

# Oakland Unified School District

Board of Education  
Paul Robeson Building  
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## Minutes (Long)

**Wednesday, January 19, 2011**

**4:30 PM**

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA  
94606-2212 & Capitol Corridor Train No. 545 - SAC to OKJ**

## Facilities Committee

*Noel Gallo, Chairperson  
Jody London, Vice Chairperson  
Alice Spearman, Member*

## A. Call to Order

*Chairperson Noel Gallo called the meeting to order at 4:30 P.M.*

## B. Roll Call

**Roll Call:** Present: Noel Gallo and Alice Spearman  
Absent: Jody London

## C. Modification(s) To Agenda

*After Item E, Adoption of the Committee General Consent Report, the next item considered on the agenda was Item G, Legislative File ID 11-0056, Item F, Item G, Legislative File ID 11-0061, Item H, I, J and K.*

## D. Adoption of Committee Minutes



### [11-0115](#) Minutes - Facilities Committee - January 4, 2011

Approval by Facilities Committee of Its Minutes of January 4, 2011.

**Attachments:** [11-0115 - Minutes - Facilities Committee - January 4, 2011](#)

**A motion was made by Alice Spearman, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## E. Adoption of the Committee General Consent Report



### [10-2901](#) Amendment No. 1, KDI Consultants, Inc. - Roosevelt Middle School Health Center Project

Approval by the Board of Education of Amendment No. 1, Professional Services Agreement between District and KDI Consultants, Inc., Oakland, CA, permitting the latter to complete Division of State Architect inspection services in conjunction with the Roosevelt Middle School Health Center Project by extending the contract period of September 24, 2009 to August 1, 2010 to February 28, 2011, at no additional cost. All other terms and condition of Contract remain in full force and effect.

**Resource Code - 2122-212**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



**10-3052**

**Amendment No. 1, Contract for Purchase, Delivery and Installation of Server Equipment - CDW Government - Downtown Educational Complex Project**

Approval by the Board of Education of Amendment No. 1, Contract for Purchase, Delivery and Installation of Server Equipment between District and CDW Government, Chicago, IL, for the latter to provide additional equipment for Phase 2 necessary to consolidate additional servers and applications into a small physical footprint in conjunction with the Downtown Educational Complex Relocation Cole Hot Site Project for the period commencing June 24, 2010 and concluding no later than December 31, 2011, in an additional amount not to exceed \$138,272.72, increasing the Contract not to exceed amount from \$558,629.17 to \$696,901.89. All other terms and conditions of the Contract remain in full force and effect.

**Resource Code - 0000-121**

**Funding Source: Country School Facilities Fund**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0

Preferential Abstention: 0  
 Preferential Nay: 0



**10-3053**

**Amendment No. 1, Contract for Purchase, Delivery and Installation of Server Equipment - New Data Center - CDW Government - Downtown Educational Complex Project**

Approval by the Board of Education of Amendment No. 1, Contract for Purchase, Delivery and Installation of Server Equipment - New Data Center - between District and CDW Government, Chicago, IL, for the latter to relocate two (2) existing data racks in new configuration per drawings in the data room at Cole, included within the Scope of Work, network patch documentation and labeling of two racks, with contractor responsible for uninstalling and reinstalling equipment and testing data connection, if necessary, in conjunction with the Downtown Educational Complex Project, for the period commencing June 20, 2010 and concluding no later than December 31, 2011, in an additional amount not to exceed \$18,920.00, increasing the Contract not to exceed amount from \$721,251.75 to \$740,171.75. All other terms and conditions of the Contract remain in full force and effect.

**Resource Code - 2122-121**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
 Adv Nay: 0  
 Adv Abstain: 0  
 Aye: 2 - Noel Gallo and Alice Spearman  
 Nay: 0  
 Recused: 0  
 Absent: 1 - Jody London  
 Preferential Aye: 0  
 Preferential Abstention: 0  
 Preferential Nay: 0



**10-3054**

**Amendment No. 5, Professional Services Facilities Contract - Inspection Services, Inc. - Chabot New Classroom and Multi-Purpose Building Project**

Approval by the Board of Education of Amendment No. 5, Professional Services Facilities Contract between District and Inspection Services, Inc., Berkeley, CA, for the latter to provide additional special inspection and material testing services required for new structures, including soils compaction and welding inspection for the modular hand rails and guard rails in conjunction with the Chabot New Classroom and Multi-Purpose Building Project in an additional amount not to exceed \$25,000.00, increasing the Contract not to exceed amount from \$121,676.93 to \$146,676.93. All other terms and conditions of the Contract remain in full force and effect.

**Resource Code - 2122-106**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



**10-3055**

**Amendment No. 1, Professional Services Facilities Contract - Simplex Grinnell - Chabot New Classroom and Multi-Purpose Building Project**

Approval by the Board of Education of Amendment No. 1, Professional Services Facilities Contract between District and Simplex Grinnell, Livermore, CA, permitting the latter to provide supervision to electrical contractor and/or low-voltage installer of the fire alarm system during critical path periods such as conduit installation, wire pulling, wire continuity review/testing and termination/trimming of devices in conjunction with the Chabot New Classroom Project, by extending the contract period of September 25, 2008 to December 31, 2009 to August 30, 2011, at no additional cost. All other terms and condition of Contract remain in full force and effect.

**Resource Code - 2122-106**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



**10-3056**

**Professional Services Agreement - ACC Environmental - Prescott Elementary School Modernization Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and ACC Environmental, Oakland, CA, for the latter to provide project planning, specifications, project management and air monitoring services for the removal of asbestos and lead containing materials from the demolition of the Child Development Center (CDC) at Prescott Elementary School plus ancillary testing for limited soil characterization of existing AC & AB at the playground area in conjunction with the Prescott Elementary School Modernization Project for the period commencing January 27, 2011 and concluding no later than December 31, 2011 in an amount not to exceed \$13,210.00.

**Resource Code - 2122-147**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



**10-3057**

**Professional Services Facilities Contract - Comfort By Design - Whittier Elementary School Modernization Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Comfort By Design, Pinole, CA, for the latter to provide removal of thirty-nine (39) existing pneumatic radiator valves and replace them with self-contained thermostatic radiator valves, pursuant to the Scope of Work, in conjunction with the Whittier Elementary School Modernization Project for the period commencing January 27, 2011 and concluding no later than April 4, 2011 in an amount not to exceed \$28,500.00.

**Resource Code - 2122-163**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0

Preferential Nay: 0

**10-3058****Professional Services Facilities Contract - KDI Consultants, Inc. - Claremont HVAC Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and KDI Consultants, Inc., Oakland, CA, for the latter to provide Division of State Architect Inspection in conjunction with the Claremont HVAC Replacement Project for the period commencing January 27, 2011 and concluding no later than October 27, 2011 in an amount not to exceed \$45,600.00.

**Resource Code - 1414-201**

**Funding Source: Deferred Maintenance**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

**10-3059****Professional Services Facilities Contract - Ninyo and Moore - Elmhurst Middle School Modernization Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Ninyo and Moore, Oakland, CA, for the latter to provide materials testing and special inspection services in conjunction with the Elmhurst Middle School Modernization Project for the period commencing January 27, 2011 and concluding no later than December 31, 2011 in an amount not to exceed \$21,104.00.

**Resource Code - 2122-202**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0

Preferential Abstention: 0  
Preferential Nay: 0

**11-0064****Award of Bid and Construction Contract - Green Leaf Solar & Electrical, Co. - Yuk Yau CDC Project**

Approval by the Board of Education of Resolution No. 1011-0092 - Award of Bid and Construction Contract between District and Green Leaf Solar & Electrical, Co., San Jose, CA, for the latter as the lowest responsive, responsible bidder and rejecting all other bids, if any, to provide demolition of the existing fire and intrusion alarm devices and cabling, and the installation of a new fire and intrusion alarm system including conduits, cables, devices and access panels and various other items described herein in conjunction with the Yuk Yau CDC Project for the period commencing January 27, 2011 and ending on April 7, 2011 in the amount of \$56,700.00.

**Resource Code - 2122-824**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

**11-0065****Award of Bid and Construction Contract - Green Leaf Solar & Electrical, Co. - Highland CDC Fire Alarm Replacement Project**

Approval by the Board of Education of Resolution No. 1011-0091 - Award of Bid and Construction Contract between District and Green Leaf Solar & Electrical, Co., San Jose, CA, for the latter as the lowest responsive, responsible bidder and rejecting all other bids, if any, to provide demolition of the existing fire and intrusion alarm devices and cabling, and the installation of a new fire and intrusion alarm system including conduits, cables, devices and access panels and various other items described herein in conjunction with the Highland CDC Fire Alarm Replacement Project for the period commencing January 27, 2011 and ending on April 7, 2011 in the amount of \$48,200.00

**Resource Code - 2122-815**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0



Adv Nay: 0  
 Adv Abstain: 0  
 Aye: 2 - Noel Gallo and Alice Spearman  
 Nay: 0  
 Recused: 0  
 Absent: 1 - Jody London  
 Preferential Aye: 0  
 Preferential Abstention: 0  
 Preferential Nay: 0



**11-0068**

**Professional Services Facilities Contract - Anthony Ogbeide Associates, Inc. - Havenscourt Middle School Health Center Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Anthony Ogbeide Associates, Inc., Oakland, CA, for the latter to provide Division of State Architect (DSA) inspection services for construction in conjunction with the Havenscourt Middle School Health Center Project for the period commencing February 9, 2011 and concluding no later than February 1, 2012 in an amount not to exceed \$45,760.00.

**Resource Code - 2122-207**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
 Adv Nay: 0  
 Adv Abstain: 0  
 Aye: 2 - Noel Gallo and Alice Spearman  
 Nay: 0  
 Recused: 0  
 Absent: 1 - Jody London  
 Preferential Aye: 0  
 Preferential Abstention: 0  
 Preferential Nay: 0



**11-0077**

**Professional Services Facilities Contract - KEMA Services, Inc. - Hintil KUU CDC Building Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and KEMA Services, Inc., Oakland, CA, for the latter to provide the Commissioning Agent services for CHPS "Standard Commissioning," which will include the implementation of a commissioning plan, performing a review of CD documents, providing a commissioning specification, assembling of a Systems Manual, and the preparation of the final report and record, in conjunction with the Hintil KUU CDC Building Replacement Project for the period commencing January 27, 2011 and concluding no later than December 31, 2013 in an amount not to exceed \$22,510.00.

**Resource Code - 2122-840**

**Funding Source: GO Bond-Measure B**

**Attachments:** [Document\(s\)](#)

**This Matter was Recommended Favorably on the Consent Agenda.**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## **Passed The Committee General Consent Report**

**A motion was made by Alice Spearman, seconded by Noel Gallo, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 2 - Noel Gallo and Alice Spearman  
Nay: 0  
Recused: 0  
Absent: 1 - Jody London  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## **F. Unfinished Business**



### **10-2538 Life Academy School Site Location and Related Issues**

Adoption by the Board of Education Resolution No. 1011-0112 - Regarding the Life Academy School Site Location and Related Issues.

**Attachments:** [10-2538 - 1011-0112 Regarding the Life Academy School Site Location and Related Issues.pdf](#)

*Mr. White said the Committee has discussed this item several times and directed staff to provide a status report of Life Academy Field Act Renovations that were proposed and in progress at 2111 International Boulevard. He said Life Academy is currently housed at Calvin Simmons Middle School. He said the District has been spending money towards the renovation of 2111 International Boulevard to do something that has historically been done only once in the State and in Northern California with a huge level of complexity. He said at this point, the District has reached a clear demarcation where the work can stop.*

*Over the last several months the District has engaged with Preston Thomas and the Life Academy Community regarding remaining at the Calvin Simmons site, not having the commitment the Board made to do the renovations at 2111 International Boulevard, and returning the school back to the site at a cost of about \$16 million or more. He said the result being, given that investment, they would be housed at a facility that would be inadequate for what their needs are.*

*Mr. White read his status report of Life Academy into the record. The District owns the facility at 2111 International Boulevard (formerly the Red Cross Building) initially renovated to accommodate the occupation for Adult Education at the time. As reductions in Adult Education funding occurred, Adult Education was relocated and Life Academy (formerly at Fremont High School) was relocated to 2111 International Boulevard. In support of the Life Academy Program, the District applied for an Office of Public School Construction Grant under Career Technical Training Grants for new a Science Classroom Building in the amount of \$2.25 million to be constructed at the site. These grants were staked at 2111 International Boulevard and could not be moved even if the program was moved. During the application process the District acknowledged the site was not compliant with school construction standards and students were relocated to Calvin Simmons Middle School. The project was commissioned to determine whether or not the building was capable of being made a conforming building by the Division of State Architect (DSA). To make that determination of design and system standards, verification reports were required. Those reports are approximately 90% or more complete at this time. The final step is to have those plans approved by DSA. He said his recommendation to the Committee given the investment the District has made, that the District goes through and complete the last step. He said even if the District never takes advantage of completing the renovations necessary to make 2111 International Boulevard a conforming building, historically to complete the process and have a set of plans and specifications that have been stamped by DSA will benefit the District. Mr. White recommended the Facilities Department be allowed to complete the last step if the cost is not prohibitive. He said the engagement with the Life Academy Community and David Montes de Oca, Quality Community School Group, is completed.*

*Mr. White said he had an email that he would like to read from Preston Thomas, Principal, Life Academy. "Great checking in with you today. I want to summarize a few things that we discussed over the phone and also add some ideas for next steps. After surveying the staff, students and parents we see tremendous advantages in remaining at Calvin Simmons and continuing to build our school here. A consistent theme that resonated for our parents and students was the dislocation itself was a tremendous hardship on the students, families and teachers. While the community remains excited to move back, there is tremendous energy around staying at our current site. Here are the conditions the school would be committed to staying at the current location at 2101 35th Avenue (Calvin Simmons).*

*1. The District commits to using the funds to develop the Science Wing as is currently designed and submitted to the DSA. This would allow for our current vision of creating a ROP Laboratory on campus, allowing us to build a CNA and MA Program access to an on campus health clinic simply increases the utility of the space.*

*2. The architect creates and builds actual divisions between United for Success and Life Academy dividing the instructional spaces to allow the schools to create their own identity. This would include fire doors between the schools that would allow for overall safety,*

*managed entry to the buildings to prevent overall disturbances to both school communities and create an actual entry for Life Academy students that is separate from United for Success.*

*3. Air conditioning on the top floor.*

*4. Use of the Federal Grant to install video surveillance to the entire building as was previously discussed.*

*5. In an effort to develop the District's vision of Full Service Community Schools, we would like to use the cost savings to create the following features:*

*To redo the blacktop; build out the Teen Parent Center; facelift and beautification to the site by providing green spaces for students to have lunch around the exterior of the school; technology in the classrooms; update current Science Labs; redesign the garbage system and entryway into the school; improved security by creating new fencing; new location for the marquee; and remodel and update the theatre”.*

*He said the order reflects his overall prioritization of the issues. He said he did send a response to Mr. Thomas about the request and told him he could not make a commitment to all the things requested, but wanted to support the transfer of dollars from 2111 International Boulevard to the Calvin Simmons Campus and go through the process to make a determination of what's best for the District in terms of building out the site to support the program.*

#### *Committee Member Comments*

*Director Spearman said she would make a motion to support Life Academy remaining on the Calvin Simmons Campus and transfer the funds to the Calvin Simmons campus. She said everything else needs to be negotiated. She said the Board can't make blanket promises to everything in their letter, but the Board would do everything it could to make sure all their requests are fulfilled. She said she would like to explore with the principal the possibility of a LVN Program versus of a CNA Program. Vice President London seconded Director Spearman's motion.*

*Mr. White said he would ask Mr. Thomas to come and address the Committee regarding his vision for the school.*

*Vice President London said when the item is brought back to the Committee she would like more information regarding:*

*1. All the costs involved in following through with the DSA approval for the 2111 International Boulevard site.*

*2. The rationale for continuing and the cost; of all the elements the school site has requested and how that compares against the allocated budget.*

*3. If the Facilities Committee is the right committee to talk about curriculum at the site.*

*Vice President London requested the information be sent to Committee members in the form of a written report.*

Chairperson Gallo said at the next Facilities Committee meeting the Committee will hear from the principal and have a Resolution ready for adoption.

**Discussed**



**10-3002**

**Amendment No. 9, Professional Services Facilities Contract - Gelfand/RNP - Cox New Classroom Building Project**

Approval by the Board of Education of Amendment No. 9, Professional Services Facilities Contract between District and Gelfand/RNP, San Francisco, CA, for the latter to provide additional Architectural and MEP Design Services, and related services, described in the Scope of Work, incorporated herein by reference as though fully set forth, to accommodate reinstalling the portable restroom that was removed during the site work phase of the project, in an additional amount not to exceed \$10,000.00, increasing the Contract not to exceed amount from \$1,336,409.00 to \$1,346,409.00, in conjunction with the Cox New Classroom Building Project, for the period commencing December 31, 2009 and concluding no later than December 31, 2011. All other terms and conditions of the Contract remain in full force and effect.

**Resource Code - 2122-110**

**Funding Source: General Obligation Bond-Measure B**

**Attachments:** [Document\(s\)](#)

*Mr. White said a restroom was not built. He said the background associated with this item is there was a restroom that was removed. He said the programming for the work at the Cox site involved several meetings in the design process with the stakeholders including the site administrators at that time for Reach Academy (Mesha DeGraw) and the charter school (Fernando Yanez). During the process it was agreed by both site administrators that the playground footprint needed to be maximized. The architect studied the overall site with respect to code requirements to restroom quantities per student. The architect determined based on the number of students and staff on the site, there would be an adequate count of restrooms without the use of the portable restroom building. He said a decision was made by both administrators to remove the restroom. The project went forward and was programmed so that the construction would remove the portable restroom. The need for the restrooms would be absorbed given the fixture count that existed and using as much of the footprint as possible for play space. He said it was decided there would not be a need for the portable restroom building because the two schools would be able to share the restrooms in the existing building and the new building adjacent to the playground area. He said the combined facilities would accommodate the facilities needs on a fixture count basis. He said as the District went forward, there was a turnover in administration at both school sites. He said based on that turnover, both schools now have new administrators and the design is done. Those administrators don't necessarily want to use the facilities as agreed upon during the design process as it currently stands and they are not amendable to sharing restroom space despite the fact there are adequate fixtures across the entire campus. He said this created an issue where if there is not a sharing of the spaces, ultimately there are a low number of facilities for one school versus the other school. If the charter school is not allowed to use the restrooms across the campus, they have a lower fixture count than necessary for their enrollment. He said the next steps for the District is to make a reaction to what the current administration wanted and how they wanted to use the school site which required the District to make an expenditure of about*

*\$10,000 for architectural services and about \$90,000-\$100,000 for additional construction services.*

*Chairperson Gallo asked Mr. White if the District was building a restroom?  
Mr. White said a restroom had not been built. He said the request was made by the Facilities Department to be given the authorization to engage an architect and that is when the issue came up.*

*Chairperson Gallo asked Mr. White was it his recommendation not to build a new restroom and use what is currently there?*

*Mr. White said that was his recommendation.*

*A vote was taken and committee members voted unanimously to table the item indefinitely.*

**A motion was made by Alice Spearman, seconded by Noel Gallo, that this matter be Tabled. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 3 - Noel Gallo, Jody London and Alice Spearman  
Nay: 0  
Recused: 0  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



### **11-0037 Facilities Committee 2011 Work Plan**

Adoption by the Facilities Committee Work Plan for Calendar Year 2011, as specified herein, and incorporated herein by reference as though fully set forth.

**Attachments:** [Document\(s\)](#)

*Chairperson Gallo said he and Mr. White have reviewed the Work Plan with staff and said he would send Committee members a copy of the Work Plan by Friday.*

**Discussed**

## **G. New Business**

### **Roll Call (Secretary's Observation)**

*Jody London present, as noticed with agenda, at 4:40 P.M. via conference call.*

**Roll Call:** Present: Noel Gallo, Jody London and Alice Spearman

### **11-0056 Report - Change Order Process**

A report by the Assistant Superintendent for Facilities Planning and Management providing and analysis of the Change Order Process for Facilities Contracts.

*Tadashi Nakadegawa made this presentation at the request of Director Spearman from the previous Facilities Committee meeting. Mr. Nakadegawa said the one page document he was distributing to Committee members covers the current process of reviewing preliminary Change Orders and the mechanical steps taken by the Facilities Department to get to Change Orders. He said on all construction projects you get to a point in the project where there is some question not adequately addressed in the plans and specifications. Generally they fall into the five major categories in item two: Unforeseen Conditions, Owner Requested Changes, Agency Requested Changes, Omissions and Errors. All preliminary Change Orders are categorized into these major categories. In all the renovation/ modernization work the District does there is a great deal of unforeseen conditions that arise as part of the construction project due to the age of District facilities and the limited ability to do destructive investigation required to discover all of these. He said a typical unforeseen condition is dry rot. For example, at Cox School one of the student restrooms in the main classroom building had two walls completely rotted out and there was no visual indication on the existing finishes to give the District any idea of the dry rot.*

*Director Spearman said Mr. Nakadegawa is talking about a building being rented by a charter school.*

*Mr. Nakadegawa acknowledged the more extensive dry rot was in the part of the school being occupied by the charter school.*

*Director Spearman wanted to know why the District is doing renovations on that building.*

*Mr. Nakadegawa said the project was partially funded by the State due to the age of the building so the District is taking advantage of State Bond Funds.*

*Director Spearman said the District does not occupy that building and wanted to know why the District is wasting money on a building it does not occupy.*

*Mr. Nakadegawa said from a capital maintenance point of view, it is still in the District's best interest to perform basic maintenance on all District facilities.*

*Director Spearman wanted to know why since the District is not occupying the building? She said there has to be a rationale. She said other schools which District students attend have just as much major work that needs to be done that is being neglected. She said the District is doing something on a building that is servicing a charter school which is not paying the District half the market rate value. Director Spearman wanted to know why the District is spending that kind of money on a building that the District does not occupy. She said the funds could have been used on another school.*

*Director Spearman wanted to know in the preliminary changes that must be properly coded, was there a place for a rationale of unforeseen conditions, especially Owner Requested changes. She said number two (Owner Requested Change) should be changed because no site administrator should have the authority to change District facility plans. She said the change needs to come from the Facilities Department or the Superintendent's*

*Office. She said that needs to be changed.*

*Chairperson Gallo said his experience has been while a school is undergoing modernization, a principal could make an additional request. He said the principal could not approve the request, only make the request.*

*Director Spearman said the request needs to be made to the Superintendent and then to the Facilities Department. She said she was going to make a motion that Owner Requested Changes must come from the Superintendent's Office through the Facilities Department. She said she wants the language to be specific.*

*Chairperson Gallo noted the Board has all approval.*

*Director Spearman said there have been Change Orders and changes in plans that have never come before the Board.*

*Chairperson Gallo asked Mr. White to respond to Director Spearman's last comment.*

*Mr. White said since he has been in the District, the Facilities Department has brought all Change Orders to the Board for approval. He said he does hear what Director Spearman is saying and it does solve some issues in terms of a runaway Scope Creep. He said the Owner Requested category is a category that can get out of control if the District does not have some locks put on it. He said enforcement could be stronger. there is language and the department has started working on creating standards brought to the committee. He said the first set of standards submitted to the committee in the form of an Educational Specification for Elementary Schools was approved. He said the department is working on specifications for other areas. He said one of the problems in the past under State Receivership and under the Small Schools Movement, there has been some specific designs in terms of customization of schools and their Scope. Principals have had a huge amount of influence on what goes on at an individual campus. He said most school districts don't allow that type of latitude and the District has in the past. He said the Education Specification for Middle and High Schools is coming forward to this committee.*

*Chairperson Gallo asked Mr. White for his recommendation on the language change.*

*Mr. White said the Facilities Department can make the changes Director Spearman requested. He said the changes are submitted for approval in a process document stating all changes are subject to Board approval.*

*Vice President London joined the discussion via a conference call. She said she wanted to clarify something Mr. White just said. She said it was her understanding that the K-12 Education Specification adopted by the Board was only for the Downtown Educational Complex and the Board will see a more formal District-wide K-5 Specification.*

*Mr. White said the Education Specification brought forward was for La Escuelita Elementary and specifically for that project. He said it is in place to use until an Education Specification for Middle and High Schools are created. He said in the meantime, the Education Specification for La Escuelita Elementary could serve as a standard for elementary schools as well.*



*Vice President London said it was her understanding the District will look at that again. She said when the Board adopted the Education Specification she had a number of concerns she would like to work out.*

*Mr. White said that was correct.*

*Director Spearman said the issue at hand is the Committee has a document that talks about the review process for Change Orders for preliminary Change Orders. One of the bullets under number two, Owner Requested Change, states the change may come from the site administration or Facilities. Director Spearman requested number two be changed to read "this change may come only from a Superintendent's referral to Facilities after Board approval". She said if a site administrator wants to make some changes in the design or add anything, they must first request the change(s) through the Superintendent to Facilities, cost it out, see if that is something that should be done, if it is a needed addition or is it fluff. She said no site administrator should have the authority to go to the project manager and ask for a change in what has been approved by the Board and she wants the language to state that.*

*Vice President London requested before the Committee votes on the changes, she have the opportunity to review the document.*

*Chairperson Gallo said the reason for the discussion today is the District continues to see a good number of Change Orders at Facilities Committee Meetings. He said it does not mean the District is not doing the right thing in terms of expenditures. The Committee is trying to clarify the process for a Change Order.*

*Tadashi Nakadegawa said before the Change Order has been categorized, an independent third party assesses the costs being presented. The costs are compared to a number of different industry standards cost guides to make sure it is being done by the prevailing wage, the material costs are in line with the current market and all services are being properly documented. Once the Cost Review is complete, it is presented to he and Mr. White for approval. After receiving approval, it is packaged into a Change Order for approval by the Board. The Change Order is the legal document which is the legal authority to pay the contractor for the additional work and it is used for the State Architect's Office in terms of the Close Out Process for their assurance the project is being built according to the State Building Code Standards. Once all documentation has been submitted to the State Architect Office, they can give the District certification of the project as being built toward their standards and the Change Orders are fully closed out at that point.*

*Chairperson Gallo highlighted Project Number 6001 - Construction at Chabot Elementary, New Classroom & Multipurpose Building, reading the various categories and the amount spent in each. The Board approved working budget \$18,900,000, original contract \$10,700,275, total Change Order Dollars \$1,269,456, revised contract \$12,469,731, percentage of Change Order to the original contract was 16.5%, unforeseen conditions - \$239,622, owner requested change - \$590,095, DSA/Agency requested change \$10,613, Design omission \$929,126, totaling \$1,769,456. Chairperson Gallo requested Mr. White and Mr. Nakadegawa cite an example in terms of the Change Order Process.*

*Mr. Nakadegawa said there are probably over one hundred Preliminary Change Orders*

*(PCOs) that make up that total. He said these are figures to date and there is one more Change Order for Chabot Elementary coming to the Board. He said the figures shown on the document are Board approved up to this point.*

*Chairperson Gallo asked Mr. Nakadegawa to define the Owner Requested Change for Chabot Elementary.*

*Mr. Nakadegawa said the last few Change Orders pertained to the change in the type of matting underneath the play structure and the addition of some artificial turf in lieu of what was originally going to be a natural turf play area.*

*Chairperson Gallo asked if the owner requesting the change was the principal at the site?*

*Mr. Nakadegawa said in this case it was something he was driving. He said for example, the artificial turf in lieu of the natural turf, the department found that small areas that were designed for Chabot are impossible for Buildings & Grounds to maintain. He said as they find this in their designs they are being replaced with artificial turf.*

*Chairperson Gallo wanted to know when we define owner, that means someone at the school site or someone within the Facilities Department.*

*Mr. Nakadegawa said "that's correct".*

*Director Spearman cited all the Cox Elementary site projects listed on the document.*

*She said the owner requested changes totaled \$138,000. On the Cox contract they worked on the new building and a building occupied by a charter school. She said some of the design changes were requested by the charter school. She said if the District does not have unlimited pockets when it comes the bond and construction funds.*

*Mr. White said in response to Director Spearman's concerns, one adjustment the department wants to make is to lock the design process in at a certain point and when it's done, it's done. Any change to the design as of a date certain should go through a process a little tougher for people to make changes even if the changes are thoughtful changes. Mr. White said he proposes adding to the language that the Division of Facilities have the authority as well to make those request in the interest of making sure the District does what's best for the real estate inventory. Outside of that, he said requests should go through the process suggested by Director Spearman.*

*Chairperson Gallo said he agrees with the public and/or school site having input on the design. He asked Mr. White to be very clear to define the process and the checks and balances with the ultimate approval being the Board of Education. He said Director Spearman's second question pertained to charter schools. He asked Mr. White what were the legal requirements?*

*Mr. White said as most land owners, the District has maintained its property. He said in this case, the District did have State matching funds and those funds could only be used on that particular property. He said the District has maintained its properties and if a charter school is on the property, the District maintained and improved its properties based on the eligibility with the State at that time.*

*Cate Boskoff responded to Chairperson Gallo's question regarding the District's legal requirement in terms of charter schools. She said the first inquiry would be if the site was a Prop 39 site, Year to Year Lease, or an extended lease. She said typically the landlord (the District) is in charge of all components of the building. If these are changes that are not in that category, then perhaps they would have not been something that had to be approved to keep the property legally compliant.*

*Chairperson Gallo wanted to know if what the District is doing at Cox Elementary is within the District's legal parameters in terms of the improvements.*

*Ms. Boskoff said "Yes".*

*Vice President London said she had a couple of observations. She said the Committee has talked about having a better Facilities Master Planning Process and she believes the current Facilities Master Plan is inadequate and not sufficiently specific. She said if the District did the planning better, more thoroughly and did a better job with community input, the Board would avoid this going forward. Vice President London requested a report from staff on all of the Change Orders and which of the five categories they fall into. She said that would help her as the Board thinks about how they want to modify the Change Order policy going forward.*

*Chairperson Gallo said the Committee will revisit this item taking some of the recommendations from Director Spearman and Vice President London to be able to make any changes necessary to the policy.*

*Director Spearman said for right now, she suggests that number two be an abeyance until the committee comes up with a different policy.*

*Chairperson Gallo directed Mr. White and Ms. Boskoff to craft some language bringing it back to the committee for adoption and forwarding it to the Full Board for adoption.*

*Ms. Boskoff said Owner Requested Changes are sometimes the result of plans that aren't sufficiently Scoped so a decision has to be made and that may fall into that bucket. She said perhaps more attention should be paid to the Scoping, making sure the District is getting the design it needs so the District doesn't have to make considerations for later on.*

#### **Discussed and Closed**

### **11-0061 Report - Facilities Department Staffing for FY 2011/2012**

*A report by the Assistant Superintendent for Facilities Planning and Management regarding the cost to maintain the current staffing levels in the Facilities Department for FY 2011-12.*

*Mr. White requested the item be brought back at the next committee meeting.*

#### *Committee Member Comments*

*Director Spearman suggested Mr. White prepare two budgets, one in case the District's budget remains flat and has the same amount of funding for this fiscal year and one with a ten percent decrease. She said if the taxes are not extended in June, the District will have a different scenario.*

*Mr. White said what he wanted to do, regardless of the District's budget, was to tell the Committee what the department needs giving a baseline level needed to maintain a certain level of cleanliness. He said they may be levels that can't be reached, but it would be a decent exercise to present to the committee.*

*Chairperson Gallo requested Mr. White prepare a written report telling the Committee what the staffing levels are today, what are the cost of living increases, and what would guarantee a quality service across the District in terms of staffing and the funding source.*

*Mr. White said as we do start talking about additional bond measures, the District installs hundreds of millions of dollars worth of improvements and perhaps bond funds can contain language whereby it can be used to help maintain an inventory that has been improved. He said currently the District uses two separate pots of money, one for the improvement of the property and one for the maintenance of the property. If approved by the voters and if there is some flexibility in the language to allow for accommodation of extended warranties or other ways to maintain an inventory, it would be a great opportunity for the District to maintain a high level functionality of District facilities.*

**Tabled to a Date Certain**

## **H. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee**

*There were no Public Speaker Cards submitted.*

## **I. Superintendent of Schools or Designee's Committee Liaison Report**

*None.*

## **J. Introduction of New Legislative Matter**

*None.*

## **K. Adjournment**

*Chairperson Gallo adjourned the meeting at 5:36 P.M.*

Prepared By: \_\_\_\_\_

Approved By: \_\_\_\_\_