

Agenda Item Details

Meeting Feb 17, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.13 Approve Minutes of January 20, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 14.13**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

SUBJECT: Approve Minutes of January 20, 2011, Regular Board Meeting

Attached are the minutes of the January 20, 2011, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:

None

FUNDING SOURCE:

None

RECOMMENDATION:

It is recommended that the Board of Trustees approve the January 20, 2011, Board meeting minutes as presented.

East Side Union High School District
Approved
Board of Trustees
February 17, 2011 

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at the Education Center -- Board Room
January 20, 2011
3:30 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 3:44 p.m. by President Nguyen. Vice President Biehl, Clerk Le, Member Herrera and Member Martinez-Roach were present.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Nguyen extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers regarding Closed Session items.

1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session.

2. CLOSED SESSION

2.01 Expulsion(s): A-I

Student A:

Motion by Member Herrera, second by Vice President Biehl, to approve the expulsion of Student A.

Vote: 5/0

Student B:

Motion by Member Herrera, second by Vice President Biehl, to approve the expulsion of Student B.

Vote: 5/0

Student C:

Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student C as modified.

Vote: 4/1; Member Martinez-Roach voted No

Student D:

Motion by Vice President Biehl, second by Clerk Le, to approve the expulsion of Student D.

Vote: 5/0

Student E:

Motion by Member Martinez-Roach, second by Member Herrera, to approve the expulsion of Student E.

Vote: 5/0

Student F:

Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student F.

Vote: 5/0

Student G:

Motion by Vice President Biehl, second by Member Herrera, to approve the expulsion of Student G.

Vote: 4/1; Member Martinez-Roach voted No

Student H:

Motion by Vice President Biehl, second by Member Herrera, to approve the expulsion of Student H as modified.

Vote: 4/1; Member Martinez-Roach voted No

Student I:

Motion by Clerk Le, second by Member Herrera, to approve the expulsion of Student I.

Vote: 5/0

2.02 Public Employment/Public Employee Appointment (Government Code Section 54957)

- *Associate Superintendent of Administration and Business Services*
- *Director of Information Technology Services*

2.03 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)

2.04 Public Employee Performance Evaluation (Government Code Section 54957)

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Vida Branner, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

**2.06 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases**

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*

Motion by Vice President Biehl, second by Member Herrera, to approve the proceeding on the appeal of the judgment and orders for Santa Clara County Superior Court case number 109CV141312.

Vote: 3/1/1; Member Martinez-Roach voted No; Clerk Le abstained from vote

- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

**2.07 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:**

- *Claim of Bruce Flyn Associates, Inc. and Bruce Flyn and Two Other Potential Cases*

Motion by Member Martinez-Roach, second by Vice President Biehl, to reject the claim of Bruce Flyn Associates, Inc. and Bruce Flyn.

Vote: 4/0/1; Clerk Le abstained from vote

**2.08 Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 94956.9(c):**

- *Three Potential Cases*

2.09 Conference with Real Property Negotiators

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Superintendent Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Development Company, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM

3. PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

President Nguyen extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

For consideration by the Board of Trustees.

There were no amendments to the agenda.

6. BOARD SPECIAL RECOGNITION(S)

6.01 JROTC Leadership and Academic Bowl Finals: Andrew Hill High School Army JRTOC

- Hector Rosas, Team Captain
- Anthony Pham
- Thai Nguyen
- Jazmine Tabion

6.02 Fall Sports Recognitions: Blossom Valley Athletic League Champions

Andrew Hill High School

- Girls' Tennis, West Valley Division

Evergreen Valley High School

- Girls' Golf, Mt. Hamilton Division
- Boys' Golf, West Valley Division
- Boys' Water Polo, Santa Teresa Division

Independence High School

- Football, Santa Teresa Division

Mt. Pleasant High School

- Football, West Valley Division

Oak Grove High School

- Boys' Cross Country, Santa Teresa Division
- Football, Mt. Hamilton Division

Piedmont Hills High School

- Boys' Water Polo, Santa Teresa Division
- Football, Mt. Hamilton Division

Silver Creek High School

- Girls' Volleyball, Santa Teresa Division

Yerba Buena High School

- Girls' Tennis, Santa Teresa Division

7. STUDENT BOARD LIAISONS

7.01 Vanessa Silva, ASB President – Santa Teresa High School

7.02 Edna Gregorio, School Site Council Chairperson – Wm. C. Overfelt High School

8. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

Speakers:

- Khanh Vu – Letter from Vietnamese American Community President
- Ricardo Reyes – Community Concern
- Suzanne St. John-Crane – CreaTV San Jose Video Equipment Grant
- Angie Nunn – CSEA Concerns
- Omar Gutierrez – Comments regarding Mercury News Article

9. SUPERINTENDENT/BOARD OF TRUSTEES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

9.01 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

Frank Biehl, Audit Committee Chair

Vice Chair Patricia Martinez-Roach and I have met and we are looking forward to working together cooperatively to make sure the Audit Committee remains an effective body with this Board.

We met and agreed upon a process for the appointment of the two vacancies on the Audit Committee. We currently have a vacancy for a regular Audit Committee Member, a two-year term, starting in February through January – two years later, and also an alternate, which is a one-year term. That information has been posted on the website and has been sent out to the appropriate newspapers. A small story ran in the San Jose Mercury News noting that vacancies were available.

Our next meeting for the Audit Committee is set for March 5. That starts our cycle for next year's audit. Tonight we are going to be completing that cycle. We are going to be receiving the audit findings for last year. After that, we are going to have a presentation of the draft Internal Auditor Work Plan.

Patricia Martinez-Roach, Audit Committee Vice Chair

I am looking forward to working cooperatively with all the committee members. I really encourage participation from the audience and a lot of different groups to come out and see what the committee is going to be doing. I think that we have a lot of good work ahead of us and I am looking forward to it.

9.02 Receive Annual Financial Audit Report Ending June 30, 2010 - Dan Moser, Superintendent

Motion by Member Martinez-Roach, second by Vice President Biehl, to receive the Annual Financial Audit Report ending June 30, 2010.

Vote: 5/0

9.03 Presentation, Discussion and/or Action of Internal Auditor Work Plan - Ian Marsh, Internal Auditor

Motion by Member Martinez-Roach, second by Member Herrera to accept the Internal Auditor's Work Plan.

Vote: 5/0

9.04 Accept Report of Superintendent's Conferences/Expenses from June 1, 2010, through December 31, 2010 - Dan Moser, Superintendent

Motion by Member Martinez-Roach, second by Vice President Biehl, to accept the report of Superintendent's Conferences/Expenses from June 1, 2010, through December 31, 2010.

Vote: 5/0

9.05 Adopt Resolution #2010/2011-22 Fred Korematsu Day of Civil Liberties and the Constitution - Van Le, Board Clerk

Motion by Clerk Le, second by Member Martinez-Roach, to adopt Resolution #2010/2011-22 Fred Korematsu Day of Civil Liberties and the Constitution.

Vote: 5/0

10. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

10.01 Overfelt High School Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Vito Chiala, Principal

Presentation item only.

10.02 Hold Public Hearing at Approximately 6:30 p.m. on the State Board of Education Waiver - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Public hearing held. There were no speakers.

10.03 Approve State Board of Education General Waiver Request: 60-Day Extension for the Posting of the School Accountability Report Card (SARC) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instruction

Motion by Member Martinez-Roach, second by Member Herrera, to approve the State Board of Education General Waiver Request: 60-day extension for the posting of the School Accountability Report Card (SARC).

Vote: 4/0; President Nguyen out of the room.

10.04 Accept Enrollment Update for Calero High School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Motion by Member Herrera, second by Clerk Le, to accept the enrollment update for Calero High School.

Vote: 4/0; President Nguyen out of the room.

- 10.05 Receive the Fourth Valenzuela/CASHEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering October 1, 2010 through December 31, 2010 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education**

Motion by Member Herrera, second by Member Martinez-Roach, to receive the fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for the period covering October 1, 2010, through December 31, 2010, as required by Education Code 35186 (Williams Settlement Legislation SB550 and AB2727).

Vote: 4/0; President Nguyen out of the room.

11. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

No items on calendar under this section.

12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 12.01 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Motion by Clerk Le, second by Member Herrera, to accept the donations, grants and awards as presented.

Vote: 4/0; President Nguyen out of the room.

- 12.02 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Motion by Member Herrera, second by Clerk Le, to approve the contracts for professional services at or below \$50,000 as presented (copy attached).

Vote: 4/0; President Nguyen out of the room.

- 12.03 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Motion by Member Herrera, second by Member Le, to approve the contracts for professional services over \$50,000 as presented (copy attached).

Vote: 4/0; President Nguyen out of the room.

13. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

No items on calendar under this section.

14. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 14.08 and 14.10 were pulled from the consent calendar for discussion. Motion by Member Martinez-Roach, second by Clerk Le, to approve the remainder of the consent calendar.

Vote: 4/0; President Nguyen out of the room.

- 14.01 Ratify/Approve Classified Personnel Actions Presented January 20, 2011**
- 14.02 Ratify/Approve Certificated Personnel Actions Presented January 20, 2011**
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented January 20, 2011**
- 14.04 Approve School Field Trips**
- 14.05 Approve Award of Bids**
- 14.06 Approve Budget Transfers Presented January 20, 2011**
- 14.07 Approve Purchase Orders Presented January 20, 2011**
- 14.09 Approve Memoranda of Understanding**
- 14.11 Approve Change Order #1 for the Expanded Lighting Scope at Santa Teresa High School**
- 14.12 Approve Notice of Completion for James Lick High School, Demolition of Existing Building #500 Project (PARC Services, Inc.)**
- 14.13 Approve Notice of Completion for James Lick High School, Demolition of Existing Child Care Center Project (PARC Services, Inc.)**
- 14.14 Approve Change Order #1 for Santa Teresa High School, Multi-Purpose Building Increment #1 Sitework Project (Joseph J. Albanese, Inc.)**
- 14.15 Approve Notice of Completion for Santa Teresa High School, Multi-Purpose Building Increment #1 Sitework Project (JJ Albanese, Inc.)**
- 14.16 Approve Minutes of December 16, 2010, Annual Organizational Meeting/Regular Board Meeting**

Items pulled for discussion from the Consent Calendar for discussion/consideration.

14.08 Approve Change Orders to Purchase Orders Presented January 20, 2011

Request by Member Martinez-Roach to add a column to the report to note the percentage the district is at with construction projects in order to monitor that the district does not exceed the 10%.

Motion by Member Martinez-Roach, second by Member Herrera, to approve the change orders to purchase orders presented January 20, 2011.

Vote: 5/0

14.10 Accept Warrant Register for the Month of December 2010

Patricia Martinez-Roach, Board Member

On page 22, the PGE is \$219,371. I just wanted to state for the record again that it seems like a very high amount to continue to have with all the solar that we have.

Motion by Member Martinez-Roach, second by Member Herrera, to approve the warrant register for the month of December 2010.

Vote: 5/0

15. WRITTEN REPORTS/RECOMMENDATIONS

No items on calendar under this section.

16. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

16.01 Board of Trustees

Frank Biehl, Board Vice President

MetroED:

I completed my term as President at MetroED last night. James Canova from Santa Clara was elected President, Cynthia Chang from Los Gatos was elected Vice President, and Dan Bobay from Milpitas, a new Member on the Board, was elected Clerk.

The Superintendent, because he received a wonderful evaluation and pursuant to his contract, his services for his contract was extended for one additional year, which is a three-year rolling contract. He has a contract with MetroED for the next three years. It is not clear whether he will exercise the entire contract or if he will retire after two years, but we would like to have him stay.

The issue related to the Adult Education Program at San Jose Unified will be decided tonight at San Jose Unified. We rather expect that San Jose Unified will vote to take two-thirds of their adult education funds and not longer use them for adult education.

MetroED is working on alternate plans to make sure they are able to continue to run the program for San Jose Unified's Adult Education, but at a much lower level.

I emphasize the need to make sure that services for immigrants are maintained and they indicated that is the core of their services and they will attempt to do that, but it is a very big hit for adult education. I pointed out that our district has not made that decision and that we continue to use our adult education funds for adult education. Although, they have taken a very big hit along with everyone else, but we have not made the decision to take those funds and put them into another area.

San Jose Unified's decision in MetroED, I think, will be okay. It just makes it a little more difficult to take some of the upper overhead and to write it off over a broader base. In some ways, MetroED becomes more focused on technical education, which I believe is their primary function.

Van Le, Board Clerk

I would like to take this opportunity to say thank you to the Superintendent. We went together to visit James Lick High School. Principal Glenn VanderZee was there to give us a tour of the site. I will continue to visit school sites.

I would like to take this opportunity to invite staff, administrators and teachers to join us this Sunday, January 30. The Vietnamese American Community of Northern California is hosting a reception to honor the Vietnamese students that won in the Dr. Martin Luther King, Jr., contest last Friday. This would be an opportunity for the community to understand about East Side Union High School District and support the students. It will be this Sunday, January 30, from 2:30 p.m. to 4:30 p.m. in the Board Room.

Patricia Martinez-Roach, Board Member

I wanted to congratulate Ms. Duran from Evergreen Valley High School who organized with a delegation of different people throughout the County and went to Haiti in July. I think we really need to consider giving them a humanitarian award from this Board. There was a student from Evergreen Valley who raised \$3,000 with other students for the relief fund.

What an amazing experience for these youngsters and teachers that went during the summer months to go and do this wonderful work in Haiti. I understand that they are going to continue to do this work.

The Latino parents have not had a conference for many years. The Vietnamese parents are having one this year. They had one last year and the year before. I am just wondering at what point we are going to have a joint parent workshop for all the parents? I think that it is important that we bring the parents and engage them in training. The parents that I have been working with are very excited for any training that they can get. They want to come. They want to be a part of it. I am asking the Board if anybody objects to bringing back some kind of proposal that we can engage all parents to participate that want to be part of a district wide workshop. Specific areas could be cultural, linguistic or academic.

Congratulations to the Martin Luther King, Jr., winners! I think that was awesome!

J. Manuel Herrera, Board Member

I have two items. The first is that there is a story in today's paper regarding the lawsuit with the construction company. I am aware there is concern about the matter. I just want to say, as one Member of the Board, that we cannot manage the legal issues in a case like this based on what is reported in the newspaper's story.

The story that was posted yesterday evening was pulled back at midnight last night for a correction before the print edition. Even the print edition is lacking balance and accuracy overall. My belief is that if any of you or if any journalist sat in the room where we sit and listen to the analysis and issues at stake and the fiduciary responsibility to manage, my guess is that most, not all, or 99 out of 100, would agree with the decisions of the Board to-date. I personally believe that the trial court, even at the jury, did their job, according to what they were instructed at the trial.

I just want to ensure the community that we are not sitting here in some careless manner with this matter.

Second item is that every year is the gathering for the Mayor's State of the City Address. This year it falls on our next meeting in February. I would like to request, if the Board is amenable, that we either hold the February meeting either the following Thursday or the prior Thursday so that we have an opportunity to go and be part of this annual gathering with the community.

Lan Nguyen, Board President

Last month, I told you that I may not be going to the Board Presidents' Workshop in Sacramento. Now, I have changed my mind because I will get a good education out of it. I am going this Saturday to Sacramento to attend the Board Presidents' Workshop.

16.02 Dan Moser, Superintendent

A few weeks ago I was invited to the installation of the CSEA Chapter #187 E-Board. Julio was installed. Angie was also installed. So were Omar and Roland Smith. I congratulate the duly elected E-Board Members!

Also, recently, I received a communication from Andrew Hill about the honor of one of their teachers, Dave Johnson a Social Studies Teacher, who was recognized for his accomplishments with the IB Program and as Educator-of-the-Year for IB. Congratulations to Dave!

17. REPORT CLOSED SESSION ACTION(S)

Attorney will report on Closed Session action item(s).

See section 2.0 for reporting out of Closed Session items.

18. ADJOURNMENT

President adjourns the meeting.

President Nguyen adjourned the meeting at 10:29 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting Jan 20, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.02 Approve Contracts for Professional Services at or below \$50,000 - Dan Moser, Superintendent

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 12.02

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Business Services Division

SUBJECT: Approve Contracts for Professional Services at or below \$50,000

The attached list of Contracts for Professional Services at or below \$50,000, are being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

FISCAL IMPACT:
As indicated in the attachment

FUNDING SOURCE:
As indicated in the attachment

RECOMMENDATION:
It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[12.02 Contracts Under 50k 1-20-11.pdf \(43 KB\)](#)

Administrative Content

Executive Content

East Side Union High School District

Approved

Board of Trustees

January 20, 2011 

Item: 12.02

EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES at or Below \$50,000 Board Meeting of January 20, 2011

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	AlphaVista Services, Inc.	C. Hersom C. Giammona D. Bertrand	January 18, 2011 – May 31, 2011	\$50,000.00 (not to exceed) Special Education	Special Services Carole Hersom	To provide Speech Therapy and other related services as needed to IEP requirements.
2	California Alliance of African American Educators (CAAEE)	D. Moser C. Giammona D. Bertrand	August 1, 2010 – June 30, 2011	\$50,000.00 Project Word	Oak Grove H.S. Dan Moser	Provide an after-school intervention program designed to improve academic achievement, targeting 9 th and 10 th graders at Oak Grove High School where the GPA is 1.9 for the African-American students. Provider agrees to follow the terms of the AT&T Foundation Grant that was executed in May 2008.
3	CoreDialogue Barry Smith, Founder	D. Moser D. Bertrand	January 20, 2011 – January 29, 2011	\$2,500.00 Governing Board	Office of the Superintendent Dan Moser	To provide: (1) Facilitation of the Board of Trustees' Retreat on January 29, 2011; (2) Conduct telephone or live pre-meetings with Board Members and the Superintendent in preparation for the Board Retreat; and (3) As appropriate, provide any written follow-up summary and/or recommendations following the retreat.
4	Hanson & Bridgett, LLP	Rogelio Ruiz, Esq.	Term will correspond with the limited scope of services to the KMS litigation	Not to exceed \$50,000.00 Measure G	Office of the Superintendent Dan Moser	To provide Legal services in connection with KMS litigation.
5	Mark M. Okuda	A. Lomas C. Giammona D. Bertrand	January 21, 2011 – January 21, 2012	\$1,500.00 MAA	Evergreen Valley H.S. Ana Lomas	Provide educational consultant who will assist in the development and implementation of a forensic program.

6	Penny Lawrie	C. Vaeth C. Giammona D. Bertrand	January 6, 2011 – June 30, 2011	\$1,250.00 (not to exceed)	Adult Education Cari Vaeth	To provide CPR/First Aid Training. Provider will supply all course materials and documentation needed to conduct the class.
7	Secure-it-Safe	J. Kurr D. Bertrand	January 1, 2011 – August 30, 2011	Tech Prep \$20,000.00 Various	District Wide Donna Bertrand	To provide on-site shredding services of confidential documents at all schools sites including the district office. Individual schools sites will issue separate purchase orders as they have need for on-site shredding.
8	Unity Care Group	A. Lomas D. Bertrand J. Kurr	September 21, 2010 – May 30, 2011	\$5,500.00 MAA	Evergreen Valley H.S. Ana Lomas	Provide youth a creative outlet; to encourage cooperative learning through group projects; to build self-confidence. The site signed the Vendor's Memorandum of Understanding form and allowed the services to begin prior to taking the agreement to the Board. Also, this service should have been placed on a standard Contract Services Agreement and since the services have been provided, Administration is recommending that the Board authorized the use of the vendor's MOU for this service, this time only.
9	University of Southern California (USC)	C. Giammona D. Bertrand	January 21, 2011 – June 30, 2012	\$350.00 honorarium per Master Teacher REVENUE CONTRACT	Education Center/ District Wide Cathy Giammona	ESUHSD will host teacher candidate(s) during a period of observation and/or practice, allowing them to observe students and/or teach well planned lesson mediated by ESUHSD Master Teacher(s). USC will provide an honorarium to the participating ESUHSD Master Teacher.

B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept Manager	Purpose
1	Aedis Architecture & Planning	J. Rono D. Bertrand	April 10, 2009 – October 31, 2012 (no change)	\$16,003.12 Measure E	Oak Grove H.S./ Facilities Martha Brazil June Rono, PhD.	Back at the April 9, 2009 Board Meeting, this contract with Aedis was approved by the Board. However, the amount did not include the 10% for reimbursement of approved expenses which is allowed for in their contract.

2	Cleary Consultants	J. Rono D. Bertrand	November 19, 2010 – November 18, 2013	\$12,600.00 Measure G	James Lick H.S. / Facilities Glenn VanderZee, June Rono, PhD.	To provide geotechnical observations during project, density tests and recommendations for the James Lick High School Fire Service Center.
3	Cleary Consultants	J. Rono D. Bertrand	January 21, 2011 – September 1, 2012	\$17,300.00 (not to exceed) Measure E	Calero H.S. / Facilities June Rono, PhD.	To provide geotechnical services related to the Calero High School Modernization Project (E-080-002) Proposals were solicited from four vendors and four submitted responsive and responsible proposals. Cleary Consultants was selected based on their proposed fee and scope
4	Consolidated Engineering Laboratories	J. Rono D. Bertrand	January 21, 2011 – April 15, 2012	\$39,000.00 (not to exceed) Measure E	W.C. Overfelt H.S. / Facilities Vito Chiala June Rono, PhD.	To provide testing/inspection services related to the W.C. Overfelt HS Wing C & E Modernization Project (E-040-001) Proposals were solicited from seven vendors and four submitted responsive and responsible proposals. Consolidated Engineering Laboratories was selected based on their proposed fee and scope.
5	Consolidated Engineering Laboratories	J. Rono D. Bertrand	January 21, 2011 – October 15, 2012	\$9,000.00 (not to exceed) Measure E	W.C. Overfelt/ Facilities Vito Chiala June Rono, PhD.	To provide testing/inspection services related to the W.C. Overfelt HS Title IX Modernization Project (E-040-003) Proposals were solicited from seven vendors and four submitted responsive and responsible proposals. Consolidated Engineering Laboratories was selected based on their proposed fee and scope.
6	Earth Systems Pacific	J. Kurr J. Rono D. Bertrand	December 17, 2010 – July 31, 2011	\$8,407.00 Measure G	James Lick H.S./ Facilities Glenn VanderZee, June Rono, PhD.	To provide special inspection and material testing services for the construction of the Fire Service Center Building and Installation of a modular concession building project. Proposals were solicited from four vendors and three submitted responsive and responsible proposals. Earth Systems was selected based on their proposed fee and scope.

7	Facilities Management Planning and Operations, Inc. (FMPO)	J. Rono D. Bertrand	October 9, 2009 – March 31, 2011	\$50,000.00 Measures G & E	Facilities June Rono, PhD.	Change Order #1 is issued to increase the contract/purchase order to cover the costs of providing 3 rd party constructability reviews of construction plans and specifications during the formal solicitation process that will be conducted by Administration during the first quarter of 2011. Contract was previously approved by the Board of Trustees on October 8, 2009 for an amount not to exceed \$200,000.00
8	North American Technical Services	J. Rono D. Bertrand	January 21, 2011 – October 1, 2011	\$650.00 (not to exceed) Measure E	James Lick H.S./ Facilities Glenn VanderZee June Rono, PhD.	To provide DSA in-plant inspection for the Relocatable Classrooms at American Modular, Manteca. The inspections shall be conducted according to the Division of the State Architects regulations and Title 24, C.C.R. School Buildings.

Agenda Item Details

Meeting Jan 20, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.03 Approve Contracts for Professional Services over \$50,000 - Dan Moser, Superintendent

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 12.03**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Business Services Division

SUBJECT: Approve Contracts for Professional Services over \$50,000

The attached list of Contracts for Professional Services over \$50,000, are being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

FISCAL IMPACT:
As indicated in the attachment

FUNDING SOURCE:
As indicated in the attachment

RECOMMENDATION:
It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[12.03 Contracts Over 50k 1-20-11.pdf \(56 KB\)](#)

Administrative Content

Executive Content

East Side Union High School District
Approved
Board of Trustees
January 20, 2011 

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of January 20, 2011

1. AEDIS Architecture & Planning

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	April 10, 2009 – October 31, 2012 (no change)	\$52,601.80 Measure E	Adult Education/Facilities Cari Vaeth, Director June Rono, PhD, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #905237 and Amendment #1 to the Agreement in the amount of \$52,601.80. This change order is issued to include the additional amount for approved reimbursable expenses which is allowed for in their master agreement. No change is being requested for the contract period.

Original Purchase Order was approved for \$526,018.00 + Change Order #1- \$52,601.00 = the new Purchase Order total of \$578,619.80.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a "Pool of District Architects for Capital Improvement and Expansion Projects" was developed. AEDIS is one of the eleven (11) District Architects.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #905237 and Amendment #1 to the Agreement with AEDIS Architecture & Planning in the amount of \$52,601.00 for the reimbursement of approved expenses per the Agreement.

2. AEDIS Architecture & Planning

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	April 10, 2009 – October 31, 2012 (no change)	\$55,823.20 Measure E	Silver Creek High School/ Facilities Thelma Boac, Principal June Rono, PhD, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #3 to Purchase Order #905242 and Amendment #3 to the Agreement in the amount of \$55,823.20. This change order is issued to include the additional amount for approved reimbursable expenses which is allowed for in their master agreement. No change is being requested for the contract period.

Original Purchase Order was approved for \$558,232.00 + Change Order #1- \$13,874.00 + Change Order #2 12,920.00 + Change Order #3 \$55,823.20 = the new Purchase Order total of \$640,849.20.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a "Pool of District Architects for Capital Improvement and Expansion Projects" was developed. AEDIS is one of the eleven (11) District Architects.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #3 to Purchase Order #905242 and Amendment #3 to the Agreement with AEDIS Architecture & Planning in the amount of \$55,823.20 for the reimbursement of approved expenses per the Agreement.

3. BLACH Construction Company

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	October 9, 2009 – March 31, 2011	\$100,000.00 Measure E	Facilities June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #001449 with BLACH Construction Company to cover the costs of providing 3rd party constructability reviews of construction plans and specifications during the formal solicitation process that will be conducted by Administration during the first quarter of 2011.

At the October 8, 2009 board meeting the Board approved ESUHSD Administration to issue a contract with BLACH Construction in the amount not to exceed \$200,000.00. Currently Administration is working on the Request for Proposals (RFP) but will need to continue having the services provided during the RFP process.

Original Purchase Order was approved for \$200,000.00 + Change Order #1- \$100,000.00 = the new Purchase Order total of \$300,000.00.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #001449 with BLACH Construction Company to cover the costs of providing 3rd party constructability reviews of construction plans and specifications through March 31, 2011.

4. Cody Anderson Wasney Architect

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	April 10, 2009 – October 31, 2012 (no change)	\$66,723.30 Measure E	James Lick High School/Facilities Glenn VanderZee, Principal June Rono, PhD., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to Purchase Order #905106 and Amendment #2 to the Agreement in the amount of \$66,723.30. This change order is issued to include the additional amount for approved reimbursable expenses which is allowed for in their master agreement. No change is being requested for the contract period.

Original Purchase Order was approved for \$667,233.00 + Change Order #1- \$8,800.00 + Change Order #2 \$66, 723.30 = the new Purchase Order total of \$742,756.30.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a "Pool of District Architects for Capital Improvement and Expansion Projects" was developed. Cody Anderson is one of the eleven (11) District Architects.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #905106 and Amendment #2 to the Agreement with Cody Anderson Wasney Architect in the amount of \$66,723.30 for the reimbursement of approved expenses per the Agreement.

5. David F. Hall Inspections, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	April 10, 2009 – October 31, 2012	\$113,560.00 Measure E	W. C. Overfelt/Evergreen High Schools/Facilities Vito Chiala, Principal Ana Lomas, Principal June Rono, PhD, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #000206 and Amendment #1 to the Agreement in the amount of \$113,560.00. This change order is issued to include the additional scope of work to include the downstairs boys and girls locker rooms for the upstairs Evergreen Valley high School PE Teaching Stations, (Project #E-075-002) and also additional scope of work to now include the North wing of Bldg C, Bldg E and the modernization of the boys and girls restrooms at Bldg G, the removal of seven (7) relocation classroom buildings and repairs to the asphalt, the addition of the ball wall, landscaping, two new accessible entry ramps, and replacement of the asphalt drive between bldg T and Bldg C with a new concrete drive and parking lot improvements.(Project # E-040-002). No change is being requested for the contract period.

Original Purchase Order was approved for \$69,560.00 + Change Order #1- \$113,560.00= the new Purchase Order total of \$183,120.00.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) (RFQ-03-08-09) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board of Trustee on March 10, 2009 for approval of the "Measure E & G Pre-Approved DSA Project Inspection Services/Inspector of Record (IOR) List". David F. Hall Inspections, Inc. is one of the three pre-approved IOR firms.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #00206 and Amendment #1 to the Agreement with David F. Hall Inspections, Inc. in the amount of \$113,560.00 for the provision of additional scope of work to include the downstairs boys and girls locker rooms for the upstairs Evergreen Valley high School PE Teaching Stations, (Project #E-075-002) and also additional scope of work to now include the North wing of Bldg C, Bldg E and the modernization of the boys and girls restrooms at Bldg G, the removal of seven (7) relocation classroom buildings and repairs to the asphalt, the addition of the ball wall, landscaping, two new accessible entry ramps, and replacement of the asphalt drive between bldg T and Bldg C with a new concrete drive and parking lot improvements.(Project # E-040-002).

6. Environmental Remediation (ERT)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	October 9, 2009 – March 31, 2011	\$175,000.00 (increased amount) Measure G & E	Facilities/District Wide June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #001448 with ERT-Environmental Remediation Technologies Inc. for the continued provision of environmental hazards consulting services for the bond measure projects, and other capital facilities projects.

At the October 8, 2009 board meeting the Board approved ESUHSD Administration to issue a contract with ERT in the amount not to exceed \$200,000.00. Currently Administration is working on the Request for Proposals (RFP) but will need to continue having the services provided during the RFP process.

Original Purchase Order was approved for \$199,992.00 + Change Order #1- \$175,000.00 = the new Purchase Order total of \$374,992.00.

RECOMMENDATION

It is recommended that the Board of Trustees to approve Change Order #1 to Purchase Order #001448 with ERT-Environmental Remediation Technologies Inc. for the continued provision of environmental hazards consulting services for the bond measure projects, and other capital facilities projects through March 31, 2011.

7. O'Connor Construction Management, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	January 21, 2011 – January 20, 2012 with two-one year extensions	\$165,000.00 Measures G & E	Facilities June Rono, PhD, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to issue a contract with O'Connor Construction Management, Inc. for the provision of "as-needed" construction management services for the term of January 21, 2011 through and including January 20, 2012 with two-one year renewal options.

Administration has a need to have a Construction Management Firm available to the ESUHSD on an "as-needed" basis. The projects anticipated to be used under the resulting purchase order(s)/contract will be for construction projects estimated under \$200,000.00 and are unexpected or urgent in nature. The term being requested is for January 21, 2011 through January 20, 2012 with two-one year extensions. The extensions will be based on performance and price.

Selection Process

Proposals were solicited from all four of the pre-approved construction management firms. Only three proposals were received on time and were considered for this contract. Two firms submitted exactly the same rates so a tie breaker coin toss was conducted and O'Connor was the winner.

The Request for Qualification (RFQ-02-08-09) process was conducted by ESUHSD Administration and was brought to the Board of Trustee on March 10, 2009 for approval of the recommend "Measure E & G Pre-Approved Construction Management Firms (CM)" list. O'Connor is one of the four pre-approved construction management firms.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract/Purchase Order(s) with O'Connor Construction Management, Inc. for the provision of "as-needed" construction management services for the period of January 21, 2011 through and including January 20, 2012 with two-one year extensions option.

8. Perkins & Wills

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	January 21, 2011 – January 20, 2012 with two-one year extensions	\$110,000.00 Measures G & E	Facilities June Rono, PhD, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to issue a contract with Perkins & Will for the provision of "as-needed" architectural and design services for the term of January 21, 2011 through and including January 20, 2012 with two-one year renewal options.

Administration has a need to have an Architectural Firm available to the ESUHSD on an "as-needed" basis. The projects anticipated to be used under the resulting purchase order(s)/contract will be for construction projects estimated under \$200,000.00 and are unexpected or urgent in nature. The term being requested is for January 21, 2011 through January 20, 2012 with two-one year extensions. The extensions will be based on performance and price. All services will be in accordance with their Master Agreement.

Selection Process

Proposals were solicited from four of the eleven ESUHSD's Pool of Architectural firms. Perkins & Wills submitted the lowest rates selected based on their proposed rates which were the lowest of the four.

A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a "Pool of District Architects for Capital Improvement and Expansion Projects" was developed. Perkins & Wills is one of the eleven (11) District Architects.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract/Purchase Order(s) with Perkins & Wills for the provision of "as-needed" architectural and design services for the period of January 21, 2011 through and including January 20, 2012 with two-one year option.

9. Sugimura Finney Architects (SFA)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Donna Bertrand	September 18, 2009 – February 28, 2013 (no change)	\$81,000.00 Measure E	Mt. Pleasant High School/Facilities Teresa Marquez, Principal June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to Purchase Order #001071 and Amendment #2 to the Agreement in the amount of \$81,000.00. This change order is issued due to DSA's requirements to upgrade the locker rooms to comply with current code and ADA.

Original Purchase Order was approved for \$1,040,878.82 + Change Order #1- \$609,881.36 (Board Approved 10/21/10) + Change Order #2 81,000.00 = the new Purchase Order total of \$1,731,760.18

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a "Pool of District Architects for Capital Improvement and Expansion Projects" was developed. SFA is one of the eleven (11) District Architects.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #001071 and Amendment #2 to the Agreement with Sugimura Finney Architects in the amount of \$81,000.00 for the additional DSA required upgrades to the locker rooms to comply with current code and ADA requirements.