HARTNELL COMMUNITY COLLEGE DISTRICT

BOARD DEVELOPMENT

DATE/TIME/PLACE
March 19, 2013, 5:00 p.m.
411 Central Avenue, Salinas
CALL Building, 2nd Floor, Room 208

Members of the Board
Candi DePauw, President / Patricia Donohue, Vice President
Bill Freeman, Elia Gonzalez-Castro, Ray Montemayor
Erica Padilla-Chavez, Demetrio Pruneda
Elaine Duran Luchini, Student Trustee
Willard Lewallen, Ph.D.
Board Secretary / Superintendent/President

AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS
Fifteen minutes (three minute maximum per person) set aside to receive public comments on items on the published agenda.

V. INFORMATION TECHNOLOGY OVERVIEW AND UPDATE
The board will receive an overview and update on information technology from Matt Coombs, Vice President of Information and Technology/Library Resources.

VI. CONSTRUCTION OF SCIENCE BUILDING
A. CRITERIA FOR LEASE-LEASEBACK RFP
The board will discuss some of the criteria that will be included in the Lease-Leaseback RFP and give direction to the administration.

B. PROJECT LABOR AGREEMENT
The board will receive a presentation on project labor agreements and give direction to the administration.

VII. ADJOURNMENT

MISSION STATEMENT: Hartnell College provides the leadership and resources to ensure that all students shall have equal access to a quality education and the opportunity to pursue and achieve their goals. We are responsive to the learning needs of our community and dedicated to a diverse educational and cultural campus environment that prepares our students for productive participation in a changing world.

ACCOMMODATIONS: All meeting locations are wheelchair accessible. The following services are available when requests are made by 4:00 p.m. of the Wednesday before the Board meeting: American Sign Language interpreters or use of a reader during a meeting; large print agenda or minutes; assistive listening devices. Please contact, the Office of the President at (831) 755-6900, if you need assistance in order to participate in a public meeting or if you need the agenda and public documents modified as required by Section 202 of the Americans with Disabilities Act. Act.
AGENDA ITEM FOR BOARD MEETING OF: March 19, 2013

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<th>Title</th>
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<td>Information Technology Overview and Update</td>
<td>V.</td>
<td>Information and Technology Resources</td>
<td>Presentation</td>
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<td></td>
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<td>Prepared by: Matt Coombs, Vice President of Information and Technology/Library Resources</td>
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<td>Willard Lewallen, Superintendent/President</td>
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**BACKGROUND / SUMMARY**

Information technology permeates every operational aspect of the HCCD. The Board of Trustees will be provided with a presentation about the District's information technology activities and plans.

An executive summary of the District's technology plan is attached.

**RECOMMENDATION**

N/A
Technology plays a vital role in higher education today, and the Technology and Information Services department is committed to developing and supporting solutions to enhance teaching and learning and improve operational efficiency. During the IT strategic planning process, several objectives were identified, ranging from administrative system enhancements, technology improvements, migration of many mission critical systems, and the development of “cloud based desktops” for users. Given the current budgetary climate in the California Community Colleges, the Information Services department is dedicated to preserving and improving technologies and services while making the best possible use of College resources.
The objective of the Hartnell College’s technology plan is to provide a roadmap for addressing project prioritization and key issues facing technology deployment and use at Hartnell Community College. This plan is a guide for the efficient and effective development, implementation, and support of technology systems to enhance instructional delivery, student learning, and all associated college support systems enabling departments and programs to perform their missions and achieve their strategic objectives.

The plan was developed and vetted through the Technology, Human Resource and Facilities and the Resource Allocation Committees, participatory governance committees dedicated to ensuring the effective use of technology across the college. The outcomes of this plan are the result of incorporating strategic guidance from the Board of Trustees and the President, the strategic plans and technology plans of the college, an environmental analysis of future higher education technology trends, an infrastructure analyses and audit, and surveys with other input from staff and faculty. This Technology Plan follows and builds upon the previous Hartnell Community College technology plan entitled “Technology Master Plan 2007-2009”.

The development of this plan followed traditional strategic technology planning efforts by:

- Defining the mission of the Information and Technology Resources (ITR) organization
- Creating a vision for ITR
- Determining the college’s mission critical projects
- Identifying key issues and solutions affecting technology deployment
- Developing a performance measurement system to assess progress

**HARTNELL’S ITR MISSION**

The Information and Technology Resources (ITR) department provides the operational support for the College’s enterprise technology, fosters institutional renewal through innovative technology, and collaborates with internal and external groups to advance instructional and business intelligence technology for the College and the higher education sector. The overarching goals of these efforts are to improve the College’s operational efficiency and provide progressive, responsive technology and technical services to the campus community.

**HARTNELL’S ITR VISION**

The Hartnell Technology Master Plan aims to position Hartnell College as a technology leader among community colleges while supporting the College’s efforts to provide excellent postsecondary education that serves the needs of students, the College and the community.

We endeavor:

- To be a crucial asset and partner providing a significant educational advantage through the deployment of high quality computing and information services.
To provide our users with the ability to securely access college educational technology services and information from anywhere at anytime.

To implement a flexible computing environment that enables our educational community members to easily interact.

To create a computing environment that enables rapid adoption of learning technologies.

To create a computing environment where users attain self-sufficiency in their use of technology.

To organize our staff to rapidly learn new skills and technology.

To create collaborative organizational teams to achieve common goals.

MISSION CRITICAL PROJECTS

Technology plays a vital role in higher education, and the Information Services department is committed to developing and supporting solutions to enhance teaching and learning and improve operational efficiency. Given the current budgetary climate in the California Community Colleges, the Information Services department is dedicated to preserving and improving technologies and services while making the best possible use of College resources. During the IT strategic planning process, several objectives were identified, ranging from administrative system enhancements, optimizing and virtualizing data center resources, migration of network platforms more conducive to newer technologies, and the development of a “cloud based desktops” for users.

The efforts in virtualization will reduce the number of physical servers our IT folks will need to administer by a 5.1 ratio. This will reduce power consumption for over 34 servers and will activate a PG&E refund to off-set some of the costs of the project. Server room virtualization will enable for more work to be accomplished due to the decrease in administrative system maintenance. Lastly, Virtualization will dramatically increase security over the current environment and enable a disaster recovery and high availability architecture that this college has never enjoyed.

As Hartnell migrates from Novell to Windows network environment, the college eliminates a single point of failure in personnel and significantly increases the pool of resources to draw from in the future that are certified and have experience in network and server management (repairs, upgrades, security management, backups, etc.). The new system will provide wider and greater opportunities for integration and support from other vendors. This will create a better foundation to facilitate a single log-in for all necessary service and data access activities for students, faculty and staff. The new system will also be accompanied by a new open source driven, but vendor supported email and calendaring system that will work more seamless with all operating systems and all devices.

Lastly, the desktop virtualization (VDI) activities will create opportunities for students to have 24/7 access to needed educational software and resources rather than only when on campus and when computer labs and open access computers are available. This will dramatically increase time on task for students without increasing licensing costs for these resources. VDI will allow our computer techs and admins to administer 2000 computers from one source decreasing the need to “touch” each computer for critical upgrades. VDI will help protect our computers from harmful viruses and malware as well as increase the speed of recovery when intrusions occur. VDI will allow us to leverage existing computer investments longer and reduce the cost of technology.
replacement for as new computers are needed, they can be replaced with less expensive “thin clients” or small drives that pull software and personal information from a main server rather than from a local hard drive. These thin clients are 50-75% less expensive to replace than traditional desktop or laptops.

Efficient utilization of information technology resources requires the participation and support of not just ITR staff but also the entire campus community. With that in mind, the IT Strategic Plan relies primarily on the collective talent of the Information Services Team and campus community to develop and enhance the College’s instructional and administrative systems and implement open-source solutions for college operations. Input will be solicited and gathered to develop a new Hartnell website, portal and mobile environment. Shared governance will guide the direction and speed of modernization of hardware, infrastructure, software and services. Operational efficiencies will be created when business process automation and integrated campus systems are established.

Hartnell’s IT leadership feels strongly that the College should methodically move towards an open/community source direction for administrative applications rather than continuing to support a proprietary commercial package for administrative software. It would be an opportunity lost and financial mistake to ignore successful development initiatives that have already proven themselves reliable and comparably capable to meet Hartnell’s administrative system needs in finance, grants management and curriculum management, and emergency preparedness. In the coming 5-8 years, similar projects will provide Hartnell and other resource challenged schools with enrollment and registration, student financials, financial aid, and human resource administrative systems. The recommendation of this plan is to address immediate technology upgrade technologies in the areas of Hartnell’s website, virtualization, business intelligence and network management, but to move carefully towards changes in key administrative systems. Additionally, the plan proposes to stabilize and enhance existing software so it will support the college for the next seven to ten years.

The proposed initiatives for open source software present an environment that returns nearly $400,000 in support costs back to the college each year, modernizes our administrative systems to use a well supported relational database, take back the ability to control our software future and place the college in a low-risk, technology leadership position. The transition triggers a move to modern development languages and makes Hartnell a more competitive and attractive place to work for IT workers. Lastly, pursuing a standards-based, open source path, takes us off a dead-end path that the college would have to move off of eventually as the publishers of our current ERP system work out the how they will support two significantly different architectures and code bases (Ellucian is the company that comprises both SunGard and Datatel, merged by the private equity firm).

Hartnell needs to invest in ITR institutional research capabilities and increase it’s sophistication in gathering, reporting, and providing access to institutional intelligence in all functional areas. This represents the efforts of building an enterprise data warehouse being fed with information from data marts that contain discipline or department specific data. Hartnell will need to determine the questions it needs answers to for grant, state MIS, and institutional operational accountability. Lastly, Hartnell will need to invest in its people by training knowledge workers enterprise wide so that they can not only find answers to their data questions without having to wait on ITR personnel, but so they can also create their own score-carding and key performance
indicators enhancing the schools ability to assess performance and effectiveness. This kind of data analysis and access will help the institution develop a pattern of self-assessment, and an environment of improvement and growth.

Because of the growing trend of students, faculty and staff to Bring Your Own Device (BYOD) onto campus and utilize campus resources namely wireless access to the internet, network, and campus services, Hartnell needs to increase and enhance it’s wireless network across all areas of campus and center locations. This enhanced access will bring with it, increased security and monitoring needs to ensure that resources are properly used and data is kept secure. Wireless signal needs to be consistent and powerful from one corner of the campus to the other. It needs to reach to the outside areas as well as inside buildings. The increased access points needed for this greater reach must be installed with management software to avoid over-burdening ITR staff and provide them with the tools to remotely monitor performance, review load history, repel offenders, and restart wireless equipment to restore service.

Hartnell is following an increasing trend to use a Learning Management System (LMS) in not only distance education offerings, but also in hybrid and traditional class environments. Significant changes in the LMS landscape as well as rising costs of Hartnell’s existing system, eCollege, point to a need to reassess existing offerings and potentially transition to different LMS platform. The savings to the institution could be as much as $150,000 a year without having to sacrifice functionality.

In order to meet the varied needs of both traditional and non-traditional learners as well as the growing requests of instructors to provide video support for instruction and visiting lecturers, Hartnell needs to enhance existing distance education facilities and other classrooms to provide high-quality video capture and delivery of course materials to learners. While pieces of this solution are in place, the system and ancillary support services need to be augmented and completed.

Increased scrutiny and accountability demands of institutional effectiveness driven by both demand/availability factors and federal/state mandates are steadily increasing pressure on Hartnell to match learning objectives learning outcomes. Accreditation, apportionment, financial aid dollars and demand analysis are all drivers pointing to the need to create clear pathways to certificate, degree or program completion as well as identification of courses that meet student outcomes needs. Hartnell needs to deploy and better Curriculum Management system that catalogs Student Learning Objective to Outcomes, matches these to existing and scheduled courses and helps administrators, counselors and students alike, identify the most efficient or direct path to meet learning goals with existing resources.

Hartnell funds 1/3 of its programs through grants. One of the most critical aspects of continued support from grants is proven accountability and traceability of the funds dispersed, the performance against objectives outlined, and the timely reporting required by the grant. Due to the significant success of acquiring grants and the reliance that Hartnell has to their subsequent funds, it would be prudent for Hartnell to implement a Grants Management system that interacts with the core financial system of the institution, the business intelligence tools and the business process automation analysis tool of Hartnell College. There are options in both traditional and open source software arenas. Hartnell should investigate, choose and deploy one of the proven and trusted offerings.
Increased lot availability, decal and daily parking passes distribution pressures, and cash collection complications have increased the bar for Hartnell creating a need to look into a Parking Management System. A more sophisticated system would allow daily parking passes to be purchased online prior to arriving on campus. Semester passes could be purchased at the time of or near registration and would be distributed via the mail or internet. The system would decrease significantly the time needed to enforce parking violations and decrease errant tickets issued to employees or paid students. The solution could help us deploy more modern parking lot meters that can be fed by both cash and credit card. This investment would be completely paid for through existing parking funds.

Hartnell is dedicated to providing a safe and secure environment for all that come onto its campus locations. Hartnell administrators, faculty and staff have already spent significant time and effort ensuring the campus and its key personnel are prepared for various safety threats whether or not they occur on or originate on campus. It would be prudent for Hartnell to investigate Campus Safety Management software options and Disaster Recovery tools to ensure continuity of operations and coordination of all campus and surrounding agency resources.

Most organizations refresh their technology every 5 years. Economic pressures of late have increased refresh rates to 6 or 7 years. It is critical for Hartnell to have a plan in place to replace campus computers in both the server room and the classroom between 5-7 years to avoid hardware failures and decreased educational effectiveness. Computer Replacement due to the investment in virtualization will be significantly less expensive as refresh events need only replace full computers with thin or zero clients which are a fraction of the cost of full desktop systems. As each full desktop is replaced, the energy consumption of the college also decreases saving money for other purposes.

Hartnell College serves a student population of which 65% of students relies on financial aid, over 30% are first generation college students, and 38% do not have adequate Internet access or technology in the home for research or schoolwork. Hartnell is actively pursuing grant and budget dollars to purchase tablets and laptops to make available to Hartnell students through a Technology Rental Center. The monthly equipment rental availability will favor those who can prove financial need and will be accompanied by opportunities for low-cost high-speed broadband. Rental fees will be low enough to increase access to technology to those who are impacted by the digital divide, but will aid the center to be self-funding over time to refresh technology.

Each investment planned will reduce cost, improve technology access for the campus, help IT do more with existing resources, lengthen the life of existing hardware, and generally improve the campus’ experience with technology, information and resources.
STRATEGIC INITIATIVES

VALUE TO THE HARTNELL COLLEGE STUDENT

- Deploy online parking decal and daily ticket system (Phase 1)
- Modernize Hartnell College’s website deploying a new site on an open source content management platform – Drupal making it easier to get to critical information, services, and program pathways (Phase 1)
- Enhance the College’s student information system, Datatel Colleague - Student, to better meet faculty, staff, administrator, and student needs. (Phase 1)
- Pilot a decentralized “cloud based virtual desktop” computing system to improve access and personalization of services via the central data center. This will create greater time on task opportunities and provide greater access to services available to all types of students. (Phase 1)
- Consider a new student portal system to integrate online student services. (Phase 2)
- Support Academic Computing by maintaining and installing (when directed) smart classrooms and computer labs. (All Phases)
- Enhance Campus Safety by deploying a better notification and crisis management systems (Phase 3)

VALUE TO HARTNELL COLLEGE INSTRUCTION AND ADMINISTRATIVE STAFF

- Migrate from Groupwise to open source or vendor supplied calendaring and communication suite. (Phase 1)
- Migrate key network systems from Novell Netware’s eDirectory to Microsoft’s Active Directory to more comprehensive support for services such as single sign-on, integration, and system/data security. This will also allow the campus to support multiple wireless devices. (Phase 1)
- Support Academic Computing by maintaining and installing (when directed) smart classrooms and computer labs. (All Phases)
- Implement Kuali’s community source Student Curriculum Management to replace Governet’s Curricunet system to better meet accreditation requirements and instructional goals to match learning objectives with learning outcomes of programs and course. (Phase 2)
- Enhance assistance with instructional computing and professional development through a responsive faculty training facility and learning management solution. (Phase 1)
- Deploy new Distance Education Learning Management System. (Phase 1)

VALUE AS LONG TERM INVESTMENT TO HARTNELL COLLEGE INFRASTRUCTURE

- Virtualize the server room, significantly reducing number of servers, energy consumption and administrative overhead. (Phase 1)
- License and implement Cognos 10 to support data-driven decision making at the College by engaging users with information on-demand. (Phase 1)
- Deploy Asset Management System. (Phase 3)
- Deploy workgroup printing across campus (Phase 1)
- Technology refresh of computers and server room infrastructure (Phase 3)

**PHASE 1**

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- License and implement Cognos 10 to support data-driven decision making at the College by engaging users with information on-demand. (Phase 1)

**PHASE 2**

- Deploy a new collaborative portal system to integrate online student services, establish enterprise workflow, and create collaborative workspaces for administration. (Phase 2)
- Implement Kuali’s community source Student Curriculum Management to replace Governet’s Curricunet system to better meet accreditation requirements and instructional goals to match learning objectives with learning outcomes of programs and course. (Phase 2)
- Investigate supporting the Business Services division with implementation of the community source Kuali Coeus System creating a more cohesive environment for administering financial transactions and decentralize accountability and management of budgets. (Phase 2)
PHASE 3

- Support Academic Computing by maintaining and installing (when directed) *smart classrooms and computer labs.* (All Phases)
- Migrate from Datatel Colleague R18 to R18 SQL. *(Phase 3)*
- Deploy Asset Management System. *(Phase 3)*
- Technology refresh of computers and server room infrastructure *(Phase 3)*
- Integrate Voyager with Colleague *(Phase 3)*
- Deploy Enterprise Workflow *(Phase 3)*

KEY ISSUES

Three current issues affect the effectiveness of our technology organization to deliver applications and services; they are (1) limited / constrained resources, (2) the relationship between the central technology organization and the colleges, and (3) the need for a disciplined process to prioritize technology projects.

RESOURCES ARE CONSTRAINED

The number of permanent staff positions assigned to ITR has been declining since 2001. The current level of ITR staffing is well below standards recommended by the System-wide Architectural Committee of the California Community Colleges System Office. Because of an aging, but large IT infrastructure and limited staff, most ITR staff members are dedicated to operational support (computer installations, break/fix, etc.) and rebuilding the IT infrastructure. This leaves little available time to roll out new applications and services.

A top priority, when funding is available, will be to enhance the capability of ITR staff in facilitating the adoption of new applications and services, this plan recommends an augmentation of an additional 4 positions – programmer analyst, project manager, DBA, and Director of IT.

Finally, although the college has significant capital funds through the Measure H bond to continue rebuilding the IT infrastructure, there are significant shortfalls in this funding to accomplish the original goals set forth in the Measure H bond projects. Some funding shortfalls may also exist for completing the mission critical projects contained in the lists above.

Accordingly, the scope of work associated with each Measure H bond project related to IT has been adjusted to fit the available budget; however, as a result some mission essential infrastructure will not be built and/or sustained as a result.

RELATIONSHIP OF ITR TO TECHNOLOGY- USERS MUST EVOLVE

The relationship that ITR has with the colleges and the Central Service organization it supports is critical to
facilitating a proactive use of technology as a strategic resource of the college. In the model used in this planning methodology, this relationship of the IT organization to its supported units is characterized as either a job shop, architect or partner.

In 2010, many (maybe most) college users viewed ITR as essentially a job shop, where ITR provided requested application support and services on demand. Since this time, a change of roles for ITR has occurred shifting the relationship towards that of a systems architect, primary as a result of the need and availability of funding to replace the IT infrastructure. With the hiring of a Vice President of Technology, ITR has also now been invited to the table to work with the college as a partner.

In practice, an IT organization must perform all of these roles, although the extent to which IT occupies each role should be highly tailored to the organization. There are best practices associated with each of these roles along with a comparison to our current practices and areas for improvement. One overarching goal of the ITR leadership team is to move the ITR organization more into the role of partnership with the colleges.

The ITR leadership team has identified four areas of focus for the future:

- Working with senior leadership, identify the roles for ITR as the colleges continue to grow and evolve
- Provide more consultation with users and encourage early collaboration
- Develop a formal technology project prioritization processes with senior leadership involvement
- Prepare and present briefings on emerging technology and facilitate discussions across the campuses

**PROJECT PRIORITIZATION AND MANAGEMENT IS NEEDED**

The previous process that employees used to request functionality improvements, new systems, and / or technology services has been very decentralized with users submitting requests directly to ITR without prioritization by college leadership. User expectations that all submitted projects could be completed by ITR within requested time frames did not take into consideration either the current workload of ITR teams or the importance of some projects over others. Initiating new projects often caused a cycle of disruption and inefficiency as ITR developers / technicians were pulled off projects in midstream to begin work on other “higher priority” projects. The result has been excessively long project implementation times and much frustration.

The number of initiatives current and planned involving IT personnel of the colleges necessitates that the college adopt a formal technology project prioritization process that continuously sets and revises project priorities. This new process must be responsive to college needs allowing for the inclusion of new projects as well as the elimination of existing projects, which may have fulfilled their objectives or no longer have a purpose.

Accordingly, a prioritization process is proposed in this plan that involves the use of college leadership to maintain a list of major technology projects that is kept refreshed allowing ITR to schedule work on the highest priority needs of the colleges. Two goals associated with this prioritization process are (1) to achieve consensus regarding the priority order of projects and (2) to provide transparency in how the process works and what outcomes result from the process.

**PERFORMANCE MEASUREMENT**
To promote an environment of continuous improvement, this technology plan establishes Service or Administrative Level Outcomes (SLOs) for each department of ITR. SLOs are used to define outcomes that the ITR organization is trying to achieve in its support of college strategic plans and missions.

In addition, each ITR department defined several measures of effectiveness (viewable in the section entitled Performance Metrics). These performance metrics will indicate how well the ITR organization is achieving its SLOs. A list of metrics may found in starting on page 38.

Finally, ITR is also tracking an additional group of metrics, as listed in the section Workload Metrics, for use in determining the amount of infrastructure support required per staff member.

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<th>Administrative Unit Outcomes Metric</th>
<th>Metric</th>
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<td>Information System &amp; Operations</td>
<td>Employees are Information satisfied with the outcomes of their technology support requests</td>
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<tr>
<td></td>
<td>Students and employees are provided with responsive applications and systems</td>
<td>2,6</td>
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<tr>
<td>Networks, Communications, &amp; Computer Services</td>
<td>Employees are satisfied with the outcomes of their technology support requests</td>
<td>1</td>
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<tr>
<td></td>
<td>Employees are provided with technology resources to accomplish their functions</td>
<td>2,3,4,5</td>
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<td></td>
<td>Students and employees are provided with systems with a high percentage of uptime</td>
<td>6</td>
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<tr>
<td></td>
<td>Students and employees are provided with sufficient Internet network bandwidth to accomplish their functions</td>
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## AGENDA ITEM FOR BOARD MEETING OF: March 19, 2013

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<td>Delivery Method for Science Building: Criteria for RFP</td>
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### Area

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### BACKGROUND / SUMMARY

At its March 5, 2013 meeting the Board of Trustees authorized the District to utilize the Lease-Leaseback construction delivery method. There are some criteria that will be part of the Request for Proposal (RFP) for which the administration needs some direction from the Board of Trustees. Specifically, the following items need discussion and direction from the Board of Trustees so they are incorporated into the RFP.

1. **Definition of "local" vendors for purposes of ensuring that a significant amount of the work is performed by local vendors.**
2. **Goal or target (if desired) for work performed by local vendors.**
3. **Control over unexpended construction contingency.**

A sample RFP is attached.

### RECOMMENDATION

N/A
[OWNER NAME AND ADDRESS]

Request for Proposals For
Lease-Leaseback Construction Services

[NAME OR PROJECT]

RFP Issued: [DATE]
Proposals Due: [DATE] at [TIME]
Contractor Interviews: [DATE]
Selection of Contractor and Approval of Lease-Leaseback Contract by
Board of Trustees: [DATE]
Request for Proposals For
Lease-Leaseback Construction Services

(NAME OF PROJECT)

The Board of Trustees (“Board”) of ____________ College (“College”) is seeking a qualified provider of construction services for [DESCRIPTION OF PROJECT] (“Project”). Pursuant to Education Code section 81334 et seq., the Board intends to enter into the lease-leaseback contract for the construction of the Project in the form attached hereto (“Contract”) with a contractor of the Board’s choice. Responses to this Request for Proposals (“RFP”) will be reviewed by College staff and interviews will be scheduled with prospective contractors on [DATE]. College staff will thereafter make a recommendation to the Board for selection of a contractor and approval of executing a Contract with that contractor at the Board’s meeting on [DATE].

The College reserves the right to enter into the Contract for the Project with the entity the College deems most suitable to undertake the Project. Selection of a contractor will be made solely on the basis of that contractor’s qualifications, as further solicited herein. The College further reserves the right to reject any or all proposals, or waive any irregularities in any of the proposals submitted pursuant to this RFP.

I. Contract Documents

The Contract for this Project, consisting of a Lease-Leaseback Agreement and General Conditions, as well as other documents referenced thereby, is attached hereto as Exhibit B. As further discussed herein, by submitting a response to this RFP, each respondent shall be deemed to have agreed to enter into the Contract in the form proposed by the College.

The Contract calls for the selected contractor to solicit subcontractor bids and develop a Contract Sum for the Project following execution of the Contract and before [DATE]. This deadline is driven by factors outside the College’s control and it is therefore critical that the date be met. In order to expedite such efforts, interested contractors should familiarize themselves with the plans and specifications for the Project prior to the selection by the College of a contractor. A contractor’s familiarity with the plans and specifications, and demonstrated ability to meet the College’s timeline, are positive factors that the College will take into consideration in selecting a contractor for this Project.

Contractors interested in submitting a proposal in response to this RFP should obtain copies of the plans and specifications from [ARCHITECT]. The College will provide two sets of the plans and specifications to each interested contractor, and will not require a deposit in exchange for such copies.

The College intends to enter into the Contract in substantially the form attached hereto, and is not willing to entertain any substantive changes to the Contract. However, as detailed below, the College will consider limited changes proposed by any contractor responding to this RFP. The College will not consent to changes to the Contract requested after [DATE], including changes...
requested by the selected contractor. The selected contractor must indicate in writing the contractor’s willingness to execute the Contract in its [DATE] form prior to the Board’s meeting on [DATE]. If the selected contractor does not do so, the College reserves the right to select another contractor for approval by the Board.

II. Schedule

[DATE] - Submissions. Written responses to this RFP must be hand-delivered to [PERSON] at [ADDRESS] by no later than on [DATE] at 5:00 PM. Responses not received by the deadline will be returned unopened.

[DATE] - Interviews. College staff will contact responding contractors on [DATE] to schedule interviews on [DATE]. Failure to attend an interview will disqualify a contractor from the selection process.

[DATE] - Recommendation to the Board. Taking into account the responses received and the interviews conducted by College staff, staff will recommend a contractor to the College’s board and will provide a copy of the recommendation to each contractor who responded to this RFP.

[DATE] - Selection and Contract Execution. At the Board’s meeting on [DATE], the Board will select a contractor to perform the Project and will direct the College’s superintendent to execute the Contract with the selected contractor in the form presented to the Board at the [DATE] meeting.

[DATE] (or later if necessary) – Contract Sum Determination. The selected contractor will be required to present a proposed Contract Sum to College staff based on bids received from subcontractors, as set forth in the Contract. At its [DATE] meeting, the Board expects to approve the Contract Sum. If necessary to allow the contractor to obtain a better Contract Sum, the Board may schedule a special meeting after [DATE] and before [DATE].

III. Format and Content of Response

Each contractor’s response to this RFP should be clear, concise, complete, well organized, and demonstrate respondent’s qualifications, ideas, and ability to work together with the College and its Architect and other consultants. An original [+ six (6) copies] of the response must be provided, with no more than 30 single-sided pages in total length. All respondents are requested to follow the order and format specified below. Please tab each section of the proposal to correspond to the numbers/headers shown below.

A. Proposal Cover

Include the RFP’s title and proposal due date, the name, address, fax number, and the telephone number of responding firm (or firms if a proposal is submitted by a joint venture or association).

B. Table of Contents
Include complete and clear listings of headings and pages to allow easy reference to key information.

C. Body of Response

The following sections should be included in the order listed:

1. **Cover Letter.** The cover letter should be signed by a person with authority to act on behalf of and bind the firm, and should indicate the firm’s interest in entering into the Contract. The cover letter should also include general information about your firm, including at least the following:
   
   (a) number of employees;
   (b) years in business;
   (c) name(s) of owner(s);
   (d) home office location;
   (e) local office location (if different); and
   (f) proposed team members for this Project, including at a minimum your proposed project manager, project superintendent, and project engineer.

2. **Construction Proposal.** Please describe, in detail, your approach and methods for carrying out the Project. Please specifically discuss your company’s unique qualifications for the Project, including successful experience with local school projects and successful completion of at least one lease-leaseback project. Please also discuss your firm’s approach to developing the Contract Sum, including any results of your review of the plans and specifications and observations about how best to carry out the Project.

3. **Financial Information.** Provide the following financial information about your firm:
   
   - A current report from any commercial credit rating service, such as Dunn and Bradstreet or Experian.
   - A letter from a California admitted surety or insurance company stating bonding limit for both payment and performance bonds which can be applied to this Project.
   - A letter from an insurance company indicating ability to provide insurance along with applicable, maximum limits of coverage.
   - Current value of all work the firm has under contract presently.

4. **Questionnaire.** Provide your firm’s answers to the questionnaire attached hereto as Exhibit A.

5. **Any Requested Changes to the Contract.** The College intends to enter into the Contract in substantially the form attached hereto, and is not willing to entertain any substantive changes to the Contract. However, the College will consider limited changes proposed by any contractor responding to this RFP. Any changes that a contractor wishes to propose should be included with the response. The College will review any proposed
changes received from the respondents with legal counsel. Any changes that the College makes at the request of any contractor shall be incorporated into the form of Contract for all respondents. At the interviews scheduled for [DATE], the College will provide each candidate with a final form of the Contract, and will review with the candidates any changes the College has made since the date of this RFP. The College will not consent to changes to the Contract requested after [DATE], including changes requested by the selected contractor. The selected contractor must indicate in writing the contractor’s willingness to execute the Contract in its [DATE] form prior to the Board’s meeting on [DATE]. If the selected contractor does not do so, the College reserves the right to select another contractor for approval by the Board.

IV. Criteria for Selection

College staff will carefully review all responses to this RFP in consultation with the Architect and shall recommend to the Board the contractor who is in staff’s opinion best suited for this Project. Selection shall be made on the basis of contractors’ qualifications, on the responses given to this RFP, and on the information obtained in interviews.

Responses will be opened privately to assure confidentiality and to avoid disclosure of the contents to competing respondents prior to and during the selection process. However, to the extent that the responses are public records under California law, they must be released to members of the public if requested under applicable law.

V. General Information

Amendments: The College reserves the right to cancel or revise this RFP in part or in its entirety. If the College cancels or revises the RFP, all respondents will be notified by addenda.

Inquiries: Any questions concerning this RFP or the selection process may be directed to [PERSON AND TITLE]; telephone: [NUMBER]; email: [ADDRESS]. Replies involving any substantive issues will be issued by addenda and mailed to all parties recorded by the College as having received the RFP documents. Only questions answered by formal written addenda will be binding.

VI. Special Conditions

Non-Discrimination: The College does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.

Drug-Free Policy and Fingerprinting: The entity entering into the Contract with the College shall be required to complete any and all fingerprinting requirements and criminal background checks required by State law and shall also be required to complete a Drug-Free Workplace Certificate.
Costs: Costs of preparing a proposal in response to this RFP are solely the responsibility of each respondent.

Prevailing Wages: Respondents are advised that this Project is a public work for purposes of the California Labor Code, which requires payment of prevailing wages. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations website at www.dir.ca.gov. Any entity to which the Contract is awarded must pay the prevailing rates, provide payroll records when required, post copies thereof at the job site, and otherwise comply with applicable provisions of state law.

Bonding: The entity to which the Contract is awarded will be required to furnish a Payment Bond (Material and Labor) in the amount of one hundred percent of the Contract Sum and a Performance Bond in the amount of one hundred percent of the Contract Sum, each in the form attached to the Contract.

Limitations: This RFP does not commit the College to award a contract, to defray any costs incurred in the preparation of a proposal pursuant to this RFP, or to procure or contract for work. The College reserves the right to waive any irregularities in the proposals received pursuant to this RFP, or in the process outlined herein for selection of a contractor for the Project.
Exhibit A - Questionnaire

Each respondent must answer all questions on the following Questionnaire under penalty of perjury and submit the completed Questionnaire with its proposal or the proposal may be rejected as non-responsive. Responses to the questions below may be included in the space directly below the question or included on a separate sheet of paper that must be attached to the document. Every question must be responded to and all questions answered “yes” must be explained.

Any omission of requested information may result in an automatic rejection of the response submitted by the contractor. Any material misrepresentation shall result in the automatic rejection of the response submitted by the contractor. If any information submitted by a contractor becomes inaccurate after submittal, contractor must immediately notify the College and provide in writing any updated information.

This document is not a prequalification questionnaire and financial statement as provided for in Public Contract Code Section 20651.5 and thus may be subject to public disclosure. All information provided in this document will be kept confidential to the extent permitted by law.

1. How long has your organization been in business in California as a contractor under your present business name and license number?

2. Respondents must hold a General Building Contractors License, Class B, which is current, valid, and in good standing with the California Contractor’s State License Board. Provide the following information for each license held:
   - Name of license holder exactly as on file
   - License Classification
   - License Number
   - Date Issued
   - Expiration Date
   - Whether license has been suspended or revoked in the past 5 years (if so, please explain)

3. Has your organization ever been licensed in California under a different name or license number? If yes, please list all the name(s) and license number(s).

4. Is your organization connected with other organizations as a subsidiary, parent, holding or affiliate? If so, please explain.

5. Please list all California community college construction projects your organization has completed in the past five years under the auspices of the Division of the State Architect. Please indicate owner name, project type(s), constructed values, dates, names of owner contacts, and architect and engineer contacts. Please indicate if any of these projects were performed under a lease-leaseback contract. At least three successful community
college construction projects (DSA approved) are required for selection. At least one successful project completed under a lease-leaseback contract is required for selection.

6. Has your organization ever failed to complete a public construction contract in the past five years? If so, please explain.

7. Has your organization ever failed to complete a public construction contract in the past five years within the authorized contract time? If so, please explain.

8. Has your firm been assessed liquidated damages on a public construction project in the past five years? If so, please explain.

9. What is your current total bonding capacity?

10. What is your current available bonding capacity?

11. Has your organization been unable to obtain a bond or been denied a bond for a contract in the past five years? If so, please explain.

12. Has your organization ever defaulted on a contract forcing a surety to suffer a loss? If so, please explain.

13. Has your organization declared bankruptcy or been placed in receivership in the past five years? If so, please explain.

14. Has your organization received a notice of default, or notice of intent to terminate, on a project in the last five years? If so, please explain.

15. Has your organization’s contract on a project been terminated or canceled by the owner in the last five years? If so, please explain.

16. Is your organization currently involved in litigation related to a construction project? If so, please explain.

17. Has your organization been involved in litigation in the past five years related to a construction project? If so, please explain.

18. Are there currently any liens/stop notices for labor and/or materials filed against your organization? If so, please explain.

19. How many stop notice enforcement lawsuits against your organization have been lost or settled by the organization in the past five years? Please explain.

20. How many construction-related claims, complaints, and/or cross-complaints has your organization filed in court in the last 5 years? Please explain.
21. How many construction-related claims has your organization arbitrated in the last 5 years? Please explain.

22. In the past three years, how many unresolved change orders resulted in a claim filed by your organization? Please explain.

23. Has any employee, individual, or entity filed a complaint in the past five years against your organization with the California Contractors License Board? If so, how many were filed and how were the complaints resolved?

24. In the past three years, have any action for back wages been filed against your organization with the California State Department of Labor Standards Enforcement for failure to pay prevailing wages? If so, please explain.

25. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? If so, please explain.

26. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity? If so, please explain.

27. Has your firm, or any of its owners, officers, or partners ever been convicted of a crime involving any federal, state, or local law related to construction? If so, please explain.

28. Has your firm or any of its owners, officers, or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty? If so, please explain.

29. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay, and provide an explanation.

30. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? If so, please explain.

31. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years? If so, please explain.

32. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? If so, please explain.

33. Has the EPA or any Air Quality Management College or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a
project on which your firm was the contractor, in the past five years? If so, please explain.

34. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

35. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:
   Current year: ____________________
   Previous year: ____________________
   Year prior to previous year: ________________

36. Within the last five years, has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance? If so, please explain.

37. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the federal or state prevailing wage laws? If so, please explain.

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works? If so, please explain.
AGENDA ITEM FOR BOARD MEETING OF: March 19, 2013

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Prepared by Willard Lewallen

BACKGROUND / SUMMARY

The Board of Trustees will be provided a presentation on Project Labor Agreements (PLAs). The administration needs direction from the Board of Trustees regarding the utilization of a PLA for the construction of the Science Building.

Attached is a report from the U.S. Congressional Research Service on the pros and cons of PLAs.

RECOMMENDATION

N/A
Project Labor Agreements

Gerald Mayer
Analyst in Labor Policy

July 1, 2010
PROS AND CONS OF USING PROJECT LABOR AGREEMENTS

By: John Moran, Principal Analyst

You asked for the arguments for and against using project labor agreements (PLAs) in construction projects that receive government funding. You also asked about community workforce agreements (CWA), which are provisions in PLAs that include targeted building trade hiring provisions to create employment and career paths for low-income or under-represented people. This report includes components of CWAs in the debate over PLAs.

SUMMARY

A PLA is a collective bargaining agreement that applies to a specific construction project and lasts only for the duration of the project. Essentially, it guarantees the project will use union labor.

Governments can require that recipients of government funding for a construction project use PLAs. Also, private sector companies may choose to enter into PLAs for a specific project or series of projects (Toyota and Wal-Mart are examples of corporations that have chosen to use them). The entity seeking to complete the construction project enters into an agreement with a union or group of unions, such as an area trade union council, before seeking bids from contractors to do the work. That way any contractor interested in submitting a bid knows the job will require union labor.

A PLA generally specifies the wages and fringe benefits to be paid on a project, and it usually includes binding procedures to resolve labor disputes. PLAs typically include a provision barring unions from striking and contractors from locking out workers. A PLA generally requires (1) contractors to hire workers through a union hiring hall or (2) employees to become union members after being hired. A PLA applies to all contractors and subcontractors on a project.
There is considerable debate between the opponents and proponents of PLAs. Opponents say PLAs are anti-competitive and increase costs. Proponents say they ensure decent wages, a quality workforce, and timely completion of projects within budget.

The non-partisan Congressional Research Service issued a report on PLAs on July 1, 2010, indicating the evidence is inconclusive regarding the cost of PLAS on construction projects (see attachment Project Labor Agreements, CRS R41310).

**PROS**

Proponents of PLAs argue that the agreements have several advantages, including that they:

1. provide uniform wages, benefits, overtime pay, hours, working conditions, and work rules for work on major construction projects;

2. provide contractors with a reliable and uninterrupted supply of qualified workers at predictable costs;

3. ensure that a project will be completed on time and on budget due to the supply of qualified labor and relative ease of project management;

4. ensure no labor strife by prohibiting strikes and lockouts and including binding procedures to resolve labor disputes;

5. make large projects easier to manage by placing unions under one contract, the PLA, rather than dealing with several unions that may have different wage and benefit structures;

6. may include provisions to recruit and train workers by requiring contactors to participate in recruitment, apprenticeship, and training programs for women, minorities, veterans, and other under-represented groups (this is a common CWA provision);

7. reduces misclassification of workers and the related underpayment of payroll taxes, workers compensation, and other requirements;

8. may mean a larger percentage of construction wages stay in state; and

9. may improve worker safety by requiring contractors and workers to comply with project safety rules.

PLA proponents note that the positive impact of creating career paths for women, minorities, veterans, and other under-represented populations (a common CWA component) may not be easily measured in the short term. But they say that
developing qualified workers in the construction trades, and including people who historically were underrepresented in the trades, has a positive long-term economic benefit for the individuals who receive the jobs and for the construction industry as a whole.

**CONS**

Opponents argue that PLAs have several disadvantages, including that they:

1. increase costs by mandating union wages and work rules and inhibiting competition;

2. are anti-competitive because nonunion contractors may choose not to bid because either their members would be required to join a union if the contractor wins the bid or the contractor would not be able to use its own workers if the PLA required hiring through the union hiring hall;

3. are inherently unfair to nonunion contractors and nonunion employees;

4. are an unnecessary mandate (if imposed by law);

5. hinder the use of nonunion contractor training programs that may operate more efficiently and are job specific, instead of union apprenticeship programs of a fixed duration; and

6. are unnecessary because of existing prequalification procedures that screen contractors that bid on public projects.

PLA critics also note that the issue is not always that PLAs are detrimental. Sometimes, they argue, having a PLA is not proof of an improved situation. For example, the available evidence does not show that PLA construction projects are safer than non-PLA projects.

**WEBSITES**

For more information see following websites:

1. [www.plaswork.org](http://www.plaswork.org) (pro PLA), and

2. [www.thetruthaboutplas.com](http://www.thetruthaboutplas.com) (anti PLA).

Attachment