

Agenda Item Details

Meeting: Sep 16, 2010 - ESUHSD REGULAR BOARD MEETING - 3:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category: 15. ATTACHMENT A - CONSENT CALENDAR

Subject: 15.09 Approve Minutes of June 22, 2010, Regular Board Meeting

Access: Public

Type: Action (Consent)

Recommended Action: It is recommended that the Board of Trustees approve the June 22, 2010, Board meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 15.09**

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

SUBJECT: Approve Minutes of June 22, 2010, Regular Board Meeting

Attached are the minutes of the June 22, 2010, 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 June 22, 2010, Board meeting minutes as presented.

Administrative Content

Executive Content

East Side Union High School District

Approved**Board of Trustees****September 16, 2010** 



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES**
Meeting Held at the Education Center -- Board Room
June 22, 2010
5:00 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 5:05 p.m. by Vice President Nguyen. Member Biehl and Member Herrera were present. President Garcia and Clerk Martinez-Roach were absent.

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

Vice 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): Student A

*Student A:
Motion by Member Biehl, second by Member Herrera, to approve the expulsion of Student A as modified.*

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent.

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

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

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

- *Associate Principal*

Motion by Member Herrera, second by Member Biehl to approved the appointment of an Associate Principal for Piedmont Hills High School.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent.

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Vida Branner-Siders, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.06a Conference with Legal Counsel – Existing Litigation

Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case

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

2.06b Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

- *One (1) potential claim*

2.07 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, Interim Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Valley Water District, 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.

Vice 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.

6. BOARD SPECIAL RECOGNITION(S)

None

7. STUDENT BOARD LIAISONS

None

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:

- *Dr. Kevin Yu*
- *Mark Mao*
- *Dr. Charles Mu*
- *Josh Chen*
- *Richard Berry*

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

9.01 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

Board Member Biehl

We have included the minutes from the last set of approved minutes from an Audit Committee Meeting, which is from the April 22 meeting. If there are any questions, I would be happy to answer them. This is another mechanism for making sure they are included in the public record.

9.02 Excuse Absence of Board President Garcia from June 17 and June 22, 2010, Board Meetings – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to excuse the absence of Board President Eddie Garcia from the June 17 and June 22, 2010, Board meetings.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.03 Amendment #1 to Contract of Interim Superintendent – Lan Nguyen, Board Vice President

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Interim Superintendent.

Rogelio Ruiz, Legal Counsel

This item, as well as items 9.04, 9.05 and 9.06, in addition to the 3% salary reduction, there is also a provision in here that alters all of the Associate Superintendent contracts that would remove the cap on vacation accrual. One of the reasons that administration requested that in each of their instances is that the current cap would require two or three of them to sell back vacation days, which would be a considerable expense for the District at this time. Each of the contracts reflect the removal of that cap, but also continues to specify that the vacation payout would be at the rate earned – their salary level when earned. Finally, the provision also makes the contract provisions consistent with the FCMAT recommendations earlier in the year.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.04 Amendment #1 to Contract of Associate Superintendent of Human Resources and Instructional Services – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Associate Superintendent of Human Resources and Instructional Services.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.05 Amendment #1 to Contract of Associate Superintendent of Student Services and Facilities – Dan Moser, Interim Superintendent

Motion by Member Biehl, second by Member Herrera to approve amendment #1 to the contract of Associate Superintendent of Student Services and Facilities.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.06 Amendment #1 to Contract of Associate Superintendent of Administration and Business Services – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Associate Superintendent of Administration and Business Services.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.07 Receive First Reading and Adopt Amended Changes to Board By Law #9270 Conflict of Interest; Revolving Door Policy – Dan Moser, Interim Superintendent

The first reading of Board By Law #9270 Conflict of Interest; Revolving Door Policy was received.

9.08 Adopt Resolution #2009/2010-52 in Support of the California Jobs Budget sponsored by the Education Coalition – Frank Biehl, Board Member

Motion by Member Biehl, second by Member Herrera to adopt Resolution #2009/2010-52 in Support of the California Jobs Budget sponsored by the Education Coalition.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.09 Receive Report of Interim Superintendent’s Conferences/Expenses from February 26, 2010, to June 2010 - Dan Moser, Interim Superintendent

Report of Interim Superintendent’s Conferences/ Expenses from February 26, 2010, to June 26, 2010, was received.

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

10.01 Discussion and/or Action Change in Governance and Operations of LCPA to the NHU Foundation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Biehl, second by Member Herrera to approve the change in governance operations of Latino College Preparatory Academy (LCPA) to the NHU Foundation.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

10.02 Approval of Consolidated Program Application (Con App) Part I for 2010-2011- Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of Supplementary Education

Motion by Member Herrera, second by Member Biehl to approve the Consolidated Program Application (Con App) Part I for 2010-2011 for submission to the California Department of Education (CDE).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

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

None

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

None

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

13.01 Approve the Annual Budget Adoption for 2010-2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the annual budget adoption for 2010-2011.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.02 Approve Lease Agreement with T-Mobile for Cellular and Wireless Communication Antenna at Oak Grove High School - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the lease agreement with T-Mobile for cellular and wireless communication antenna at Oak Grove High School.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.03 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) – Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Associate Superintendent Human Resources and Instruction

Motion by Member Herrera, second by Member Biehl to approve the use of Tier III Categorical Program funds as unrestricted funds (as per Education Code Section 42605(c2)).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.04 Adopt Resolution #2009/2010-51 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to adopt Resolution #2009/2010-51 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

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

Motion by Member Biehl, second by Member Herrera to accept the donations, grants and awards.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.06 Accept Warrant Register for the Month of May 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to accept the warrant register for the month of May 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.07 Approve Budget Transfers Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the budget transfers presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.08 Approve Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the purchase orders presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.09 Approve Change Orders to Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the change orders to purchase orders presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.10 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 Member Biehl to approve the contracts for professional services at or below \$50,000 (attached).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.11 Approve Contracts for Professional Services over \$50,000 – Jerry Kurr, Associate Superintendent of Administration and Business Services (amended)

Speaker:

- *Ralph Giannini*

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

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.12 Approve Memorandum of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the memorandum of understanding.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

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

14.01 Approve the Plan for a Dedicated Central Services Building at Overfelt Adult Center – Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Presentation by June Francis Rono, Ph.D., Director of Facilities and Planning.

Motion by Member Biehl, second by Member Herrera, to approve the proposed dedicated facilities plan and budget for the Overfelt Adult Center and for the administration to proceed with the planning and construction efforts.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

15. ATTACHMENT A – CONSENT CALENDAR ITEMS

Motion by Member Herrera, second by Member Biehl, to approve the entire consent calendar.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

15.01 Ratify/Approve Classified Personnel Actions Presented June 22, 2010

15.02 Ratify/Approve Certificated Personnel Actions Presented June 22, 2010

15.03 Approve Field Trips

15.04 Approve Use of Piggyback Bid Awards

15.05 Approve Minutes of April 15, 2010, Regular Board Meeting

15.06 Approve Minutes of May 6, 2010, Special Board Meeting

15.07 Approve Minutes of May 10, 2010, Special Board Meeting

15.08 Approve Minutes of May 20, 2010, Regular Board Meeting

16. WRITTEN REPORTS/RECOMMENDATIONS

None

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Frank Biehl, Member

MetroED:

MetroED will be meeting on the 30th and adopting their final budget, which is balanced. They are involved in deficit spending for the third year in a row, basically burning up reserves that have accumulated over the years.

We still have some issues remaining with Campbell in the transfer. I am still hopeful that it will be worked out by June 30th. Quite frankly, if they are not worked out, my recommendation to MetroED, as the President, is just to proceed what is reasonable, to transfer the records of what is reasonable. I think we can get the remaining issues taken care of.

17.02 Dan Moser, Interim Superintendent

We are in our second day of our very limited summer school for incoming freshmen through our Math and Language Institute. I believe we are under 1,000 students. Gear Up, which is a federal program, which follows a specific cohort of youngsters following the class of 2,014. They are out trying to recruit additional freshmen to take advantage of this opportunity. For our non-grad seniors, we are offering through Adult Education some courses to help them get through.

Secondly, I would like to ask the Board to consider a Special Board Meeting to discuss the parcel tax. We are planning to meet with stakeholder groups to get their input relative to the resolution and the ballot language and then we would like to bring those things together to the Board. We are looking at, I believe in polling, July 28 as the date.

(Board Members present indicate they are available to meet on July 28.)

Lan Nguyen

Let's set July 28 as the Special Board meeting date to discuss the parcel tax.

Dan Moser

It would be a public hearing and then the Board's consideration. We may have one expulsion. If we could have Closed Session at 5 p.m. and Open Session at 6 p.m.?

Lan Nguyen

Okay at 5 p.m. on July 28.

18. 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.

19. ADJOURNMENT

President adjourns the meeting.

Vice President Nguyen adjourned the meeting at 8:23 p.m.

Respectfully submitted,


Board Clerk

Agenda Item

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

Meeting: 06/22/2010 ESUHSD REGULAR BOARD MEETING - 5:00 P.M.
Category: 13. Business Services - Operational Items/Board Discussion and/or Action
Agenda Type: Action
Public Access: Yes

Agenda Item Content



EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees
FROM: Dan Moser, Interim Superintendent
PREPARED BY: Jerry Kurr, Associate Superintendent of Administration and Business Services
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 recommended for Board approval.

FISCAL IMPACT: See attached List
FUNDING SOURCE: See Attached List
RECOMMENDATION: It is recommend that the Board of Trustees approve and/or ratification of contracts for professional services as listed in the attachment.



Contracts Under 50k.pdf

Additional Executive Content

Motion:

Created on 05/29/2010 at 09:24 AM by Betty Banderas. Last update on 06/19/2010 by Betty Banderas.

East Side Union High School District

Approved

Board of Trustees

June 22, 2010

**EAST SIDE UNION HIGH SCHOOL DISTRICT
PROFESSIONAL CONTRACT SERVICES AT OR BELOW 50K
JUNE 22, 2010 BOARD MEETING**

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	San Bernardino County Superintendent of Schools	R. Ibarra C. Giammona D. Bertrand	July 1, 2010 – June 30, 2011	\$6,000.00 Professional Development	Education Center R. Ibarra/ C. Giammona	Contractor will host the ESUHSD Organizational Management System (OMS) which provides online registration system for employees, including data management, Title II federal reporting function, server maintenance, security, back-ups, and upgrades. They will also provide technical support as needed. No solicitation process was done for this service as this system was created by educators for the use by educators. It only has the components in which ESUHSD needs where other products have other features that we don't need but will still have to pay for. Santa Clara County Office of Education also uses this same system.
2	Intrepid Electronic System, Inc.	D. Barbata D. Bertrand J. Kurr	July 1, 2010 – August 31, 2010	\$10,000.00 Operations / Plant Security	District Wide D. Barbata/ J. Kurr	This contract is issued to provide maintenance for fire alarm systems for all ESUHSD sites. ESUHSD will be doing a formal solicitation process over the summer, however, should a need arise during the solicitation process; the District would need to have a vendor to call on an urgent basis.
3	Acufacts	D. Barbata J. Kurr D. Bertrand	July 1, 2010 – August 31, 2010	\$10,000.00 Operations/ Plant Security	District Wide D. Barbata/ J. Kurr	This contract is issued to provide security services for alarm on-call responses for all ESUHSD sites. ESUHSD will be doing a formal solicitation process over the summer, however, should a need arise during the solicitation process; the District would need to have a vendor to call on an urgent basis.
4	SENECA Residential & Day Treatment Center for Children, Inc.	C. Hersom C. Giammona D. Bertrand	February 2, 2010 – June 30, 2010	\$14,469.00 Tuition – Special Education	Special Education C. Hersom/ C. Giammona	Contractor will provide non-public school services for a special education student. Educational services shall be consistent with the master contract and specified services per the student's Individual Education Plan (IEP). No solicitation process was done nor could a solicitation process be done for this contract. Santa Clara County placed this special education student into SENECA when the student was no longer living with the parent and, after all other placements had proved unsuccessful.

5	Normative Services, Inc.	C. Hersom C.Giammona D. Bertrand	July 1, 2009 – July 31, 2009	\$375.00 Tuition – Special Education	Special Education C. Hersom/ C. Giammona	Contractor will provide non-public school services for a special education student. Educational services shall be consistent with the master contract and specified services per the student's Individual Education Plan (IEP). A referral to Normative Services, Inc School is done at a student's IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinators. The determination has been made that ESUHSD cannot meet the student's educational needs and that Normative Services, Inc Schools' unique program is appropriate for that individual student.
6	Wide Horizons Ranch, Inc.	C. Hersom C.Giammona D. Bertrand	July 1, 2009 – July 31, 2009	\$16,800.00 Tuition – Special Education	Special Education C. Hersom/ C. Giammona	Contractor will provide non-public school services for a special education student. Educational services shall be consistent with the master contract and specified services per the student's Individual Education Plan (IEP). No solicitation process was done nor could a solicitation process be done for this contract. Santa Clara County Mental Health placed this special education student into Wide Horizons Ranch, Inc.
7	Parents Helping Parents	C. Hersom C.Giammona D. Bertrand	August 1, 2009 – June 30, 2010	\$500.00 Professional Development	Special Education C. Hersom/ C. Giammona	General and special education teachers will be provided with the process for referring students for Assistive Technology assessment; they will be provided with what is available for student use in both low and high tech; and demonstrations will be provided.
8	School Vision Software	A. Garofalo D. Bertrand	July 1, 2010 – June 30, 2011	\$7,250.00 Capital Facilities	Education Center/Facilities A. Garofalo	Vendor will update their SchoolVision District Planner (SVDP) Student Database with enrollment data for the Fall 2010 CSIS/CBEDS data; update street maps including recently constructed streets; update ESUHSD's SchoolFinder web page; and will provide one year of technical support and software updates.
9	Girl Scouts of Northern California	D. Bertrand J. Casel M. Brazil A. Garofalo	August 31, 2009 – August 31, 2010	\$850.00 MAA	Oak Grove High School M. Brazil	Provide weekly program for up to 20 participants for 1 hour through the school year. No solicitation process took place for this service.
10	MCARTHUR & LEVIN, LLP, Attorneys at Law	D. Bertrand D. Moser	December 10, 2009 – December 31, 2010	\$150 per hour for attorney; \$85.00 per hour for paralegals.	Education Center D. Moser	To provide legal services as needed by the District. No solicitation process took place for this service.

11	Shred-It San Francisco	L. Murray D. Bertrand	April 1, 2010 – April 30, 2010	\$1,829.89 MAA	Foothill High School L. Murray	Vendor will provide shredding/destruction of confidential information and will provide the school with a certificate of destruction upon completion of the job.
12	Laurie Boswell	R. Ibarra C. Giammona D. Bertrand	June 21, 2010 – June 22, 2010	\$2,100.00 Professional Development	Education Center/ Instruction R. Ibarra C. Giammona	Contractor will provide water safety instructions and certification for 30 Physical Education teachers on June 21 & 22, 2010.
13	EdEquity, Inc.	B. Lopez C. Giammona D. Bertrand	June 14, 2010 – June 14, 2011	\$45,000.00 Small Learning Communities (\$25,000) MAA (\$20,000)	Andrew Hill High School B. Lopez	Summer institute includes 5 full days in the summer plus follow up dates with the Department Chair Leadership Team at grading periods throughout 2011. No solicitation process was done for this contract. The school is requesting to Single Source this vendor. At the 2/18/10 Board meeting the board approved the first contract with EdEquity to begin working with the school to provide comprehensive staff development model for administrators that will address key principles of Equity Awareness, Attitude, Action, and Accountability for Closing the Equity Gap. The continuance of this partnership is based on using measurable outcomes for student performance. The school has demonstrated incremental growth with student performance results given their commitment to the partnership with EdEquity. Their goal is to expand the training by promoting professional learning communities that will sustain the work of closing the achievement gap and supports staff in building the leadership capacity to sustain the work of equity throughout the school.
14	School Services of California, Inc.	J. Kurr D. Bertrand	July 1, 2010 – June 30, 2011	\$2,620.00 Business Administration	Education Center/Business Services J. Kurr	Contractor will provide consultant services and assistance regarding issues of school finance, legislation, school budgeting, general fiscal issues, and miscellaneous expenses as indicate in contract. Consultant will also provide 2 copies of the CADIE and SABRE Reports.
15	William Lazo	T. Nguyen D. Bertrand	October 1, 2009 – June 30, 2010 (no change)	\$4,000.00 (increase) EIA	Education Center T. Nguyen/ C. Giammona	Approve Change Order #1 to Purchase Order #001692 to provide funds to cover additional translation services as needed by ESUHSD.

16	Apangea	G. Castro-Stanley D. Bertrand C.Giammona	July 1, 2010 – June 30, 2011	\$38,000.00 EIA \$38,000	Independence High School Grettel Castro- Stanley	To provide training, support and maintenance for 350 individual student program licenses. No solicitation process was done for this contract. Apangea Learning, Inc. is a Sole Source provider of Apangea Math and Apangea Writing; integrate, researched-based differentiated instruction with live tutors online, simultaneously engaging below grade level learners, on grade level learners, and above grade level learners.
18	Santa Clara University	C.Giammona D. Bertrand	July 1, 2010 – June 30, 2013	Revenue Contract ESUHSD's teachers will be compensated in accordance with the rate schedule within the Agreement.	Education Center/Instruc tion C. Giammona	ESUHSD will provide teaching experience through practice teaching to students enrolled in teacher training programs at Santa Clara University.
19	San Jose State University Research Foundation	T. Boac T. Marquez A. Laguna D. Moser D. Bertrand	January 1, 2009 – August 31, 2010 (extended from December 31, 2009)	(\$2,000.00) (increase amount) Revenue Contract	Silver Creek High School & Mt. Pleasant High School Thelma Boac Teresa Marquez	Approve Amendment One with SJSU to our current contract for the Hispanic Computing Brigades (HCB) program that is at Silver Creek and Mt. Pleasant High Schools. The Agreement was originally approved by the Board at the June 18, 2009 Board Meeting in the amount of \$17,000. Amendment One increased the amount of revenue SJSU will pay to ESUHSD by \$2,000.00 and extends the term to August 31, 2010.
20	Silicon Valley Faces	J. Casel M. Brazil C.Giammona	August 1, 2009 0 June 30, 2010	\$3,000.00 MAA	Oak Grove High School Martha Brazil	Provide Common Ground Enrichment Institute for the students at Oak Grove High School.
21	County of Santa Clara, Office of the County Counsel	D. Moser D. Bertrand	July 1, 2010 – June 30, 2011	\$215.00 hour for attorneys; \$85.00 hour for paralegals, and reimbursable expenses and costs.	Education Center Dan Moser	Provide legal services for District including without limitation, research and general advice as requested by District.

22	Dannis Woliver Kelley Attorneys	D. Moser D. Bertrand	July 1, 2010 – June 30, 2011	\$210 - \$265 hour for shareholders, special counsel and of counsel; \$185 - \$215 hr for associates; and \$110 - \$125 hr for paralegals and law clerks.	Education Center Dan Moser	Provide legal services on an as needed basis.
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B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept Manager	Purpose
1	Aedis	K. Lanford A. Garofalo D. Bertrand	April 10, 2009 – October 31, 2012	\$12,920 (increase amount) Measure E	Education Center/Facilities A. Garofalo Silver Creek High School, Thelma Boac	Change Order #02 is issued to provide fire sprinkler design for DSA approval for the Silver Creek HS Multi-Use Facility project (Contract originally board approved on 4/9/2009 and Change Order #1 on 1/21/2010) Increase PO #905242 by \$12,920. This change plus the original amount of \$572,106 for a new PO total of \$585,026. The increased amount does not contain an additional 10% allowance for expenses. No solicitation efforts required for this transaction.
2	Access Communications, Inc.	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – September 30, 2010	\$7,816.93 Measure E	Education Center/Facilities A. Garofalo Independence High School, Grettel Castro- Stanley	Cabling for four (4) computer labs is required in A203, A304, A402, and the Library at Independence High School under the District Wide IT project. The cabling is required for the four (4) new computer labs in existing classroom buildings to meet instructional requirements starting in August, 2010. Proposals were solicited from three known consultants. Access Communications, Inc. provided a complete response for the lowest price.
3	Michael Henley & Company	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – June 30, 2011	\$34,000 Measure E	Education Center/Facilities A. Garofalo Yerba Buena High School, Juan Cruz	Construction inspection services required for the Yerba Buena HS Bldg. 100 project per the Division of the State Architect (contingent approval based on the award of the bid under the "Consent" Calendar). Increase PO #000207 by \$34,000. This change plus the original amount of \$173,773 for a new PO total of \$207,773. The increased amount does not contain an additional 10% for expenses. No solicitation efforts required for this transaction.

4	Moving Solutions	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – June 30, 2011	\$14,000.00 Measure E	Education Center/Facilities A. Garofalo Oak Grove High School, Martha Brazil	Classroom furniture, equipment, and miscellaneous materials packing and relocation services are required for the Oak Grove High School Bldg. D Modernization project (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from three known vendors. Moving Solutions provided a complete response and was selected based on value per unit and hourly rates. The quantity of packing and relocation services is subject to change based on project needs. Not to Exceed \$14,000.
5	Mont/Rose Moving Systems, Inc.	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – August 31, 2011	\$6,000.00 Measure E	Education Center/Facilities A. Garofalo, Yerba Buena High School, Juan Cruz	Classroom furniture, equipment, and miscellaneous materials packing and relocation services are required for the Yerba Buena High School Bldg. 100 & 700 project (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from three known vendors. Mont/Rose Moving Systems, Inc. provided a complete response for the lowest price. Not to Exceed \$6,000.
6	Bagg Engineers	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – December 31, 2010	\$1,500.00 Measure E	Education Center/Facilities A. Garofalo Yerba Buena High School, Juan Cruz	Geotechnical engineering services are required for the Yerba Buena High School Bldg. 100 & 700 project (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from three known consultants. Bagg Engineers provided a complete response and was selected based on value per unit and hourly rates. The quantity of geotechnical engineering services is subject to change based on project needs. Not to Exceed \$1,500.
7	Signet Testing Labs, Inc.	K. Lanford A. Garofalo D. Bertrand	June 18, 2010 – June 30, 2011	\$20,000.00 Measure E	Education Center/Facilities A. Garofalo	Special inspection and testing services are required for the Yerba Buena HS Bldg. 100 & 700 project (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from three known consultants. Signet Testing Labs, Inc. provided a complete response and was selected based on value per unit and hourly rates. The quantity of special inspection and testing services is subject to change based on project needs. Not to Exceed \$20,000.

8	Richard Gonzalez & Associates, Inc.	K. Lanford A. Garofalo D. Bertrand	July 01, 2009 – June 30, 2010	\$33,000.00 Capital Facilities	Education Center/Facilities A. Garofalo	<p>This information is being provided to the Board to correct some information provided to the Board at the 5/20/2010 board meeting. Everything was correct regarding this change order with the exception of the dollar amounts. This Change Order #01 is to Increase Purchase Order #001291 by \$33,000 this change plus the original amount of \$15,000.00, plus \$2,500.00 for a new PO total of \$50,500.00 (only \$48,000 will be spent with the contractor). Both the original \$15,000 and the added \$33,000 does include 10% for expenses. Note. The \$2,500.00 is strictly an accounting issue and will not be paid to the consultant.</p> <p>No solicitation efforts are required for this transaction as it was conducted for the original approval of this consultant.</p>
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FISCAL IMPACT

See details above

FUNDING SOURCE

See details above

RECOMMENDATION

Recommend approval and ratification of contract professional services listed above.

Draft Agenda Item

13.11 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services (Amended)

Meeting: 06/22/2010 ESUHSD REGULAR BOARD MEETING - 5:00 P.M.
 Category: 13. Business Services - Operational Items/Board Discussion and/or Action
 Agenda Type: Action
 Public Access: Yes

East Side Union High School District

Agenda Item Content



Approved

Board of Trustees

June 22, 2010

EAST SIDE UNION HIGH SCHOOL DISTRICT

AMENDED

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

PREPARED BY: Jerry Kurr, Associate Superintendent of Administration and Business Services

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

The following Contracts for Professional Services over \$50,000 is being recommended for Board approval.

1. Anodyne Professional Development Systems, Inc.

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Robert Ibarra Donna Bertrand	October 1, 2009 through and including August 31, 2012	\$99,000.00 (for the full term of the contract) Teaching American History	Robert Ibarra, Coordinator of Professional Development

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve an Approve Contract Services Agreement with Teachers' Anodyne Professional Development Systems, Inc. for the Term October 1, 2009 through and including August 31, 2012 for the provision of evaluation services to East Side Union High School District U.S. History Teachers during Summer Institutes and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

Reason for the Purchase of Outside Services

In 2009 ESUHSD submitted a competitive grant application in response to the Teaching American History Grant program. The Teaching American History Grant Program is a discretionary grant program funded under Title II-C, Subpart 4 of the Elementary and Secondary Education Act. The goal of the program is to support programs that raise student achievement by improving teachers' knowledge, understanding, and appreciation of American history.

The program is designed to raise student achievement by improving teachers' knowledge and understanding of and appreciation for traditional U.S. history. Grant awards will assist LEAs, in partnership with entities that have content expertise, to develop, document, evaluate, and disseminate innovative and cohesive models of professional development. By helping teachers to develop a deeper understanding and appreciation of U.S. history as a separate subject matter within the core curriculum, these programs will improve instruction and raise student achievement.

Selection Process

Prior to submitting the grant application, ESUHSD did not do any type of solicitation/bidding process. Professional

Development went with a local (California) evaluation service provider with a long track record of co-authoring and securing Teaching American History competitive grants. However, in the future, all efforts will be made to do a competitive solicitation process, when necessary, prior to writing grants that name specific providers in the grant application.

RECOMMENDATION: It is recommended that the Board of Trustees approve Contract Services Agreement with Anodyne Professional Development Systems, Inc. for the Term October 1, 2009 through and including August 31, 2012 for the provision of evaluation services to East Side Union High School District U.S. History Teachers during Summer Institutes and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

2. Teachers' Curriculum Institute (TCI)

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Robert Ibarra Donna Bertrand	October 1, 2009 through and including August 31, 2012	\$301,000.00 (for the full term of the contract) Teaching American History	Robert Ibarra, Coordinator of Professional Development

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve an Approve Contract Services Agreement with Teachers' Curriculum Institute (TCI) for the Term October 1, 2009 through and including August 31, 2012 for professional development and standards-based instructional materials to East Side Union High School District U.S. History Teachers during Summer Institutes and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

Reason for the Purchase of Outside Services

In 2009 ESUHSD submitted a competitive grant application in response to the Teaching American History Grant program. The Teaching American History Grant Program is a discretionary grant program funded under Title II-C, Subpart 4 of the Elementary and Secondary Education Act. The goal of the program is to support programs that raise student achievement by improving teachers' knowledge, understanding, and appreciation of American history.

The program is designed to raise student achievement by improving teachers' knowledge and understanding of and appreciation for traditional U.S. history. Grant awards will assist LEAs, in partnership with entities that have content expertise, to develop, document, evaluate, and disseminate innovative and cohesive models of professional development. By helping teachers to develop a deeper understanding and appreciation of U.S. history as a separate subject matter within the core curriculum, these programs will improve instruction and raise student achievement.

Selection Process

In submitting the competitive grant application, ESUHSD included specific providers who would assist ESUHSD in fulfilling the grant requirements. TCI was named in the Grant Proposal as a sole provider of professional development and curriculum materials. TCI has designed this material specifically around ESUHSD's Social Studies State standards and multiple learning styles.

No other provider is able to furnish ESUHSD the products and professional development services that TCI can provide to ESUHSD's teachers. Therefore, TCI is considered to be a "sole-source" provider for this project.

RECOMMENDATION: It is recommended that the Board of Trustees approve Contract Services Agreement with Teachers' Curriculum Institute for the Term October 1, 2009 through and including August 31, 2012 for professional development and standards-based instructional materials to East Side Union High School District U.S. History Teachers during Summer Institutes and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

3. The Bay School

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Donna Bertrand	January 23, 2010 through and including August 31, 2010	\$46,630.00 \$15,600.00 Tuition – Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with The Bay School for the provision of Non-Public School (NPS) services for a special education student. Educational services shall be consistent with the master contract and specified services per the student's Individual Education Program (IEP) plan. Currently there is only 1 East Side Union High School Student receiving services at Bay School.

Reason for the Purchase of Outside Services.

Due to the lack of appropriate articulation with the ESUHSD, Evergreen School District served a student since his first grade year at this school located in Santa Cruz, which specializes in the instruction of extremely involved Autistic students.

At the December 10, 2009 Board meeting, the Board approved a contract with Bay School to provide Non-Public School (NPS) services for a special education student. It was anticipated at that time that the student would be moved at the end of the semester (January 2010) into a more local NPS offering similar services. However, due to circumstances beyond the District's control, the student was not able to be moved and remained at this NPS for the entire school year.

The original contract expired on January 22, 2010; therefore ESUHSD must issue a new contract and purchase order in order to pay Bay School for their services that they have already provided to this special education student from January 23, 2010 through and including August 31, 2010.

Selection Process

There was no competitive solicitation done for this service.

The Bay School was selected by Evergreen School District to meet this student's needs in elementary school. It is an NPS that offers specialized educational services for Autistic students.

RECOMMENDATION: It is recommended that the Board of Trustees approve a Contract Services Agreement with The Bay School for the contract term January 23, 2010 through and including August 31, 2010 for the provision of Non-Public School Services for a Special Education Student and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

4. Pine Hill School

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend Contract Term through August 31, 2010	\$368,000.00 (increase amount) Tuition – Special Education	Carole M. Hersom, Coordinator of Special Services

The District is requesting authorization from the Board of Trustees to approve Amendment #2 to Contract Services Agreement and Change Order #2 to Purchase Order 001057 with Pine Hill to extend the contract term through August 31, 2010, to provide funding for the extended term, and to cover the costs of additional student placements

and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis. Services are for the provision of special education services to East Side Union High School District special education students per their IEP requirements. Currently there are sixteen (16) East Side Union High School Students receiving services at Pine Hill.

The original contract Services Agreements were approved by the Board of Trustees at the August 20, 2009 Board meeting in the amount of \$205,659.20; Amendment/Change Order #1 was approved at the April 15, 2010 Board meeting in the amount of \$250,000.00; with this change the new Contract amount will be \$823,659.20. The original contract and amendment/change order #1 was based on a specific number of students who had already been placed at Pine Hill School. However, since that time, the number of students referred and placed at Pine Hill School has increased and the funding needs to increase in order to pay for the services provided to these additional students and to cover the services to be provided during the months of July and August.

Selection Process

No solicitation process has taken place either at the initiation of this Contract nor at this time. Students are referred and placed to alternative schools based on IEP hearings. ESUHSD is required to pay the school portion of the placement. Therefore, no solicitation process can take place for these types of placements.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #2 to Contract Services Agreement and Change Order #2 to Purchase Order #001057 with Pine Hill School for the contract term July 1, 2009 through and including August 31, 2010, for the provision of Non-Public School Services for Special Education students and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

5. Morgan Center

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend the Contract Term through August 31, 2010	\$59,000.00 (increase amount) \$63,342.00 (increase amount for transportation) Tuition – Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001697 with Morgan Center to extend the contract term through August 31, 2010, to provide funding for the extended term, and to cover costs for additional student placements and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis. This amendment also requests funds to cover transportation costs for these students during the term of this agreement. Currently there are three (3) East Side Union High School District students at Morgan Center.

Due to the specialized educational services required to appropriately serve the severely involved Autism Spectrum students residing in the ESUHSD, Morgan Center is a non public school (NPS) offering such services that meet the widely, varying needs of this unique group of students. Currently there are 3 East Side Union High School Students receiving services at Morgan Center.

The original contract Services Agreements were approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$160,400.45; with this change the new Contract amount will be \$282,742.45.

Selection Process

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to Morgan

Center were made at the students' IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinator.

Morgan Center is a NPS that offers specialized educational services for this unique group of ESUHSD students. Morgan Center is one of two local NPSs that offer these unique services and ESUHSD contracts with both vendors.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001697 with Morgan Center for the provision of Non-Public School Services for Special Education students and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

6. Pacific Autism Center for Education (PACE)

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend Contract Term through August 31, 2010	\$20,000.00 (increase amount) Tuition – Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001698 with Pacific Autism Center for Education (PACE) to extend the contract term through August 31, 2010 and to provide funding for the extended term, and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis

Educational services shall be consistent with the master contract and specified services per the students Individual Education Program plan (IEP).

Due to the specialized educational services required to appropriately serve the severely involved Autism Spectrum students residing in the ESUHSD, PACE is a non public school (NPS) offering such services that meet the widely, varying needs of this unique group of students. Currently there are 3 East Side Union High School Students receiving services at PACE.

The original contract Services Agreements were approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$203,348.00; with this change the new Contract amount will be \$223,348.00.

Selection Process

There was no competitive solicitation done for this type of services.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to PACE were made at the students' IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinator.

PACE is a NPS that offers specialized educational services for this unique group of ESUHSD students. PACE is one of two local NPSs that offer these unique services and ESUHSD contract with both vendors.

RECOMMENDATION: It is recommended that the Board of Trustees Approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001698 with Pacific Autism Center for Education (PACE) to extend the contract term through August 31, 2010 and to provide funding for the extended term, to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding

7. AchieveKids

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend the Contract Term through August 31, 2010	\$116,587.00(increase amount for services) \$14,000.00 (increase for transportation) Tuition – Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001696 with AchieveKids to extend the contract term through August 31, 2010 and to provide funding for the extended term, and to cover the costs of additional student placements, currently there are four (4) East Side Union High School Students receiving services at AchieveKids.

Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP) plan.

Due to the specialized educational services required to appropriately serve students who present with severe, unique emotional and/or developmental disabilities including mental retardation, autistic spectrum disorder, mood, disruptive behavior, anxiety and psychotic disorders residing in the ESUHSD, AchieveKids is a Non Public School (NPS) offering such services that meet the widely, varying needs of this unique group of students.

The original contract Services Agreements were approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$241,130.69; with this change the new Contract amount will be \$371,717.69.

Selection Process

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to AchieveKids were made at the students' IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinator.

AchieveKids is a NPS that offers specialized educational services for this unique group of ESUHSD students. The vendor pool for these specialized services is very small especially locally.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001696 with AchieveKids to extend the contract term through August 31, 2010 and to provide funding for the extended term and to cover the costs of additional student placements, and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

8. Beacon School

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend Contract Term through August 31, 2010	\$10,500.00 (increase amount for services) Tuition – Special Education	Carole Hersom, Coordinator of Special Services

The East Side Union High School District is requesting authorization from the Board of Trustees to approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001643 with Beacon School to extend the contract term through August 31, 2010 and to provide funding for the extended term, and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis. Services are for the provision of non-public school services for special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP) plan. Currently there are 19 East Side Union High School Students receiving services at Beacon School.

The original contract Services Agreements were approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$942,703.00; with this change the new Contract amount will be \$953,203.00.

Selection Process

ESUHSD's relationship with this Non Public School (NPS) goes back many years. In the ESUHSD's attempts to offer services to a growing population of Emotionally Disturbed (ED) classified Students, Beacon worked with the ESUHSD on first establishing the transitional ED classroom and then therapeutic classrooms on our comprehensive sites starting at Oak Grove High School and eventually expanding to Independence, Mt. Pleasant and Andrew Hill High Schools. Having this established relationship facilitates giving ED students the appropriate continuum of services both in the comprehensive setting and in the more restrictive off campus setting of an NPS.

ESUHSD has single sourced this vendor based on the complexity of building a long term relationship that benefits both ESUHSD and the students.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order 001643 with Beacon School to extend the contract term through August 31, 2010 and to provide funding for the extended term

9. Beacon School Therapeutic Services

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	Extend Contract Term through August 31, 2010	\$149,260.00 (increase amount) Tuition – Special Education	Carole Hersom, Coordinator of Special Services

The District is requesting authorization from the Board of Trustees to approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order #001642 with Beacon School Therapeutic Services. The amendment is issued to extend the contract term through and including August 31, 2010 and to provide funding for the extended term. Services are for the provision of special education services to East Side Union High School District Special Education Students per their IEP requirements which includes summer school programs. Currently there are 19 East Side Union High School Students receiving services at Beacon School.

The original contract Services Agreements were approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$742,630.00; with this change the new Contract amount will be \$891,890.00.

Selection Process

No solicitation process has taken place either at the initiation of this Contract or at this time. Students are referred and placed to alternative schools based on IEP hearings. ESUHSD is required to pay the school portion of the placement. Therefore, no solicitation process can take place for these types of placements.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #1 to Contract Services Agreement and Change Order #1 to Purchase Order # 001642 with Beacon Therapeutic Services for the contract extension, funding for the extended term, and to delegate authority to the Interim Superintendent or designee to amend said contract on an as needed basis, including funding.

10. Safe Trans Transportation Inc.,

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Julie Kasberger Jerry Kurr Donna Bertrand	Extend Contract Term through September 30, 2010	\$276,474.31 (increase amount) Transportation Special Education	Julie Kasberger, Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #000657 with Safe Trans Transportation Inc., which extends the current purchase contract services agreement through September 30, 2010 and adds funding in the amount of \$276,474.31 to cover the costs for the extended term. Safe Trans provides transportation services for ESUHSD's Special Education Students.

The total Purchase Contract Services Agreement if the Board of Trustee approves this amendment will be \$721,918.94.

Reason for the Purchase of Outside Services

The ESUHSD currently has a purchase order with Safe Trans Transportation Inc., to provide transportation services for ESUHSD's Special Education Students. The ESUHSD has received seven new buses and is now certifying drivers to take on routes from Safe Trans Transportation.

The ESUHSD conducted a job fair in November 2009 and has certified four drivers from this event. There are three more folks training and expected to complete certification by the end of August 2010.

The ESUHSD has 55 Summer School routes. There are 38 district bus drivers and 6 certified substitute bus drivers. This leaves 11 routes Safe Trans Transportation will need to cover over the summer months.

Selection Process

The selection process was completed by previous leadership. The ESUHSD will do a formal solicitation process over the summer months to ensure the best pricing.

RECOMMENDATION: It is recommended that the Board of Trustees approves Amendment #1 to Purchase Contract Services Agreement with Safe Trans Transportation Inc., which extends the current Purchase Contract services agreement through September 30, 2010 and adds funding in the amount of \$276,474.31 to cover the costs for the extended term.

11. West Coast Aquatics, Inc

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Donna Bertrand Jerry Kurr	July 1, 2010 through and including September 30, 2013	(\$50,000) estimated annual revenue	Evergreen Valley High School, Ana Lomas Independence High School, Grettel Castro-Stanley

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve a Facilities License Agreement with West Coast Aquatics, Inc. (WEST) for the Agreement term of July 1, 2010 through and including September 30, 2013 for the non-exclusive use of the swimming pool facilities at ESUHSD. WEST will compensate ESUHSD for the use of these Swimming Pool Facilities at rates that are determined and negotiated between the parties.

Purpose of Contract

ESUHSD operates swimming pools, diving pools, and related facilities including designated men's and women's

heated showers and restroom facilities, locker rooms, and upper press box, and storage compartments its comprehensive high schools including Independence High School (“IHS”) and a second High School, currently expected to be Evergreen Valley High School (“2nd High School”), (collectively, the “Swimming Pool Facilities”)

WEST provides swimming lessons and organized swim sports activities on a fee basis to its participants and students, and serving the geographic region from Milpitas to Evergreen to Los Gatos, California. WEST intends to use the Swimming Pool Facilities for organized and supervised swim and water polo practices; physical conditioning; swim instruction; parking for participants’ vehicles; meetings; swim meets, swim fundraisers and swim competitions; and storage. Swim meets, fundraisers and competitions will be covered under separate agreements.

The parties may add additional Swimming Pool Facilities by a written addendum to this License and the primary use of the Swimming Pool Facilities shall remain with the ESUHSD.

Negotiated Rates:

Regular Use Fee for Independence High School (“IHS”)

1. July 1, 2010 – September 30, 2011: \$ 55 per hour
2. October 1, 2011: \$ 56.65 per hour (includes a 3% COLA)
3. October 1, 2012: \$ 58.35 per hour (includes a 3% COLA)

Regular Use Fee for the 2nd High School (currently the pool is Evergreen Valley High School):

1. July 1, 2010 through September 30, 2010: \$ 1,200
2. October 1, 2010 through September, 2011: \$ 1,854 (includes a 3% COLA)
3. October 1, 2011 through September, 2012: \$ 2,472 (includes a 3% COLA)
4. October 1, 2012 through September, 2013: \$3,090 (includes a 3% COLA)

RECOMMENDATION: It is recommended that the Board of Trustees approve a Facilities License Agreement with West Coast Aquatics, Inc. for the Agreement of term of July 1, 2010 through and including September 30, 2013 for the non-exclusive use of Swimming Pool Facilities at East Side Union High School District Sites and to authorized the Interim Superintendent/ Superintendent or designee to modify such Agreement during the term as needed. This is a revenue contract.

12. Sugimura Finney Architects

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
June Rono, Ph.D. Alan Garofalo Donna Bertrand	April 10, 2009 through and including October 31, 2012 (No Change in Term)	\$60,038.89 Measure E Funds	June Francis Rono, Ph.D., Director of Facilities and Planning Alan Garofalo, Associate Superintendent of Student Services and Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve an Amendment #1 to the Work Authorization Agreement and increase Purchase Order (PO) with Sugimura Finney Architects for the term of April 10, 2009 through and including October 31, 2012 (no change in term) for reimbursable expenses for the W. C. Overfelt High School C & E Wing Modernization Project.

The original board items for Architectural Services, which were approved on April 9, 2009 and November 19, 2009, did not include a 10% allowance for reimbursable expenses. Allowances for reimbursable expenses are necessary for architectural services.

Reason for Purchase of Outside Services

N/A

Selection Process

No solicitation efforts are required for this transaction.

RECOMMENDATION: It is recommended that the Board of Trustees approve Amendment #1 to the Work Authorization Agreement with Sugimura Finney Architects for the Term April 10, 2010 through and including October 31, 2012 (no change) for reimbursable expenses for the W. C. Overfelt High School C & E Wing Modernization Project.

13. American Modular Systems (AMS)

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Alan Garofalo Donna Bertrand	N/A	\$147,860.00 Measure E Funds	Alan Garofalo, Associate Superintendent of Student Services and Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve the purchase of one 12x40 DSA approved relocatable steel rigid frame construction, Type V non-rated construction, 20 lb roof load – 80 mph wind load – 70 lb floor load. This relocatable unit will be used for the James Lick Fire Service Center Project.

Selection Process

ESUHSD is requesting approval to purchase the above described DSA Modular Restroom/Concession Building using the piggyback bid from the Santa Rita Union School District. The original bid was completed and awarded by Santa Rita’s Board of Trustees at their December 15, 2005 Board Meeting to American Modular Systems (AMS).

The contract with AMS has been renewed each year after that. The current extension goes through December 31, 2010.

However, to ensure that ESUHSD is receiving the best pricing ESUHSD did a comparison of other piggyback bids and the results are as follows:

American Modular Systems	Mobile Modular	Williams Scotsman
\$147,860.00	\$165,000.00	\$210,000.00

RECOMMENDATION: It is recommended that the Board of Trustees approve the purchase of one 12x40 DSA Approved Modular Restroom/ Concession Building in the amount of \$147,000.00 from American Modular Sytems through the use of the Santa Rita Union School District’s piggyback bid (in accordance with Public Contract Code 20118 & 20118.2).

14. AMS.NET

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Alan Garofalo Jerry Kurr Donna Bertrand	N/A	\$224,228.04 (increase amount) Measure E Funds	Dennis Barbata, Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Changed Order #1 to Purchase Order #001320 with AMS.NET in the amount of \$224,288.04 for the completion of

the Network Infrastructure Upgrade and Telecommunications Systems and to delegate authority to the Interim Superintendent to modify Purchase Order as needed, including funding.

In the Summer of 2009 ESUHSD conducted a public Request for Proposal (RFP) process (RFP-04-08-09) where AMS.Net was awarded by the Board of Trustees at the September 17, 2009 Board meeting approved Administration's recommendation to award the RFP to AMS.NET. The original amount of the award was for \$9,539,744.59.

This Change Order #1 is needed in order for the current projects to be completed. AMS.NET and CISCO have agreed to provide ESUHSD with the same pricing that we received from the competitive RFP process completed back in the summer 2009.

In an attempt to try and capture the entire list of components that would be necessary for a project the size of ESUHSD's was quite a task. It took ESUHSD months to come up with the plan on how this project would be completed. Once the planning was completed, the identification of the many parts and pieces was conducted and the RFP documents were prepared and sent out. It was not until after the award of the project when the Vendor and ESUHSD staff were conducting the various site walks and after the project has begun did ESUHSD and the Vendor realize how much was accidentally left off of the RFP parts list. Some were missing parts and some were missing locations that were inadvertently left off.

ESUHSD waited until the project was at least half way completed before coming back to the Board to request one final Change Order to the Purchase Order. It was our intention to use all extra parts, if any, before requesting the Board to approve the purchase of any additional items under the RFP-04-08-09. Therefore the change we are requesting is \$224,288.04. The new total for this Purchase Order will be \$9,763,972.63. This amount includes all taxes, labor and parts needed to complete this project. For a project this size, the discrepancy is minimal.

RECOMMENDATION: Approve Changed Order #1 to Purchase Order #001320 with AMS.NET in the amount of \$224,288.04 for the completion of the Network Infrastructure Upgrade and Telecommunications Systems and to delegate authority to the Interim Superintendent to modify Purchase Order as needed, including funding.

15. SELPA

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
Carole Hersom Cathy Giammona Donna Bertrand	July 1, 2010 through and including June 30, 2011	To be determine Tuition – Special Education	Carole Hersom, Coordinator of Special Services

The East Side Union High School District is requesting authorization from the Board of Trustees to approve the Santa Clara County SELPAs Master Contract For Non Public, Non Sectarian School/Agency Services for 2010-2011 School Year; To Authorize the Interim Superintendent to amend side contracts on an as needed basis including funding.

On an annual basis the members of South East Special Education Local Plan Area(SELPA), which East Side Union High School is a member, reviews the District Master Contract General Agreement for Nonsectarian, Nonpublic School/Agency services. As the designated Local Education Agency ("LEA") East Side Union High School District is required to enter into Contracts with Vendors who provide special education and/or related services to individuals with disabilities under the authorization of Education Code Sections 56157, and 56365-56366.7. It is understood that this Contract does not commit LEA to payment for special education and related services provided to any individual unless and until an Individual Service Agreement (ISA) for Nonpublic, Nonsectarian School/Agency (NPS/NPA) Services is executed between LEA and CONTRACTOR on behalf of such individual or interim telephone approval is given to the CONTRACTOR by a representative of LEA.

The contract document was reviewed by counsel that has been retained by the Special Education Department, Mcarthur & Levin LLP

Selection Process

No solicitation process has taken place either at the initiation of this Contract nor at this time. Students are referred and placed to alternative schools based on IEP hearings. ESUHSD is required to pay the school portion of the placement. Therefore, no solicitation process can take place for these types of placements.

RECOMMENDATION: It is recommended that the Board of Trustees approve the Santa Clara County SELPAs Master Contract For Non Public, Non Sectarian School/Agency Services for 2010-2011 School Year; and to Authorize the Interim Superintendent to amend side contracts on an as needed basis, including funding.

Additional Executive Content

Action Agenda Details

Motion:

Created on Today at 01:00 PM by Betty Banderas. Last update on 06/21/2010 by Betty Banderas.