, and skills for lifelong success.

[ORIGINAL] Vision

Berkeley City College is a premier, diverse, student-centered learning community, dedicated to academic excellence, collaboration, innovation and transformation.

[REVISED] Mission

Berkeley City College's mission is to provide our diverse community with educational opportunities, promote student success, to transform lives. The college achieves its mission through instruction, student support and learning resources that enable its students to earn associate degrees and certificates, and to attain college competency, careers, transfer, and skills for lifelong success.

[REVISED] Vision

Berkeley City College transforms students' lives as an innovative, student-centered learning community dedicated to academic excellence, collaboration, equity, and social justice.

DELIVERABLES/SCOPE OF WORK:

N/A

ANTICIPATED COMPLETION DATE:

N/A

EVALUATION AND RECOMMENDED ACTION:

The Chancellor recommends approval.

File Attachments
Mission_Vision_Values_2020.pdf (397 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.1 Consider Approval of the architectural contract for JK Architecture +

Engineering, for the new Auto/Diesel Complex at the College of Alameda. RFP

#19-20/06 Presenter: Vice Chancellor Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$2,165,000.00

Budgeted Yes

Budget Source State and Bond Funds

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

A selection committee consisting of College of Alameda faculty, classified staff and administrators, and joined by Department of General Services (DGS) staff, reviewed six (6) statement of proposals, selecting the two (2) most qualified vendors for interview. The architects were asked to present projects of similar scope and size, executed for community colleges, preferably in the California Community College system. Experience with State funding mechanisms, DSA, and participatory governance decision making were additional criteria of the selection.

Each of the finalists participated in a one hour interview, and Lionakis Architects finished in first position, with JK Architecture + Engineering finishing in second position. The scores were close and the committee deemed the both firms capable of executing the work.

Though Lionakis finished in first position, they refused to sign the District's standard architectural contract. The contract was included in the RFP and other firms have signed the standard agreement, so the District moved to the second place vendor to perform the work. Their contract is now brought to the Board for approval.

The new Auto/Diesel Complex at the College of Alameda is located centrally on campus, consisting of approximately 30,175 gross square feet, with a total project budget (based on the State estimate) of approximately \$33.650M, and a construction budget of \$27.863M. The State's contribution to funding is approximately 50% of the total project cost. The balance will be funded by Measure G.

DELIVERABLES/SCOPE OF WORK:

JK Architecture + Engineering will provide full architectural services, including program verification, schematic design, design development, construction documents, DSA submittal and approval, bid support, and construction administration. The team will work directly with a construction manager selected by DGS.

The project is on a fast track schedule, with the first design milestone expected by the end of summer, 2020.

ANTICIPATED COMPLETION DATE:

Project is anticipated to be complete by December 31, 2023.

EVALUATION AND RECOMMENDED ACTION:

The Vice Chancellor of General Service and Chancellor recommend approval of the architectural contract for JK Architecture + Engineering, in the amount of \$2,165,000, for the new Auto/Diesel Complex at the College of Alameda. RFP #19-20/06.

File Attachments

2020-02-26 JKAE Architect Agreement COA Auto-Diesel with exhibits_3521913_1(DMS).PDF (848 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.2 Consider Approval of Change Order No. 1 to Agreement for Construction

Services with Pacific Power & Systems, Inc. for the construction and

modernization work performed at the Laney College Welding Shop in an Amount

Not-to-Exceed \$26,679.00. Presenter: Interim Vice Chancellor Sata

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action (Consent)

Preferred Date

Mar 24, 2020

Absolute Date

Mar 24, 2020

Fiscal Impact

Yes

Dollar Amount

\$26,679.00

Budgeted

Yes

Budget Source

Fund 63 - Measure A

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

Staff and faculty at Laney College ("Laney Campus") reported to Swinerton Management and Consulting ("SMC") that the Welding Shop Room F-150 was experiencing electrical issues, including but not limited to, students experiencing electrical shock while using the TIG welding equipment. SMC promptly investigated, and at the District's request, contacted Pacific Power & Systems ("PPS"), a licensed design-build electrical contractor, to assess the electrical issues and recommend repairs if necessary.

Pacific Power & Systems, Inc. was approved to perform construction services at the Laney College Welding Shop for the Amount Not-to-Exceed \$287,774.97 at the Board of Trustees meeting on February 25, 2020, as an emergency repair, without competitive bidding, pursuant to Public Contract Code section 20654. The base scope of work in Room 153 included installation of proper grounding needed for the existing water pipe system used for welding equipment, proper equipment grounding for all welding equipment and tables, and properly sized wires and fuses in the existing 100 AMP disconnects. In Room 152, the base scope work included installation of equipment grounding for all welding equipment and replacement of existing disconnects with properly sized, fusible 60 AMP disconnects.

Subsequent to the executed Agreement and during construction the Welding Department requested additional work including isolation grounding in Room 152, Room 153, and for the plasma cutter. In order to perform this work safely, the existing slab required GPR scanning to locate obstructions such as concrete reinforcement and existing utility lines. The Welding Department also requested the replacement of two (2) additional disconnects, repair of an existing outlet and the installation of five (5) explosion-proof receptacles in Room 152. Lastly, additional cost includes the fee for performance and payment bonds, which were not included in PPS original proposal.

Contract	Approved Amount	Time Extension	Board Approval Date
Original Contract	\$287,774.97	N/A	February 25, 2020
Change Order No. 1	\$26,679.00	N/A	pending
New Contract Sum	\$314,453.97		

Pursuant to Public Contract Code section 20659, the Board may authorize Change Order No. 1, without competitive bidding, because the amount of Change Order No. 1 does not exceed ten percent of the original contract price.

Contact Information for PPS.:

4970 Peabody Rd. Fairfield, CA 94533 mikem@rbigroup.com

DELIVERABLES/SCOPE OF WORK:

Items noted in Change Order No. 1 include:

- 1. Room 152 ARC Welding: Install isolation ground rods including GPR scanning
- 2. Room 152 ARC Welding: Install explosion-proof receptacles
- 3. Room 153 TIG Welding: Install isolation ground rods including GPR scanning
- 4. Install isolation ground for plasma cutter including GPR scanning
- 5. Repair existing 110 power outlet
- 6. Replacement of two (2) additional existing disconnects
- 7. Payment and Performance Bonds

ANTICIPATED COMPLETION DATE:

Work was completed by February 21, 2020.

EVALUATION AND RECOMMENDED ACTION:

The Project Manager, Vice Chancellor of General Services, and Chancellor recommend approval of Change Order No. 1 to Agreement for Construction Services with Pacific Power & Systems, Inc. for the construction and modernization work performed at the Laney College Welding Shop in an Amount Not-to-Exceed \$26,679.00.

File Attachments

PPS_Construction Change Order No. 1_UPDATED_PPS Sign.pdf (289 KB) Pacific Power Systems - Svc Agreement 2000136380.pdf (16,789 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.3 Consider Approval of Construction Agreement with Pacific Power & Systems

for the Laney College Tower B102 Electrical and Arts Exterior Outlets project, in the amount not to exceed \$6,400. Presenter: Interim Vice Chancellor Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$6,400.00

Budgeted Yes

Budget Source Fund 63 – Measure A

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

Swinerton Management & Consulting ("SMC") discovered a water leak in the main electrical room of the Tower Building - Room B102 during a routine site walk on the Laney College Campus. The leak created standing water underneath the high voltage electrical equipment serving the entire building. The condition of the electrical room presented life safety concerns for maintenance staff and all who would enter the space. The removal of the standing water needed to be conducted by a license electrician due to the potential hazard involved. SMC contacted Pacific Power & Systems (PPS), a licensed design-build electrical contractor, to safely remove the standing water, test the electrical equipment to assess any damage and to dry out the space. PPS successfully evacuated the water and confirmed that there was no evidence of water damage to the electrical equipment.

At the request of the District, PPS also removed nine (9) exterior outlets on the perimeter of the Arts Building on the Laney College Campus. The intent of the outlets was for student use, however, over time the exterior outlets were being utilized mainly by the general public. To prioritize the safety of the student body, PPS removed the receptacles, capped the wires and installed blank faceplates with tamper-proof screws.

Due to the safety issues and need for services to be provided immediately, PPS proceeded and has already complete the services. The contract submitted to the Board is presented to document the services provided and ensure PPS is appropriately compensated for the emergency services provided.

Pacific Power & Systems, Inc. is the General Contractor, and have been serving northern California since 1999 in electrical services, including design build, emergency communication systems and power, and fire and security protection systems. Reference Robertson Bright Inc. for a breadth of projects throughout California. The President of the firm is Michael Messer. Company license # 458315.

Contact Information:

4970 Peabody Rd Fairfield, CA 94533 Website rbigroup.net

In the 2019-2020 Fiscal Year PPS has the following contracts with PCCD:

Contract	Amount	Board Approval Date
Welding Shop	\$287,774.97	2/25/20
Welding Shop – CO 1	\$26,679.00	3/24/20 – pending Board approval
Tower and Arts Exterior (this item)	\$6,400.00	3/24/20 – pending Board approval
Total Contracts with Vendor:	\$320,853.97	

DELIVERABLES/SCOPE OF WORK:

- 1. Removal of standing water in Tower Building Room B102.
- 2. Test electrical equipment for water damage in Tower Building Room B102.
- 3. Remove nine (9) exterior wiring devices around perimeter of Arts Building.
- 4. Cap existing wires.
- 5. Install nine (9) blank faceplates with tamper-proof screws.

ANTICIPATED COMPLETION DATE:

Project was complete by January 24, 2020.

EVALUATION AND RECOMMENDED ACTION:

The Facilities Project Manager, Vice Chancellor Facilities and Operations, Director of Finance and Administration and Chancellor recommend approval of the Construction Agreement with Pacific Power & Systems for the Laney College Tower B102 Electrical and Arts Exterior Outlets project, in the amount not to exceed \$6,400.

File Attachments

PPS Proposal_Tower B102 and Arts Exterior Outlets_Vendor Signed.pdf (1,472 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.4 Approval of CMAS Purchase Contract with GonLED, for the purchase of LED

Lighting materials and installation for the Peralta CCD in the amount of \$1,530,811.19. The approval of this contract will allow the District to receive Prop 39 Funding for the LED lighting upgrade project. Presenter: Interim Vice

Chancellor Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$1,530,811.19

Budgeted Yes

Budget Source Proposition 39 - Clean Energy Act

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

California Multiple Award Schedule (CMAS) agreements are a statutorily authorized contracting method, pursuant to Public Contract Code Sections 10298 and 10299. They serve to streamline procurement while maintaining transparency and pricing controls, because all CMAS agreements must have been previously bid and awarded on a Federal General Services Administration schedule.

Under the CMAS approach, local agencies like the District may utilize an existing CMAS agreement awarded by the State, and incorporate those terms into the District's agreement with the vendor. Although there are other technical differences, the practical impact is that a CMAS agreement is similar to a "piggyback" agreement.

For the proposed GonLED CMAS agreement, District staff identified an active CMAS agreement awarded by the State Department of General Services, which can be utilized by the District to complete lighting upgrades in order to expend Proposition 39 funding prior to the July 2020 deadline. The proposed agreement incorporates the terms of the State-awarded contract and appropriately tailors those provisions to the scope and fee required by the District. Utilizing the CMAS approach streamlines procurement to expedite the lighting assessment and ensure timely compliance with the Lighting Upgrades.

This work is necessary to ensure the District receives funding from Prop39.

GonLED, is located at 1835 Whittier Ave. D-12, Costa Mesa, CA 92627. Justin Swedlow is the main contact for the company.

DELIVERABLES/SCOPE OF WORK:

The LED lighting upgrades and installation provided by GonLED are to be completed at the following locations:

- 1) District Administrative Offices
- 2) DGS / Warehouse
- 3) Laney College Athletic Fields Football and Baseball
- 4) Laney College Administrative Tower

ANTICIPATED COMPLETION DATE:

The term of this contract is from April 14, 2020 to July 31, 2020.

- Product Fabrication April 14 thru May 25, 2020
- Installation Expected to begin May 18 thru July 31, 2020.

EVALUATION AND RECOMMENDED ACTION:

The Vice Chancellor of General Services, Vice Chancellor of Finance and Administration and Chancellor recommend contracting with GonLED for the purchase of LED Lighting materials and installation for the Peralta CCD in the amount of \$1,530,811.19. The approval of this contract will allow the District to receive Prop 39 Funding for the LED lighting upgrade project.

File Attachments

2020-03-04 GonLED CMAS Agreement - Products and Services - with Exhibit....pdf (30,447 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.5 Consider Approval of Contract for Independent Consultant Agreement for

Professional Architectural Services with Cohn and Associates doing business as CA Architects for the Laney College Childcare Center Improvements project, in

the amount not to exceed \$28,350. Presenter: Vice Chancellor Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$28,350.00

Budgeted Yes

Budget Source Fund 68 (grant funded)

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

The Laney Childcare Center Improvements project is based on various health and safety issues observed by the District Child Care Coordinator and documented by the City of Oakland's Head Start Program, which the childcare center has a partnership with. The Laney Childcare Center requires remediation to bring the building and site conditions into compliance with federal guidelines mandated by The Office of Head Start, as well as, the City of Oakland's local regulations enforced by the Community Care Licensing division of the Department of Social Services. Remediation is anticipated to include, but is not limited to, addressing: loose and flaky paint on the interior and exterior of the building; exposed rust on building steel, door and window frames, and door hardware; bird waste around perimeter of the building; leaking three-compartment sink and non-operational confection oven in the kitchen; and buckling sandbox border and adjacent flatwork in upper playground.

The District conducted a competitive procurement process for architectural services in connection with the Laney College Childcare Center Improvements Project. A list of items to be considered/included in the fee were prepared and transmitted to three (3) local, reputable architectural firms to request a Fee Proposal. A job walk-through was conducted with each of the Architects to review both the building and site conditions.

Three Fee Proposals were received during the week of February 24, 2020, which are tabulated below:

Firm		Amount	Office Location
1.	Cohn and Associates doing business as CA Architects	\$28,350	Sausalito, CA
2.	HY Architects, Inc.	\$40,000	Oakland, CA
3.	AE3 Partners	\$48,418	San Francisco, CA

Cohn and Associates doing business as CA Architects ("CA Architects") was selected as both qualified and the best value based on their work plan, schedule, diligence, communication skills, and overall understanding of the project requirement. An Alternate to remove and replace an existing play structure was submitted, however, the District will not proceed with that scope of work due to schedule and budgetary constraints. CA Architects fee for the base scope of work was the most economical based on their deliverables.

CA Architects is a local architectural firm, which was founded in 2004. Education projects include but are not limited to, Solano County Community College Daycare Facility Upgrade, DVC Science Lab and Santa Rosa Junior College Baker Hall. Josh Cohen is the Founding Principal of the firm and will manage this particular project.

Contact Information 475 Gate 5 Road, Suite 107, Sausalito, CA 94965. 415-331-7655 www.ca-arch.com

DELIVERABLES/SCOPE OF WORK:

Under this agreement, with a contract termination date of August 31, 2020, CA Architects will complete the following scope of work:

- 1. Design Assessment
- 2. Design Development and Specifications
- 3. Construction Documents
- 4. Bid Advertisement and Bidding
- 5. Construction Administration
- 6. Close-Out

ANTICIPATED COMPLETION DATE:

Project anticipated to be complete by August 31, 2020.

EVALUATION AND RECOMMENDED ACTION:

The Facilities Project Manager, Vice Chancellor Facilities and Operations, Director of Finance and Administration and Chancellor recommend approval of Contract for Independent Consultant Agreement for Professional Architectural Services with Cohn and Associates doing business as CA Architects for the Laney College Childcare Center Improvements project, in the amount not to exceed \$28,350.

File Attachments

200228_Laney College Children_s Center Proposal DRAFT R1_3525705_1(DMS) (2).PDF (168 KB) 2020-03-09 Peralta CCD Short Form Architect Agreement - CA Architects_vendor signed.pdf (201 KB)

5. CONSENT CALENDAR - FACILITIES

Subject 5.6 Consider Approval of Amendment No. 4 to the Existing Agreement for

Contracted Services with PACIFIC COAST TRANE for the District-wide Scheduled Maintenance HVAC Repairs, Replacement Services. Presenter: Vice Chancellor

Sata

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$9,026.00

Budgeted Yes

Budget Source Scheduled Maintenence Fund

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice Chancellor Sata

BACKGROUND/ANALYSIS:

The Governing Board of Trustees approved the original Agreement for Contracted Services between PACIFIC COAST TRANE and the PERALTA COMMUNITY COLLEGE DISTRICT on 12/13/16 for the contractor to work on 2014/2015 and 2015/2016 HVAC Scheduled Maintenance projects at College of Alameda, District Administration Center, Berkeley City College, Laney College, and Merritt College. The original not-to-exceed compensation amount for these services was \$295,543.00, and the completion date for the contracted services was 6/30/17. The contract amount was based on estimated bids received in the 2014/2015 fiscal year.

The District's Board approved Amendment No. 1 to the Agreement at its regularly scheduled Board Meeting on 6/13/2017, which was entered on 6/14/17 to allow for increases in the allowance for additional scope of work to include prevailing wage, on an as needed basis, by the District. This increased the contract in the amount not-to-exceed \$98,772.00 and extended the time for completion to 6/30/18. The additional scope was added specifically to address negative air pressure at Laney College (Bistro Restaurant) Building E, and repairs to the water source heat pump system boiler at the District Administration Center. This additional scope project was completed by 6/30/18.

The District's Board approved Amendment No. 2 to the Agreement at its regularly scheduled Board Meeting on 2/26/19. Amendment No. 2 addressed two urgent repair items that occurred during the time period covered by Amendment No. 1. The urgent repair items included replacing one boiler at the District Administrative Center to provide heat during the Winter months and replacing the motor of a supply fan at the Student Center in order to provide cool air during a summer heat spell. Amendment No. 2 increased the contract in the not-to-exceed amount of \$56,483 and extended the time for completion to 6/30/19. Both additional urgent project scope items have been completed. Payments have been made to the contractor for services provided.

Between the date of Board approval for Amendment No. 2 (2/26/19) and the date of final execution by the District (7/17/19), all parties within Trane Management ceased working for the company, which caused disruption in delivery of the contracted services. Furthermore, issues with payment resulted in placing the project on hold. After negotiations Amendment No. 3 was initiated to allow for additional time to complete the original scope of work and address the time delays. The specific remaining services for included the installation of two (2) new Air Handling Units (AHUs) at the rooftop of Hangar A at the

College of Alameda Aviation School, and installation of ten (10) new fan coil units at Hangar B also at the College of Alameda Aviation. The work is in progress and nearing completion. The value of the remaining two projects is approximately \$150,020.00. The additional 365 days of time extension being addressed under Amendment No. 3 extended the contract to June 30, 2020. The additional time is non-compensable as the contractor is required to perform the remaining services within the existing not-to-exceed contract amount.

During the process of installing the two (2) new AHUs at Hangar A it was noted that an existing boiler flue exhaust and two (2) sewer vents are located too close to the intake of the AHUs and must be relocated in order to comply with applicable building code requirements.

A summary of the original contract amount and amendments are noted below and are attached.

Contract	Approved Amount	Time Extension	Board Approval Date
Original Agreement	\$295,543.00	N/A	12/13/16
Amendment No. 1	\$98,772.00	365 days	6/13/17
Amendment No. 2	\$56,483.27	365 days	2/26/19
Amendment No. 3	\$0.00	365 days	1/7/20
Amendment No. 4 (this	\$9,026.00	0 days	Pending 3/24/20
item)	\$9,020.00	o days	
New Contract Sum	\$459,824.27		

DELIVERABLES/SCOPE OF WORK:

1. College of Alameda Aviation School, Hangar A, Maintenance Training Facility

Relocate one (1) boiler flue and two (2) sewer vent pipes to greater than 10 feet away from Air Handling Unit intakes. All associated ductwork, piping and accessories included.

ANTICIPATED COMPLETION DATE:

The project is expected to be completed by 6/30/20.

EVALUATION AND RECOMMENDED ACTION:

The Facilities Project Manager, Vice Chancellor for Department of General Services, Director of Finance and Administration, and Chancellor recommend the approval of Amendment No. 4 to the existing Agreement for Contracted Services with PACIFIC COAST TRANE for the District-wide Scheduled Maintenance HVAC Repairs, Replacement Services.

File Attachments

CLEAN - Amendment 4 to Agreement for Contracted Services with TRANE_3519681_1(DMS).pdf (49 KB)
Original Contract +Amendment 1-3.pdf (6,184 KB)

6. CONSENT CALENDAR - FINANCE

Subject 6.1 Review of Purchase Order Report for the period covering from February 1,

2020 through February 29, 2020. Presenter: Budget Director Ahmed

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Budget Source N/A

TO: Members of the Board of Trustees

FROM: Adil Ahmed, Budget Director

PREPARED BY: Richard Ferreira, Executive Assistant

Background/Analysis:

All payments from the funds of a community college district are made by the use of Purchase Orders and within the parameters prescribed in Board Policy 6330 and Administrative Procedures 6330 & 6340. The Purchase Order Report presented for review is being done so in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee shall be reviewed by the governing board every 60 days."

The table below provides a summary by funding source of number of orders issued and total dollar value.

Fund	Number of Orders Issued	Total Dollar Value
Fund Code: 01 General Unrestrict Oper	338	\$392,656.21
Fund Code: 07 Coll. Fds On Bookstore Comm.	7	\$4,032.10
Fund Code: 10 College Designated Funds	61	\$43,523.95
Fund Code: 11 General Restricted Fund	671	\$435,595.76
Fund Code: 30 Contract Education	7	\$4,207.26
Fund Code: 61 Cap. Out. Proj .Funds-State	15	\$487,423.01
Fund Code: 63 Bond Measure A	33	\$1,596,255.46
Fund Code: 71 Trust And Agency Funds	21	\$4,479.60
Fund Code: 72 Student Rep Fee Trust	2	\$2,540.00
Fund Code: 75 Project Trust Fund	7	\$1,086.15
Fund Code: 80 Self-Insurance Fund	2	\$33,843.52
Fund Code: 82 Student Repres. Fee-Laney	1	\$1,867.19
Total	1165	\$3,007,510.21

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

The Chancellor recommends review.

File Attachments

Purchase Order Report 02-29-2020.pdf (329 KB)

6. CONSENT CALENDAR - FINANCE

Subject 6.2 Consider Approval of Budget Transfer Report for the period covering from

February 1, 2020 through February 29, 2020. Presenter: Budget Director Ahmed

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Budget Source N/A

TO: Members of the Board of Trustees

FROM: Adil Ahmed, Budget Director

PREPARED BY: Richard Ferreira, Executive Assistant

Background/Analysis:

Consider approval of Budget Transfer Report covering the period from February 1, 2020 through February 29, 2020.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

The Chancellor recommends approval.

File Attachments

Budget Transfer Report 02292020.pdf (327 KB)

6. CONSENT CALENDAR - FINANCE

Subject 6.3 Consider Approval of District Bank Signers Resolution No. 19/20-41.

Presenter: Vice Chancellor Walter

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Budget Source N/A

TO: Peralta Board of Trustees

FROM: Vice Chancellor Walter

PREPARED BY: Richard Ferreira, Executive Assistant

Background/Analysis:

This Resolution No. 19/20-41 is needed to identify those employees who have authority to access and interact with all banking institutions on behalf of the District. This will also grant these employees the authorization to sign checks on behalf of the Peralta Community College District.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Alternatives/Options:

N/A

Evaluation and Recommended Action:

Recommend Approval of Resolution Number 19/20-41. The Chancellor recommends approval.

File Attachments

Resolution - Bank Signers 03242020.doc.pdf (54 KB)

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.

6. CONSENT CALENDAR - FINANCE

Subject 6.4 Consider Ratification of the Warrant/Payment Report for the period covering

February 1, 2020 through February 29, 2020. Presenter: Budget Director Ahmed

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action (Consent)

Preferred Date

Mar 24, 2020

Absolute Date

Mar 24, 2020

Budget Source

N/A

TO: Members of the Board of Trustees

FROM: Adil Ahmed, Budget Director

PREPARED BY: Richard Ferreira, Executive Assistant

Background/Analysis: (Please discuss this item. If a Vendor is Involved, please include the company name as well as the individual.)

Consider ratification of the AP, Travel, and Consulting Contract Warrant Register from February 1, 2020 through February 29, 2020. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

The Chancellor recommends ratification.

File Attachments

Warrant Report 02-29-2020.pdf (396 KB)

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.

7. CONSENT CALENDAR - HUMAN RESOURCES

Subject 7.1 Consider Approval of a Tentative Agreement between the District and the

Service Employees International Union (SEIU) Local 1021. Presenter: Vice

Chancellor Whittaker

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Budgeted Yes

Budget Source General Fund

TO: Peralta Board of Trustees

FROM: Chanelle Whittaker

PREPARED BY: Socorro Taylor

BACKGROUND/ANALYSIS:

The District is recommending that the Board approve the attached Tentative Agreement between the District and SEIU Local 1021, which provides regular and hourly SEIU 1021 employees with a one-time, permanent 3.26% Cost of Living Adjustment (COLA) increase effective July 1, 2019.

The Board approved the same COLA increase of 3.26% on February 25, 2020, for the International Union of Operating Engineers (IUOE) Local 39 regular and hourly employees, as well as the Peralta Federation of Teachers, effective July 1, 2019. The same increase is also being recommended for unrepresented PCCD employees (management and confidential) for consideration at the March 24, 2020 Board meeting.

DELIVERABLES/SCOPE OF WORK:

N/A

ANTICIPATED COMPLETION DATE:

N/A

EVALUATION AND RECOMMENDED ACTION:

The Chancellor recommends approval.

File Attachments

TA_between_PCCD_and_SEIU_Local_1021_RE_COLA_INCREASE.-signed (1).pdf (179 KB)

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.

7. CONSENT CALENDAR - HUMAN RESOURCES

Subject 7.2 Consider Approval of a Cost of Living Adjustment (COLA) Increase for

Unrepresented PCCD Employees (Management and Confidential). Presenter: Vice

Chancellor Whittaker

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action (Consent)

Preferred Date

Mar 24, 2020

Absolute Date

Mar 24, 2020

Fiscal Impact

Yes

Budgeted

Yes

Budget Source

General Fund

TO: Peralta Board of Trustees

FROM: Chanelle Whittaker

PREPARED BY: Socorro Taylor

BACKGROUND/ANALYSIS:

The District is recommending that the Board approve a one-time, permanent 3.26% Cost of Living (COLA) increase for unrepresented PCCD employees (management and confidential) effective July 1, 2019. The same increase was approved by the Board on February 25, 2020 for the regular and hourly employees of the International Union of Operating Engineers (IUOE) Local 39, and the Peralta Federation of Teachers. The same increase is also being recommended for the regular and hourly employees of the Service Employees International Union (SEIU) Local 1021 for consideration at the March 24, 2020 Board meeting.

DELIVERABLES/SCOPE OF WORK:

N/A

ANTICIPATED COMPLETION DATE:

N/A

EVALUATION AND RECOMMENDED ACTION:

N/A

The Chancellor recommends approval.

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.

7. CONSENT CALENDAR - HUMAN RESOURCES

Subject 7.3 Consider Approval of a Personnel Item. Presenter: Vice Chancellor Whittaker

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

A. Ware (Consent)

Type Action (Consent)

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Budgeted Yes

Budget Source General Fund

TO: Peralta Board of Trustees

FROM: Chanelle Whittaker

PREPARED BY: Socorro Taylor

BACKGROUND/ANALYSIS:

APPROVAL OF PERSONNEL ITEMS

New employment; changes in assignment, compensation, and placement; leaves of absence; changes in staff allocation and cla and classified personnel; retirements; phase-in retirements and resignations; equivalence of minimum qualifications for acaden temporary classified positions.

A. ADMINISTRATIVE APPOINTMENT, REAPPOINTMENT, ASSIGNMENT AND REASSIGNMENT

(NP = New Position *= New Employee)

Name <u>Location</u> <u>Department/Reports to:</u>

Berkeley City College

Maria Angelica Garcia* College President President/Chancellor Regina Stanbac

Administrative appointment effective May 1, 2020 through April 30, 2023.

College of Alameda

None

District Office

None

Laney College

None

Merritt College

None

B. CLASSIFIED AND FACULTY APPOINTMENT

New Hires (NP = New Position)

*= New Employee)

Name Location Department/Reports to:

Berkeley City College

None

College of Alameda

None

District Office

None

Laney College

None

Merritt College

None

C. REASSIGNMENT THROUGH THE HIRING PROCESS

Name Location Department/Reports to:

Berkeley City College

None

College of Alameda

None

District Office

None

Laney College

None

Merritt College

None

D. TRANSFER/ADMINISTRATIVE REASSIGNMENT

None

E. CHANGES IN STAFF ALLOCATION

None

F. PHASE-IN RETIREMENT

None

G. LEAVE OF ABSENCE

None

H. PUBLIC EMPLOYEE RETIREMENT AND RESIGNATION

1. Retirement

Name Location Department/Reports to:

Berkeley City College

None

College of Alameda

None

<u>District Office</u>

None

Laney College

None

Merritt College

None

2. Resignation

Berkeley City College

None

College of Alameda

None

District Office

None

Laney College

None

Merritt College

None

I. SHORT-TERM NON-CONTINUING POSITIONS

None

DELIVERABLES/SCOPE OF WORK:

N/A

ANTICIPATED COMPLETION DATE:

N/A

EVALUATION AND RECOMMENDED ACTION:

N/A

The Chancellor recommends approval.

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.

8. ACTION ITEMS

Subject 8.1 Consider Board Vote for the CCCT Board Elections. Presenter: Board President

Bonilla

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Apr 21, 2020

Fiscal Impact No

BACKGROUND/ANALYSIS:

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, 2020. The Board can vote for up to nine (9) CCCT Board candidates. No cumulative voting is allowed.

Votes are recommended for the incumbents.

Incumbents: Adrienne Grey, West Valley-Mission CCD, Andra Hoffman, Los Angeles CCD, Pam Haynes, Los Rios CCD, Marisa Perez, Cerritos CCD, Larry Kennedy, Ventura County CCD, Loren Steck, Monterey Peninsula, CCD.

Non-incumbents: Vicki Gordon, Contra Costa CCD, Barbara Dunsheath, North Orange County CCD, Suzanne Lee Chan, Ohlone CCD, Barbara Jean Calhoun, Compton CCD, Cindi Reiss, Peralta CCD, Thomas J. Prendergast, III, South Orange County CCD, Barry Snell, Santa Monica CCD.

File Attachments

2020 CCCT Board Election Packet.PDF (2,766 KB)

8. ACTION ITEMS

Subject 8.2 Consider Approval of First Reading of Resolution #19/20-38 authorizing the

issuance and sale of general obligation bonds of the District under its 2006
Authorization (Measure A) in an Aggregate Principal Amount Not to Exceed
\$65,000,000 and under its 2018 Authorization (Measure G) in an Aggregate
Principal Amount Not to Exceed \$50,000,000 and Approving the Forms of and
Authorizing the Execution and Delivery of One or More Paying Agent Agreements,
Bond Purchase Agreements, Continuing Disclosure Certificates, Official

Statements and Compliance Guidelines for such Bonds. Presenter: Chancellor

Stanback Stroud

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Regina Stanback Stroud, Chancellor

Background/Analysis:

This Resolution is being presented to this meeting for a first reading of the Board and will be presented again at the Board's April 7th meeting for approval.

County voters in the Election of 2006 approved Measure A, which authorizes the District's Board of Trustees to issue up to \$390 million of general obligation bonds for the purpose of capital improvements within the District. To date, \$325 million of general obligation bonds have been issued under Measure A. The Resolution authorizes the District's issuance of the remaining \$65 million of general obligation bonds under the Election of 2006 for Measure A.

County voters in the Election of 2018 approved Measure G, which authorizes the Board of Trustees to issue \$800 million of general obligation bonds for the purpose of capital improvements within the District. The Resolution authorizes the District's issuance of \$50 million in general obligation bonds under the Election of 2018 for Measure G. This will be the first issuance of general obligation bonds under Measure G.

The Resolution also authorizes the Chancellor, the Vice Chancellor of Finance and Administration, the interim Vice Chancellor of General Services and the interim Chief of Staff and General Counsel and any other designated officer of the District to finalize, execute and deliver the requisite agreements and other documents related to the bonds, including a paying agent agreement providing for the terms of issuance and repayment of the bonds, a bond purchase agreement providing for the sale and purchase of the bonds, a continuing disclosure certificate setting forth certain ongoing disclosure obligations of the District, and tax and continuing disclosure compliance guidelines, a substantially final form of each such document is included with the Resolution. The Resolution also authorizes the posting of a preliminary Official Statement and the completion, signing and delivery of an Official Statement relating to the District and the bonds; a copy of which is also attached to the Resolution.

The Resolution further names the professionals working with the District and/or otherwise involved in the issuance and sale of the bonds, including the underwriters, municipal advisors, paying agent, bond counsel and other legal counsel. A good faith estimate of the cost of issuing the bonds and the interest costs are also provided in Appendix A and B of the Resolution.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

The District currently anticipates selling the bonds in late April 2020 and closing the transaction in early May 2020.

Evaluation and Recommended Action:

This is the first reading of this Resolution. It will be presented again at the April 7th Board meeting for approval.

The Chancellor recommends approval.

File Attachments

Bond Purchase Agreement - Peralta CCD 2020 GO Bonds 4161-2031-2866 4.pdf (139 KB)
District Resolution - Peralta CCD 2020 GO Bonds 4166-0239-4914 5 (Revised).pdf (285 KB)
Paying Agent Agreement - Peralta CCD 2020 GO Bonds 4123-3246-4930 4.pdf (191 KB)
Preliminary Official Statement - Peralta CCD 2020 Bonds 4134-9966-8514 4.pdf (763 KB)
Tax and Continuing Disclosure Guidelines - Peralta CCD 2020 Bonds 4147-6942-7234 2.pdf (68 KB)

8. ACTION ITEMS

Subject 8.3 Consider Approval of First Reading of Resolution #19/20-43 authorizing the

issuance and sale of general obligation bonds Refunding Bonds of the District in An Aggregate Amount Not to Exceed \$25 Million and Approving the Forms of and Authorizing the Execution and Delivery of one or more Paying Agent Agreements,

Bond Purchase Agreements, Continuing Disclosure Certificates, Official Statements and Escrow Agreements for Said Refunding Bonds. Presenter:

Chancellor Stanback Stroud

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Regina Stanback Stroud, Chancellor

Background/Analysis:

This Resolution is being presented to this meeting for a first reading of the Board and will be presented again at the Board's April 7th meeting for approval.

In September, 2009, the District issued \$39,080,000 principal amount of Peralta Community College District 2009 General Obligation Refunding Bonds (the "2009 Bonds"). \$22,880,000 of the 2009 Bonds are currently outstanding. Lower interest rates available in today's markets makes it desirable and fiscally prudent to refund the 2009 Bonds now to achieve savings.

The Resolution authorizes the sale of the refunding bonds described above and authorizes the Chancellor, the Vice Chancellor of Finance and Administration, the interim Vice Chancellor of General Services and the interim Chief of Staff and General Counsel and any other designated officer of the District to finalize, execute and deliver the requisite agreements and other documents related to the refunding bonds, including a paying agent agreement providing for the terms of issuance and repayment of the refunding bonds, an escrow agreement providing for the terms of payment and redemption of the 2009 Bonds, a bond purchase agreement providing for the sale and purchase of the refunding bonds, and a continuing disclosure certificate setting forth certain ongoing disclosure obligations of the District, a substantially final form of each such document is included with the Resolution. The Resolution also authorizes the posting of a preliminary Official Statement and the completion, signing and delivery of an Official Statement relating to the District and the refunding bonds; a copy of which is also attached to the Resolution.

The Resolution further names the professionals working with the District and/or otherwise involved in the issuance and sale of the refunding bonds, including the underwriters, municipal advisors, paying agent, bond counsel and other legal counsel. A good faith estimate of interest costs are also provided in Appendix A of the Resolution.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

The District currently anticipates selling the refunding bonds in late April 2020 and closing the transaction in early May 2020.

Evaluation and Recommended Action:

This is the first reading of this Resolution. It will be presented again at the April 7th Board meeting for approval.

File Attachments

Paying Agent Agreement - Peralta CCD 2020 GO Refunding Bonds 4136-3689-1682 4.pdf (154 KB) Escrow Agreement - Peralta CCD 2020 Refunding Bonds 4154-5893-0978 3.pdf (73 KB) Bond Purchase Agreement - Peralta CCD 2020 GO Refunding Bonds 4145-9384-8354 4.pdf (140 KB) Preliminary Official Statement - Peralta CCD 2020 Bonds 4134-9966-8514 4 (002).pdf (763 KB) District Resolution - Peralta CCD 2020 Refunding Bonds 4141-6177-0274 5 (revised).pdf (165 KB)

8. ACTION ITEMS

Subject 8.4 Consider Acceptance of the Swap Portfolio Summary Reports relating to the

District's OPEB Bonds. Presenter: Chancellor Stanback Stroud

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact No

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Regina Stanback Stroud, Chancellor

Background/Analysis:

In late 2005, the District issued its Taxable 2005 Limited Obligation Other Post-Employment Benefits Bonds (the "OPEB Bonds") to fund its retiree health benefit program. At that time, the OPEB Bonds were structured as auction rate bonds, which had a level of uncertainty given the fluctuating interest rate. To try to mitigate this risk, the District entered into forward starting interest rate swaps in connection with each tranche of OPEB Bonds, wherein the District pays a swap counterparty a fixed interest rate and in return receives a variable interest rate calculated to approximately match the variable interest rate to have been paid on the auction rate bond.

In accordance with the District's Administrative Procedure 6306 - Interest Rate Risk Management, the District is to provide ongoing reporting and recordkeeping regarding its swap portfolio. Such reporting and recordkeeping is considered good financial practice and a criteria evaluated by rating agencies. In addition to background presentations and discussions led by the District's municipal financial advisors (the "Municipal Advisor") relating to the OPEB Bonds, now provided are Swap Portfolio Summary Reports relating to the District's swaps in connection with the OPEB Bonds, as of 6/30/2019 and 12/31/2019. The District intends to have the Municipal Advisor provide quarterly reports going forward.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

The Chancellor recommends acceptance of the Reports.

File Attachments

Peralta Swap Summary 6-30-19.pdf (57 KB) Peralta CCD Swap Report 12-31-19.pdf (72 KB)

8. ACTION ITEMS

Subject 8.5 Consideration and Adoption of amended Resolution 19/20-46 declaring

emergency conditions exist throughout the Peralta Community College District as a result of the threat of the COVID-19 (Coronavirus) and granting the Chancellor

emergency authority. Presenter: Chancellor Stanback Stroud

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action, Discussion

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact No

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Regina Stanback Stroud, Chancellor

BACKGROUND/ANALYSIS:

In December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was identified and has impacted more than 75 countries including the United States. As of March 11, 2020, there were more than 1,000 confirmed cases of COVID-19 in the United States, including 178 in California. Officials expect the number of cases in California, the United States, and worldwide to increase. On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to enable state and local agencies to more effectively respond to the threat of COVID-19. Additionally, on February 14, 2020, the Alameda County Board of Supervisors (Board of Supervisors) declared a local health emergency in response to COVID-19; and on March 10, 2020, the Board of Supervisors voted unanimously to continue the local health emergency.

In light of this emergency, the Board is asked to take action to:

- 1. Authorize the Chancellor and/or her designee(s) to take any and all actions necessary to ensure the continuation of education, and the health and safety of the students and staff at the District campuses and facilities, including, but not limited to: the relocation of students and staff, provision of alternative educational program options such as online delivery of educational services, provision of leave of absence to employees due to quarantine or recently returning from level 3 countries or sick from COVID-19 or illnesses with similar symptoms (e.g., cough, fever, shortness of breath), or co- habitants of any individuals, directing staff to serve as disaster service workers, and/or make alterations, repairs or improvements to District property.
- 2. Adopt a Resolution, attached hereto, declaring emergency conditions exist throughout the District campuses and facilities as a result of the threat of COVID-19 virus.
- 3. Authorize, by unanimous vote, under the provisions of section 20654 of the California Public Contract Code, the Chancellor and/or her designee(s):
 - a. To enter into any and all contracts necessary, without advertising or inviting bids, and for any dollar amount necessary to respond to the emergency conditions at the District Sites, including, but not limited to: the relocation of students and staff; continued instruction of students; maintenance of supplies, instructional materials, operational support supplies, equipment in support of virtual learning, and provision of additional personnel; and
 - b. The flexibility with use of District faculty and staff, notwithstanding section 20655 of the California Public Contract Code, to enable and support the District campuses and facilities; and
 - c. The Chancellor and/or her designee(s) to obtain permission for any of the above from the county superintendent of schools to the extent required by section 20654 of the California Public Contract Code.

DEL	IVER	RI	ES/SCOPE	OF WORK
3 84.	. W M. PK A	101		4 / F VV 4 / IV F

N/A

ANTICIPATED COMPLETION DATE:

N/A

EVALUATION AND RECOMMENDED ACTION:

N/A

File Attachments

Resolution Delegation of Authority in Emergency_ Peralta2 (003).pdf (102 KB)

8. ACTION ITEMS

Subject 8.6 Consider Approval of First Reading of Resolution No. 19/20-44 Accepting the

OPEB June 2019 GASB Actuarial Report, July 2019 OPEB Supplemental Actuarial Report and the June 2019 Investment Performance Update and Adopting the OPEB Trust 1 Surplus Determination and Disbursement Procedures. Presenter:

Chancellor Stanback Stroud

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

TO: Peralta Board of Trustees

FROM: Dr. Regina Stanback Stroud, Chancellor

PREPARED BY: Dr. Regina Stanback Stroud, Chancellor

Background/Analysis:

This Resolution is being presented to this meeting for a first reading of the Board and will be presented again at the Board's April 7th meeting for approval.

In 2005, the District issued and sold its Taxable 2005 Limited Obligation Other Post-Employment Benefits Bonds (the "OPEB Bonds"), pursuant and subject to an Indenture of Trust, dated as of December 1, 2005, to provide certain health care benefits for retired District employees who were hired as of or before 2004 and certain of their dependents. The proceeds from the sale of the OPEB Bonds were transferred to a separate fund known as the Retiree Health Benefit Program Fund or OPEB Trust 1 to be held in trust and invested, subject to the terms of the Indenture of Trust.

The Indenture authorized the District to transfer amounts held in the Retiree Health Benefit Program Fund to a custodial trustee and to delegate investment authority for such amounts pursuant to Section 53621 of the California Government Code, and consistent therewith the District delegated investment authority of Trust 1 to the Retirement Board which has entered into an agreement with Neuberger Berman Trust Company to serve as custodial trustee for, and to invest, the OPEB Trust 1 funds.

Pursuant to the Indenture of Trust for the OPEB Bonds, in addition to paying or reimbursing the cost of retiree health benefits, moneys in the Trust 1 may also be used to pay principal on the OPEB Bonds if "the District determines that any or all of the amounts held in [Trust 1] are or will not be required for payment of current or future Retiree Health Benefit Costs" (a "Surplus"). The District has determined by this Resolution to establish, and have the Board adopt, procedures for determining whether Trust 1 has a Surplus for the purpose of making a payment on the OPEB Bonds and for providing notice of any disbursements from Trust 1 for such purpose to the Retirement Board. The procedures rely on information to be obtained from three reports – a GASB Actuarial Valuation, a Supplemental Actuarial Study and an Investment Performance Update.

In compliance with Governmental Accounting Standards Board Rule No. 74/75, the District annually receives from its actuary an Actuarial Study of Retiree Health Liabilities for the Pre-2004 Employees, which provides an actuarial valuation of retiree health liabilities. Consistent with the recommendation of the Fiscal Crisis and Management Assistance Team ("FCMAT") of the California School Information Services in its Financial Review and Fiscal Health Risk Analysis dated June 28, 2019 (a/k/a the "2019 FCMAT Report"), the District now, and will annually receive, from its actuary a Supplemental Actuarial Study of Retiree Heath Liabilities for the Pre-2004 Employees utilizing a higher discount rate for purposes of obtaining a retiree health benefit funding valuation using the estimated rate of return on Trust 1 investments, rather than the long-term return applicable for the GASB Actuarial Valuation, in order to provide the District with a more realistic valuation of its health benefit liability for the retirees. Under the recent GASB Rule 74/75 rule changes, a compressed discount rate of 3.5% is currently used in the GASB Actuarial Valuation. This GASB rule change significantly inflates the actuarial liability (i.e., the District's retiree health benefit liability), solely because Trust Fund 1 is not viewed under GASB as an irrevocable

trust. The Supplemental Actuarial Study uses a 6.3% discount rate which is closer to the GASB Rule 74/75's discount rate prior to the change (it used 6.75% for its June 30 2018 study) and is such discount rate is more conservative than that of other relevant discount rate benchmarks (e.g. CalPERS, CalSTRS). The custodial trustee provides to the Retirement Board monthly investment performance updates of the funds in Trust 1, including an unaudited market value of funds in Trust 1.

Deliverables and Scope of Work:

N/A

Anticipated Completion Date:

N/A

Evaluation and Recommended Action:

This is the first reading of this Resolution. It will be presented again at the April 7th Board meeting for approval.

File Attachments

Peralta CCD Reso re Trust 1 Process and OPEB Reports v8 FINAL.docx (43 KB)

8. ACTION ITEMS

Subject 8.7 Consider Approval of Amendment No. 4 for Construction Counsel to Provide

Legal Advice to the Department of General Services, for Matters Related to Facilities Maintenance and Operations and Capital Projects. Presenters: Interim

Vice-Chancellor Sata and Interim Chief Counsel/Chief of Staff Warden.

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Action

Preferred Date

Mar 24, 2020

Absolute Date

Mar 24, 2020

Fiscal Impact

Yes

Dollar Amount

\$1,023,600.00

Budgeted

Yes

Budget Source

G.O. Bonds, General Fund, and Redevelopment Agency Funds

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Vice-Chancellor Sata

BACKGROUND/ANALYSIS:

On July 12, 2016, a contract in the amount of \$30,000 was entered into between the District and DWK, to provide legal counsel around matters related to Facilities Maintenance and Operations and Capital Project Planning, managed by the Department of General Services (DGS). On March 14, 2017, Amendment #1 was approved by the Board in the amount of \$90,000. On June 13, 2017, Amendment #2 was approved by the Board in the amount of \$842,740. On March 26, 2019, Amendment #3 was approved by the Board for a time extension only. On September 24, 2019, DWK was authorized by the Board along with various other legal firms to provide services through FY 2019-20, though a detailed estimate was not provided. The original contract and amendments 1 through 3 are found in **Exhibit A**.

At this time, the Board is being asked to approve Amendment #4 to DWK's contract, in the amount of \$1,036,600. Legal invoices are billed on an hourly basis and are reviewed by the Vice Chancellor of DGS and the Chief of Staff/General Counsel. This amendment is based on a proposal letter dated May 22, 2019, and because DWK's work largely supports the Capital Improvement program, the portion of the invoices related to capital projects are eligible to be paid for with bond funds.

Contract	Board Approval Date:	Amount:
Original Contract	July 12, 2016	\$ 30,000
Amendment 1	March 14, 2017	\$ 90,000
Amendment 2	June 13, 2017	\$ 842,740
Amendment 3	March 26, 2019	\$0 (time only)
Amendment 4	Pending	\$1,036,600
Total contract after approval		\$3,061,060

DELIVERABLES/SCOPE OF WORK:

The fee estimated by DWK for FY 2019-20 is \$1,036,600, which is based on estimates from previous years' billings and is attached as **Exhibit B**. The fee includes fees associated with a construction defect lawsuit and vendors associated with the lawsuit. Specifically, the fee will include:

- 1. Litigation matters related to a construction defect lawsuit, scheduled for mediation in June 2020, with a trial date scheduled for December 2020, and the expert consultants associated with the lawsuit; and
- 2. Bond Related Legal Services included contract matters related to the bond, including contract template development, Board agenda materials, review and/or preparation of all DGS contracts prior to upload to Board Docs, legal input on matters related to procurement, design and construction for the bond program, resolution of the liability list, and other bond related issues; and
- 3. General Fund Legal Services, including the review of non-construction related contracts, preparation of protocols, training, stop payment issues, Bond Measures and Parcel Tax Oversight Committees.

ANTICIPATED COMPLETION DATE:

The duration of this contract amendment is through June 30, 2020. As the contract is renewed annually, DWK's next amendment will be brought to the Board before June 30, 2020. Next year's amendment will be the final amendment before the District is required to prepare a new RFP for construction legal services. The District will prepare the RFP before June 30, 2021.

EVALUATION AND RECOMMENDED ACTION:

The Chancellor, Vice Chancellor and General Counsel recommend approval of Amendment #4 (Exhibit B), for Construction Counsel to provide legal advice to the Department of General Services (and others), for matters related to litigation, the bond and general fund, for FY 2019-20.

File Attachments 200324 Exhibit A.pdf (3,552 KB) 200324 Exhibit B.pdf (699 KB) DWK_Amendment4_March24BoardMtg_03242020.docx (28 KB)

8. ACTION ITEMS

Subject 8.8 Consider Approval and Adoption of Resolution No. 19/20-40 to Determine

that an Emergency Exists Regarding Existing Plumbing Issues near the Drinking Fountain by the Mechanical Room and Building D at College of Alameda and Ratification of Emergency Repair Contract. Presenter: Interim Vice Chancellor

Leigh Sata.

Meeting Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type Action

Preferred Date Mar 24, 2020

Absolute Date Mar 24, 2020

Fiscal Impact Yes

Dollar Amount \$51,028.98

Budgeted Yes

Budget Source Scheduled Maintenance Funds

TO: Peralta Board of Trustees

FROM: Department of General Services

PREPARED BY: Interim Vice Chancellor Sata

BACKGROUND/ANALYSIS:

The College of Alameda ("Alameda Campus") discovered sudden, unexpected leaks in certain underground pipes that are connect to and support the fire sprinkler system. The District's project manager, Roebbelen Construction Management Services, Inc. ("Roebbelen") promptly investigated, and at the District's request, contacted Environmental Resource Group, Inc. ("ERG"), a A-license (General Engineer Contractor), B (General Building Contractor), and Hazardous Substance Removal Certification contractor, to evaluate the underground plumbing and recommend repairs, if necessary.

ERG's investigation confirmed the pipes, near the drinking fountain by the mechanical room, as well as Building D, were experiencing plumbing issues and required immediate remedial action. The plumbing issues immediately needed to be addressed to: avoid increased risk to the health and safety of students, staff, and members of the public; to ensure the District may utilize the buildings necessary to provide a full educational program to its students and the normal use of the Alameda Campus; and to avoid property damage.

Under the Public Contract Code, this emergency allows the District to directly negotiate a contract and forego the delays imposed by formal bidding. ERG completed a temporary fix to the emergency plumbing issues to prevent the leaks from possibly washing out the foundation of the buildings. The District, with the assistance of Roebbelen, subsequently negotiated a contract with ERG for a more permanent solution. The College President and Chancellor now request approval of a resolution to determine that an emergency exists regarding existing plumbing issues near the drinking fountain by the mechanical room and Building D at the Alameda Campus, and approval and ratification of the emergency repair contract with ERG to resolve the plumbing issues.

ERG holds an A, B, and Hazmat California contractors licenses and is licensed to provide and manage a full range of environmental liability consulting, construction engineering, and management services for the private and public sector (CSLB # 740879).

Contact Information:

15 Locust Avenue

Mill Valley, CA 94941

Website: http://environmentalrg.com

DELIVERABLES/SCOPE OF WORK:

1. Fire Line Repair -- Permanent repair on the 8" fire line near the drinking fountain.

2. Lateral Investigation -- Permanent repair on the value and 4" PVC line near the mechanical room.

ANTICIPATED COMPLETION DATE:

Project is anticipated to be complete by March 31, 2020.

EVALUATION AND RECOMMENDED ACTION:

The College President and Chancellor recommend approval and adoption of the Resolution and ratification of the attached contract to allow for the emergency repairs required to resolve the plumbing issues at College of Alameda.

File Attachments

2020-03-10 Resolution - Alameda College Emergency (Water Leak) + Contract_3523748_2(DMS).pdf (18 KB) Agreement for Construction Services - Environmental Resource Group_3523750_1(DMS).pdf (711 KB)

3/21/2020

9. REPORTS

Subject

9.1 Board of Trustees' Reports

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

BoardDocs® Pro

Type

Information

11. ADJOURNMENT

Subject

11.1 Meeting Adjournment

Meeting

Mar 24, 2020 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Type

Procedural