

Agenda Item Details

Meeting Oct 21, 2010 - ESUHSD REGULAR BOARD MEETING - 4:00 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 September 16, 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 September 16, 2010, Regular Board Meeting

Attached are the minutes of the September 16, 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 September 16, 2010, Board meeting minutes as presented.

Administrative Content

Executive Content

East Side Union High School District

Approved**Board of Trustees****October 21, 2010** 



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES**
Meeting Held at the Education Center -- Board Room
September 16, 2010
3:00 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 3:02 p.m. by Vice President Nguyen. Clerk Martinez-Roach and Member Biehl were present. Member Herrera arrived at 3:03 p.m. President Garcia was 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 **Public Employment/Public Employee Appointment (Government Code Section 54957)**

- *Superintendent*
- *Associate Superintendent of Administration and Business Services*
- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Human Resources and Instructional Services*
- *Internal Auditor*

2.02 Expulsion(s): A-B

Student B:

Motion by Member Biehl, second by Member Herrera, to allow Student B into a District high school, subject to Student B's completion of the requirements, conditions and terms on the expulsion from the previous school district.

Vote: 4/0, President Garcia absent

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, 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)

2.06 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*
- *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:

- *Two (2) potential cases and Claim for Damages of R. Hernandez*

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the claim for damages of R. Hernandez, subject to certain parameters as directed to administration.

Vote: 4/0, President Garcia absent

2.08 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code:

- *Two (2) 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, 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 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.

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.

There were no amendments to the agenda.

6. BOARD SPECIAL RECOGNITION(S)

None

7. STUDENT BOARD LIAISONS

Jacqueline Orta, ASB President – Mt. Pleasant 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:

- *Angie Nunn, CSEA issues*
- *James Trujillo – CSEA Issues*
- *Cynthia Mesina – Proposal to Reinstate Coach Nelson*
- *Marty Munoz – Coach Nelson*
- *Greg Deardorff – Mt. Pleasant Coach Nelson*
- *Bianca Camacho – Coach Nelson*

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

9.01 Consideration of Petition for Proposed Summit Public Schools - Charter School Rainier - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Speakers:

- *Jerry Simmons*
- *Marisa Hanson*
- *Chuck Mondave*
- *Rolando Loera*
- *Jennifer Ardon*
- *Dulce Gonzalez*
- *Nick Loera*
- *Mary Dominguez*
- *Lupe Trujillo*
- *Arainna Kotlier*
- *Brian Salazar*
- *Lily Tenes*
- *Adilene Rumbo*
- *Raul V. Perez*
- *Lisa VanBuhler*
- *Marisa Perez*
- *Andrew Meza*
- *Guadalupe Cendillo*
- *Radha Bala*
- *Maria Estrada*
- *Bernie Kotlier*
- *Julio Pardo*

Motion by Member Herrera, second by Member Biehl, to approve the charter petition for Summit Public Schools – Charter School Rainer.

Vote: 3/0, Clerk Martinez-Roach out of room; President Garcia absent

9.02 Consideration of Petition for Proposed Summit Public Schools - Charter School Tahoma - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Speakers:

- *Jerry Simmons*
- *Julio Pardo*
- *Bernie Kotlier*

Motion by Member Biehl, second by Member Herrera, to approve the charter petition for Summit Public Schools – Charter School Tahoma.

Vote: 2/2, Vice President Nguyen voting No; Clerk Martinez-Roach voting No; President Garcia absent

Motion failed

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

Frank Biehl, Board Member

We have an Audit Committee Meeting scheduled for October 9 at 9:00 a.m. in the Superintendent’s Conference Room. We will be meeting with the external auditor to go over the processes that he is following and any issues that he has identified in the current audit that he is performing.

9.04 Report regarding A-G Requirements - Dan Moser, Interim Superintendent, Manny Barbara, Vice President of Silicon Valley Education Foundation, and Elizabeth De Leon, Californians for Justice

Speakers:

- *Marisa Hanson*
- *Susan Cassens*

Presentation by Elizabeth DeLeon and Manny Barbara.

9.05 Excuse Absence of Board President Eddie Garcia from the September 16, 2010, Board Meeting (Education Code Section 35120) - Dan Moser, Interim Superintendent

Motion by Member Biehl, second by Clerk Martinez-Roach, to excuse the absence of Board President Eddie Garcia from the September 16, 2010, Board Meeting (Education Code Section 35120) due to President Garcia’s illness.

Vote: 4/0, President Garcia absent

9.06 Discussion regarding Administration Regulation #4117.14 and #4317.14, Postretirement Employment – Dan Moser, Interim Superintendent

Administrative Regulations #4117.14 and #4317.14, Postretirement Employment, were received. Discussion item only.

9.07 California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: Asian/Pacific Islander and Hispanic

Motion by Member Herrera, second by Clerk Martinez-Roach, to nominate Clerk Martinez-Roach as a candidate to the California School Boards Association (CSBA) Directors-at-Large: Asian/Pacific Islanders and Hispanic.

Vote: 4/0, President Garcia absent

9.08 MACSA Update - Patricia Martinez-Roach, Board Clerk

Discussion item only. No action on this item.

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

10.01 Hold Public Hearing at Approximately 6:20 p.m. on Resolution #2010/2011-07 Regarding the Sufficiency of Textbooks and Instructional Materials - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

Public hearing held. There were no public speakers.

Motion by Clerk Martinez-Roach, second by Member Biehl, to adopt the Resolution #2010/2011-07 regarding the Sufficiency of Textbooks and Instructional Materials as amended.

Amendment: Date correction in memo – from September 26 to September 16

Vote: 4/0, President Garcia absent

10.02 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve CAHSEE local waivers for special education students.

Vote: 4/0, President Garcia absent

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

11.01 Expulsion Hearing Committee Panel Personnel for 2010-2011 - Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the Expulsion Hearing Committee Panel Personnel for 2010-2011.

Vote: 4/0, President Garcia absent

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

12.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Herrera, second by Clerk Martinez-Roach, to approve the variable term waiver requests for certificated employees.

Vote: 4/0, President Garcia absent

12.02 Approve Provisional Internship Permit Requests for Certificated Employees – Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Biehl, second by Member Herrera, to approve the internship permit requests for certificated employees.

Vote: 4/0, President Garcia absent

12.03 Approve Classified Management Job Description and Salary Range for Capital Projects Purchasing Manager - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Speaker:

- *Julio Pardo*

Motion by Member Biehl, second by Member Herrera, to approve the classified management job description and salary range for Capital Projects Purchasing Manager.

Vote: 3/1, Clerk Martinez-Roach voting No; President Garcia absent

12.04 Approve the Classified Management Title and Job Description for Associate Superintendent, Business Services - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Herrera, second by Member Biehl, to approve the classified management title and job description for Associate Superintendent, Business Services.

Vote: 3/0/1, Clerk Martinez-Roach abstained from vote; President Garcia absent

12.05 Response to Santa Clara County Civil Grand Jury Report: “Looking at Policies Our Schools Use to Find and Place Employees” - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Biehl, second by Member Herrera, to approve the draft response to the Santa Clara County Civil Grand Jury report: “Looking at Policies Our Schools Use to Find and Place Employees.”

Vote: 4/0, President Garcia absent

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

13.01 Public Hearing Notice at Approximately 6:30 p.m. regarding Resolution #2010/2011-08 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services

Public hearing held.

13.02 Adopt Resolution #2010/2011-08 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Clerk Martinez-Roach, to adopt Resolution #2010/2011-08 Gann Spending Limit.

Vote: 3/0, Member Herrera out of the room; President Garcia absent

13.03 Adopt Resolution #2010/2011-09 Authorizing the Issuance and Sale of 2010 General Obligation Refunding Bonds in the Principal Amount of not to Exceed \$75,000,000 for the Purpose of Refunding Outstanding General Obligation Bonds of the District - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Clerk Martinez-Roach, second by Member Biehl, to adopt Resolution #2010/2011-09 Authorizing the Issuance and Sale of 2010 General Obligation Refunding Bonds in the Principal Amount of not to Exceed \$75,000,000 for the Purpose of Refunding Outstanding General Obligation Bonds of the District.

Vote: 3/0, Member Herrera out of the room; President Garcia absent

13.04 Adopt Resolution #2010/2011-10 Authorizing Filing Application for Qualified School Construction Bond Allocation and Approving Related Actions - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to adopt Resolution #2010/2011-10 Authorizing the Filing Application for Qualified School Construction Bond Allocation and Approving Related Actions.

Vote: 4/0, President Garcia absent

13.05 Adopt Resolution #2010/2011-11 Authorizing Temporary Transfers between District Accounts and Loans from the County Treasury Investment Pool for Fiscal Year 2010/2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to adopt Resolution #2010/2011-11 Authorizing Temporary Transfers between District Accounts and Loans from the County Treasury Investment Pool for Fiscal Year 2010/2011.

Vote: 4/0, President Garcia absent

13.06 Adopt Resolution #2010/2011-12 Identifying District Representatives for the State Allocation Board - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to adopt Resolution #2010/2011-12 Identifying District Representatives for the State Allocation Board.

Vote: 4/0, President Garcia absent

13.07 Adopt Resolution #2010/2011-13 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 #2010/2011-13 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546.

Vote: 4/0, President Garcia absent

13.08 Approve the Authorization for the District to Utilize Third Party Pay Processes with Bank of America, E-Pay and the American Express Corporation for Major Vendor Expenses for the Sole Purpose of Receiving Volume Financial Rebates - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to approve the authorization for the District to utilize third party pay processes with Bank of America, E-Pay and the American Express Corporation for major vendor expenses for the sole purpose of receiving volume financial rebates.

Vote: 4/0, President Garcia absent

13.09 Accept Unaudited Actual for 2009-2010 Fiscal Year - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl, to accept the Unaudited Actual for 2009-2010 fiscal year.

Vote: 4/0, President Garcia absent

13.10 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 as presented.

Vote: 4/0, President Garcia absent

13.11 Approve Budget Transfers Presented September 16, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Speaker:

- *Marisa Hanson*

Motion by Member Biehl, second by Member Herrera, to approve the budget transfers presented on September 16, 2010, except \$129,762 line items which were pulled.

Vote: 4/0, President Garcia absent

13.12 Approve Purchase Orders Presented September 16, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Speakers:

- *Marisa Hanson*
- *Angie Nunn*

Motion by Member Biehl, second by Vice President Nguyen, to approve the purchase orders presented on September 16, 2010.

Vote: 3/1, Clerk Martinez-Roach voting No; President Garcia absent

13.13 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 as presented (copy attached).

Vote: 4/0, President Garcia absent

13.14 Approve Contracts for Professional Services over \$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 over \$50,000 as presented (copy attached).

Vote: 4/0, President Garcia absent

13.15 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to approve the memoranda of understanding as presented.

Vote: 4/0, President Garcia absent

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

No items on calendar under this section

15. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 15.02, 15.03, 15.06, 15.08, 15.09 and 15.10 were pulled from the consent calendar. Motion to approve the remainder of the consent calendar made by Member Herrera, second by Member Biehl.

Vote: 4/0, President Garcia absent

15.01 Ratify/Approve Classified Personnel Actions Presented September 16, 2010

15.04 Approve School Field Trips

15.05 Approve Award of Bids

15.07 Approve Notices of Completion for Independence, Andrew Hill, W.C. Overfelt, Evergreen Valley, Santa Teresa and Foothill High Schools, New Solar Panel Posts Installation Projects

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

15.02 Ratify/Approve Certificated Personnel Actions Presented September 16, 2010

Motion #1

Motion by Member Biehl, second by Member Herrera, to approve all certificated personnel actions presented September 16, 2010, except Steve Nelson (page 3).

Vote: 3/1, Clerk Martinez-Roach voting No; President Garcia absent

Motion #2

Motion by Clerk Martinez-Roach to approve the district's recommendation regarding the transfer of Steve Nelson. No second to motion.

Motion failed.

15.03 Ratify/Approve Student Aide Personnel Actions Presented September 16, 2010

Speaker:

- Julio Pardo

Motion by Member Biehl, second by Member Herrera, to ratify/approve the student aide personnel actions presented September 16, 2010.

Vote: 4/0

15.06 Accept Warrant Register for the Month of August 2010

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

Vote: 4/0

15.08 Approve Minutes of June 17, 2010, Regular Board Meeting

Motion by Member Biehl, second by Member Herrera, to approve the minutes of June 17, 2010, Regular Board Meeting.

Vote: 4/0, President Garcia absent

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

Motion by Member Biehl, second by Member Herrera, to approve the minutes of June 22, 2010, Regular Board Meeting.

*Vote: 3/0/1, Clerk Martinez-Roach abstained from vote due to her absence from the June 22, 2010 Regular Board Meeting
President Garcia absent*

15.10 Approve Minutes of July 28, 2010, Special Board Meeting

*Vote: 3/0/1, Clerk Martinez-Roach abstained from vote due to her absence from the July 28, 2010 Regular Board Meeting
President Garcia absent*

16. WRITTEN REPORTS/RECOMMENDATIONS

No items on calendar under this section

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Patricia Martinez-Roach, Board Clerk

We have very active parent groups and I am very excited to be back to meet with all the parent groups.

Frank Biehl, Board Member

MetroED:

Things are going very well at MetroED this year. There is a very good spirit; a lot of cohesion between the staff and the administration over there. I was at their open house the other night and it was done very well. I also went to the opening of their new adult education center that they finished construction on last year. Things are moving well at MetroED right now.

17.02 Dan Moser, Interim Superintendent

I would like to commend our staff, teachers, classified and administrators for participating with our Back to School Night. This is the month that everyone is out with that extra shift and we have gone through about four. Every week, for the next three or four weeks, we have a couple more. A commendable job done by everyone.

18. REPORT CLOSED SESSION ACTION(S)

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

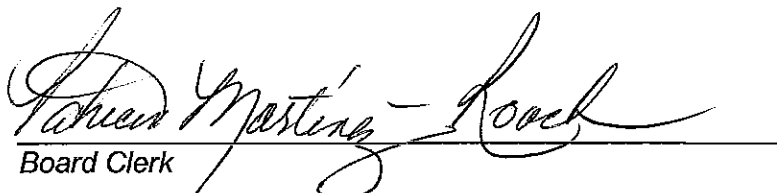
See section 2.0 for reporting out of Closed Session items.

19. ADJOURNMENT

President adjourns the meeting.

Vice President Nguyen adjourned the meeting at 11:40 p.m.

Respectfully submitted,


Board Clerk

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	13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	13.13 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
Access	Public
Type	Action
Recommended Action	It is recommended that the Board of Trustees approve and ratify the contracts for professional services at or below \$50,000 and to delegate authority to the Interim Superintendent/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: 13.13**

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

FISCAL IMPACT:
Various

FUNDING SOURCE:
Various

RECOMMENDATION:
It is recommended that the Board of Trustees approve and ratify the contracts for professional services at or below \$50,000 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[13.13 Under 50k Contracts.pdf \(43 KB\)](#)

Administrative Content**Executive Content**

East Side Union High School District

Approved

Board of Trustees

September 16, 2010



EAST SIDE UNION HIGH SCHOOL DISTRICT
 Board Meeting of September 16, 2010
PROFESSIONAL CONTRACT SERVICES at or Below \$50,000

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	California Youth Outreach	T. Marquez J. Kurr	September	\$17,228.00 MAA \$8,968.00 MAA	Mt. Pleasant Teresa Marquez W.C. Overfelt Vito Chiala	California Youth Outreach will provide the Youth Intervention Specialist (YIS) services to prevent or deter youth from involvement or participation in the gang lifestyle and to help maintain a safe school climate. -YIS services at Mt. Pleasant two (2) days per week at 8 hours per day -YIS services at W.C. Overfelt one (1) day per week at 8 hours per day
2	Girl Scouts of Northern California	B. Lopez C. Giammona D. Bertrand	August 31, 2009 – August 31, 2010	\$850.00 MAA	Andrew Hill Bettina Lopez	Provide weekly program for up to 20 participants for 1 hour through the school year.
3	Sabrina Daise	M. Metz B. Lopez C. Giammona D. Bertrand	October 6, 2010 – May 11, 2011	\$4,760.00 California Wellness Foundation	Andrew Hill Bettina Lopez	To provide after school instruction classes on Medical Terminology and Pharmacy Clerk.
4	San Jose/ Evergreen Community College District	K. Poon J. Kurr D. Bertrand	July 1, 2009 – June 15, 2010	\$32,137.00 Revenue	Education Center District Wide Karen Poon/ Jerry Kurr	Curriculum development for the College Connection Academy Grant. No solicitation necessary as this is a revenue contract.
5	Unity Care	J. Cruz C. Giammona D. Bertrand	September 21, 2010 – June 10, 2011	\$3,000.00 Title 1	James Lick Glenn Vander Zee	Unity Care will conduct 12 dance classes which are 1 hour long and 6 graphic design sessions which are 1 hour long. The overall goals of the Hip Hop 360 program are (1) to give youth a creative outlet; (2) to encourage cooperative learning through group projects and; (3) to build self-confidence by creating an environment that students feel comfortable to uniquely and creatively express themselves.

B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept Manager	Purpose
1	Aedis Architecture & Planning	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$3,785.00 Measure E	Independence Adult Ed/Facilities Cari Vaeth June Rono	Approve Change Order #2 to Purchase Order #905239 with Aedis Architecture & Planning in the amount of \$3,785.00 for additional services for plan work for ADA compliant ramp not included in original scope of work. Original Purchase Order was approved for \$160,031.25 + Change Order #1 \$7,765.00 + Change Order #2 \$3,785.00 = the new Purchase Order total of \$ 171,581.25.
2	BFGC Architecture	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$9,072.00 Measure E	Evergreen Valley/ Facilities Ana Lomas June Rono	Approve Change Order #2 to Purchase Order #905244 with BFGC in the amount of \$9,072.00 for the allowable reimbursable expenses amount of 10% of the total contract amount. This line item is specifically allowed for in their contract. Original Purchase Order was approved for \$90,720.00 + Change Order #1 \$36,900.00 + Change Order #2 \$9,072.00 = the new Purchase Order total of \$ 136,692.00.
3	Cleary Consultants	D. Bertrand J. Rono K. Lanford	September 16, 2010 – September 15, 2013	\$8,500.00 Measure E	James Lick/ Facilities Glenn VanderZee June Rono	Soil engineering and testing during the renovations of the James Lick Softball Field and Multi-Purpose Field (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from four known vendors. However, only two proposals were received. Cleary provided a complete response and was selected based on value per unit and hourly rates.
4	Cleary Consultants	D. Bertrand J. Rono K. Lanford	September 16, 2010 – September 15, 2013	\$10,200.00 Measure E	Andrew Hill Mt. Pleasant Oak Grove Silver Creek Facilities Bettina Lopez Teresa Marquez Martha Brazil Thelma Boac June Rono	Soil engineering and testing for Title IX Dugout Improvements at the sites listed (contingent approval based on the award of the bid under the “Consent” Calendar). Proposals were solicited from four known vendors. However, only two proposals were received. Cleary provided a complete response and was selected based on value per unit and hourly rates.

5	Cody Anderson Wasney Architect	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$15,017.40 Measure E	Foothill /Facilities Lynne Murray June Rono	Approve Change Order #1 to Purchase Order #905107 with Cody Anderson Wasney in the amount of \$15,017.40 for the allowable reimbursable expenses amount of 10% of the total contract amount. This line item is specifically allowed for in their contract. Original Purchase Order was approved for \$150,174.00 + Change Order #1 \$15,017.40 = the new Purchase Order total of \$ 165,191.40.
6	NTD Architecture	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$15,900.00 Measure E	Santa Teresa/ Facilities John Duran June Rono	Approve Change Order #3 to Purchase Order #905109 and an Amendment to the Agreement with NTD in the amount of \$15,900.00 for additional scope of work that was added due to the following reasons: \$10,500 for Demo and Replace concrete walkways and Landscape/Irrigation sought of Classroom Bldg; \$3,100 for Landscape/Irrigation at Theater Bldg.; and \$2,300 to add 2-3 site light poles near the new Multipurpose bldg and provide new light pole standard, and to remove existing asphalt/base of U-shaped drive around multipurpose bldg. Original Purchase Order/Agreement was approved at the April 9, 2009 Board Meeting Original Purchase Order was approved for \$158,375.00 + Change Order #1 \$82,913.73 + Change Order #2 \$15,837.50 + Change Order #3 \$15,900.00 = the new Purchase Order total of \$273,026.23.
7	Ralph Larsen & Son	D. Bertrand J. Rono K. Lanford	June 17, 2010 – June 16, 2013	\$29,925.00 Measure E	Evergreen Valley/ Facilities Ana Lomas June Rono	At the June 17, 2010 Board Meeting the Board approved Administration's recommendation to award Bid B-11-09-10 for the Evergreen Valley High School Complete Upstairs PE Teaching Stations, Project E-075-002. During the year-end closing a payment was set up for \$108,900. However, when the actual pay application came in it was for only \$78,975. Due to the internal processes, Administration is requesting authorization to do a "paper" increase to the purchase order 003247 so that the full amount of the award, \$828,000 can be paid to the Contractor if needed.
8	Seville Group, Inc. (SGI)	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$15,000.00 Measure E	Facilities June Rono	Approve Change Order #1 to Purchase Order #905536 with SGI in the amount of \$15,000.00 for the allowable reimbursable expenses amount of 10% of the total contract amount. This line item is specifically allowed for in their contract.

						Original Purchase Order was approved for \$150,000.00 + Change Order #1 \$15,000.00 = the new Purchase Order total of \$ 165,000.00.
9	Sugimura Finney Architects	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$29,7000.00 Measure E	W. C. Overfelt/ Facilities Vito Chiala June Rono	Approve Change Order #4 to Purchase Order #905236 and an Amendment to the Agreement with SFA in the amount of \$29,700.00 for additional scope of work that was added due to design changes to meet structural and ADA requirements for a new entry canopy, restroom renovations, additional site grading, adequate drainage and removal of existing portables. Original Purchase Order/Agreement was approved at the April 9, 2009 Board Meeting Original Purchase Order was approved for \$225,810.00 + Change Order #1 \$22,581.00 + Change Order #2 \$60,038.89 + Change Order #3 \$374,578.88 + Change Order #4 \$29,700.00 = the new Purchase Order total of \$712,708.77.
10	Sugimura Finney Architects (SFA)	D. Bertrand J. Rono K. Lanford	April 10, 2009 – October 31, 2012	\$39,996.00 Measure E	Mt. Pleasant/ Facilities Teresa Marquez June Rono	Approve Change Order #2 to Purchase Order #905117 and Amendment #1 to the Agreement with SFA in the amount of \$39,996.00 for design changes to fire sprinkler system and electrical work due to the addition of two new classrooms added to the Multi-Purpose and Classroom Bldg Project. Original Purchase Order/Agreement was approved at the April 9, 2009 Board Meeting Original Purchase Order was approved for \$535,938.00 + Change Order #1 \$53,593.80 + Change Order #2 39,996.00 = the new Purchase Order total of \$ 629,527.80.

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	13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	13.14 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
Access	Public
Type	Action
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 Interim Superintendent/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: 13.14**

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

FISCAL IMPACT:
Various

FUNDING SOURCE:
Various

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 Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[13.14 Over 50k Bd Contracts.pdf \(32 KB\)](#)

Administrative Content

Executive Content

East Side Union High School District

Approved

Board of Trustees

September 16, 2010



EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of September 16, 2010

1. Blach Construction

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Donna Bertrand	April 10, 2009 through and including October 31, 2012	\$112,718.14 Measure E	June Francis Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting approval of Change Order #1 to Purchase Order #905110 with Blach in the amount of \$112,718.14 for reimbursable expenses associate with the Overfelt Adult Education Center New Academic & Administrative Building project which was originally Board approved on April 9, 2009.

At the April 9, 2009 Board meeting this contract for Construction Management Services was approved by the Board. However, the amount that was presented and approved did not include the 10% amount allowed for in their contract for reimbursable expenses. Therefore, Administration is coming back to the Board of Trustee's for authorization to increase Blach's referenced Purchase Order.

Original Purchase Order was approved for \$1,127,181.450 + Change Order #1 \$112,718.14 = the new Purchase Order total of \$1,239,899.59.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a "Measures E & G Pre-Approved Construction Management Firms (CM) List" was developed. Blach is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #905522 and an Amendment to the Agreement with Blach in the amount of \$112,718.14 for the Overfelt Adult Education Center New Academic & Administrative Building project

2. Facilities Management Planning and Operations (FMPO)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Donna Bertrand	April 10, 2009 through and including October 31, 2012	\$2,546,919.05 Measure E	June Francis 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 #905522 and an Amendment to the Agreement with FMPO in the amount of \$2,546,919.05. The change order is issued due to additional scope of work that was added to this project which was approved by the Board at the October 8, 2009 Board Meeting. The amount for this additional scope of work is \$2,300,137.20. The other reason for this change order is to add the 10% for approved reimbursable expenses for the entire Purchase Order and Agreement. The allowable reimbursable expenses are specified in their Agreement.

Original Purchase Order was approved for \$167,681.25, plus Change Order #1, \$2,546,919.05 = the new Purchase Order total of \$2,714,600.30

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a "Measures E & G Pre-Approved Construction Management Firms (CM) List" was developed. FMPO is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #905522 and an Amendment to the Agreement with Facilities Management Planning and Operations (FMPO) in the amount of \$2,546,919.05 for the Mt. Pleasant High School Buildings 200, 300, 600, 700 & 800 Modernization Project.

3. O'Conner Construction Management, Inc. (O'Conner)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, Ph.D., Donna Bertrand	April 10, 2009 through and including October 31, 2012	\$52,050.00 Measure E	June Francis Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting approval of Change Order #1 to Purchase Order #905120 with O'Conner Construction Management, Inc. (O'Conner) in the amount of \$52,050.00 for reimbursable expenses associated with the Piedmont Hills HS New Auxiliary Small Gymnasium Building which was originally Board approved on April 9, 2009.

At the April 9, 2009 Board meeting this contract for Construction Management Services was approved by the Board. However, the amount that was presented and approved at that time did not include the 10% amount allowed for in their contract for reimbursable expenses.

Original Purchase Order was approved for \$520,500.00, plus Change Order #1, \$52,050.00 = the new Purchase Order total of \$572,550.00.

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a "Measures E & G Pre-Approved Construction Management Firms (CM) List" was developed. O'Conner is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #905120 with O'Conner Construction Management, Inc. (O'Conner) in the amount of \$52,050.00 for reimbursable expenses.

4. Sugimura Finney Architects

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Donna Bertrand	April 10, 2009 through and including October 31, 2012	\$72,655.00 Measure E	June Francis 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 #905231 with Sugimura Finney Architects (SFA) in the amount of \$72,655.00 for additional EMS and HVAC compliance not included in the original scope. The additional services include mechanical & plumbing changes for designs related to the heating

and ventilation systems for the locker rooms & staff offices along with Title 24 HVAC compliance documentation. Each site's portion is as follows:

1. Andrew Hill	4,565.00
2. James Lick	3,355.00
3. Santa Teresa	20,735.00
4. W.C. Overfelt	4,565.00
5. Yerba Buena	39,435.00
	<u>\$72,655.00</u>

Original Purchase Order was approved for \$663,339.00, plus Change Order #1 \$66,333.90, plus Change Order #2 \$72,655.00 = the new Purchase Order total of \$802,327.90.

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 #905231 with Sugimura Finney Architects in the amount of \$72,655.00.