TO: Members of the Board of Trustees
FROM: Dr. Francisco Rodriguez, Chancellor
DATE: September 30, 2015

SUBJECT: BOARD LETTER FOR OCTOBER 7, 2015 MEETING

Board Meeting Location
Next week’s Board meeting will be held at the Los Angeles Trade-Technical College. Upon convening in Aspen Hall – Room 101 to allow for speakers prior to Closed Session, the Board will recess to Aspen Hall – Room 120.

<table>
<thead>
<tr>
<th>Meetings</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convene for Closed Session</td>
<td>4:00 p.m.</td>
<td>Aspen Hall – Room 120</td>
</tr>
<tr>
<td>Convene for Public Session</td>
<td>6:00 p.m.</td>
<td>Aspen Hall – Room 101</td>
</tr>
<tr>
<td>Convene for Second Closed Session (if necessary)</td>
<td>Immediately Following Public Session</td>
<td>Aspen Hall – Room 120</td>
</tr>
</tbody>
</table>

Parking
A campus map has been included for your convenience. Please refer to the college campus map for the designated parking area on 23rd Street Parking Lot.

Please be aware that following discussion of all business and recommendations, there will be a meeting of the Committee of the Whole. One presentation will be made:

- Presentation on the 2015 Student Success Scorecard (See Attachment A)

Included in this letter is explanatory information related to agenda item:

- BSD1. M. Service Agreements, Contract #4500201307 – LA H3C (Page 10 of 23) (See Attachment A-1)
- BSD1. M. Service Agreements, Contract #4500217634 – DHR (page 9 of 23) (See Attachment A-2)
- BSD2. II. Ratify an agreement with Mr. Bones Pumpkin Patch regarding the cost of leased space in the Culver City area. (See Attachment A-3)
- FPD1. VIII. C. Authorize Amendments to Design-Build Agreements – Solar Panels at LASC. (Page 18 of 26) (See Attachment A-4)
• FPD2. Master Agreement with the Foundation for California Community Colleges. *(See Attachment A-5)*
• FPD3. Energy Infrastructure Improvements - Los Angeles Valley College; Award of Design-Build Contract. *(See Attachment A-6)*

**Confidential Matters**
The attached correspondence is confidential and should not be shared with other persons.

- **Office of General Counsel**
  - Enclosed for your review is the District-related litigation report. *(Refer to Attachment B)*
  - Enclosed for your review is updated status report on case no. BC499028. *(Refer to Attachment C)*
  - Enclosed for your review is an update on discussions regarding an existing contract. *(Refer to Attachment D)*
  - Enclosed for your review is an update regarding an on-going investigation. *(Refer to Attachment E)*
  - Enclosed for your review is a report regarding the case of Jane Doe. *(Refer to Attachment F)*
  - Enclosed for your review is an update pertaining to complaints of discrimination/harassment. *(Refer to Attachment G)*

- **Office of Human Resources**
  - Enclosed for your information is a response to a Board member inquiry regarding a summary or Districtwide arbitrations. *(Refer to Attachment H)*

**Other Matters**

- **Office of the Deputy Chancellor**
  - Enclosed for your information is a response to a Board member inquiry regarding providing catering services from the Culinary Arts Departments for various Districtwide events. *(Refer to Attachment I)*
  - Enclosed for your information is a table on external committees/organizations for Board member participation. *(Refer to Attachment J)*

- **Office of Facilities Planning and Development** – Enclosed for your review is information regarding Capital Outlay Projects. *(Refer to Attachment K)*

Let me know should you have any questions regarding the meeting.
Board Meeting Information

Date: October 7, 2015
Building Address: Aspen Hall
2215 S. Grand Ave.,
Los Angeles, CA 90007

Meetings in Aspen Hall Building
2015 Student Success Scorecard

The Student Success Scorecard is the statewide accountability system for the California Community Colleges. There are eight measures in the Scorecard, which assess outcomes central to the mission of community colleges:

- **Completion Rate**: New students who earned a degree, certificate, or transfer within six years
- **At Least 30 Units Completion Rate**: New students who earned 30 or more units within six years
- **Persistence Rate**: New students who enrolled for at least three consecutive semesters
- **Remedial Progress Rate (in English, ESL, and Math)**: Students whose first course was below college level and who subsequently completed a college level course within six years
- **Career and Technical Education Completion Rate**: Occupational students who completed a certificate, degree, or transfer within six years
- **Career Development and College Preparation Completion Rate**: Students who enrolled in non-credit courses providing workforce preparation or basic skills (including ESL) necessary for job-specific technical training who earned a noncredit certificate, credit certificate, degree, or transfer within six years.

Scorecard measures are based on student cohorts that are tracked for six years, so the most recent Scorecard outcomes reflect the experiences of students that began their enrollment in the 2008-09 academic year.

The Scorecard provides a breakdown of outcomes based on the student’s preparation for college-level work. Prepared students are those whose first math or English course is at college level, whereas unprepared students are those whose first math or English course is below college level.

The 2015 Scorecard reported that LACCD colleges were, on average, below the statewide average for all measures. Moreover, LACCD colleges, on average, showed an increase over the prior year in only one of eight Scorecard measures—the Persistence Rate.

The Scorecard highlights areas of improvement and gaps in performance in comparison to other colleges. Improvements focused on unprepared students are a key aspect of the LACCD’s ability to improve its overall Scorecard outcomes. Finally, it should also be noted that the 2015 Scorecard measured the progress of approximately 15,000 LACCD students, or only about 7% of the total students served in any given year.
2015 STUDENT SUCCESS SCORECARD

RESULTS FOR THE LOS ANGELES COMMUNITY COLLEGES

Educational Programs and Institutional Effectiveness
October 7, 2015
The Student Success Scorecard is the statewide accountability system (eight measures)

Board interaction with report is required

The 2015 Scorecard reports on students who started in 2008-2009 (six years ago)

Nearly 15,000 LACCD students were reported in the 2015 Scorecard
Scorecard Measures Defined

• **Completion Rate**: New students who earned a degree, certificate, or transfer within six years

• **At Least 30 Units Completion Rate**: New students who earned 30 or more units within six years

• **Persistence Rate**: New students who enrolled for at least three consecutive semesters

• **Remedial Progress Rate (in English, ESL, and Math)**: Students whose first course was below college level and who subsequently completed a college level course within six years

• **Career and Technical Education Completion (CTE) Rate**: Occupational students who completed a certificate, degree, or transfer within six years

• **Career Development and College Preparation Completion (CDCP) Rate**: Students who enrolled in non-credit courses providing workforce preparation or basic skills (including ESL) necessary for job-specific technical training who earned a noncredit certificate, credit certificate, degree, or transfer within six years.
Student Preparation Measures

First Math or English course is…

- At college level: Prepared
- Below college level: Unprepared
College Comparisons

• Statewide: All 112 colleges

• Surrounding Districts: 11 colleges, as identified by LACCD Research
  Canyons, Cerritos, El Camino Compton Center, El Camino, Glendale, Long Beach, Moorpark, Mt. San Antonio, Pasadena, Rio Hondo, and Santa Monica

• Comparable Multi-College Urban Districts: 11 colleges, as identified by LACCD Research
  Los Rios: American, Cosumnes, Folsom, and Sacramento
  Peralta: Alameda, Berkeley, Laney, and Merrit
  San Diego: City, Mesa, and Miramar
Percentage of Unprepared Students: LACCD and Statewide

<table>
<thead>
<tr>
<th>Year</th>
<th>LACCD</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-2005</td>
<td>86%</td>
<td>73%</td>
</tr>
<tr>
<td>2005-2006</td>
<td>85%</td>
<td>74%</td>
</tr>
<tr>
<td>2006-2007</td>
<td>84%</td>
<td>73%</td>
</tr>
<tr>
<td>2007-2008</td>
<td>86%</td>
<td>74%</td>
</tr>
<tr>
<td>2008-2009</td>
<td>86%</td>
<td>75%</td>
</tr>
</tbody>
</table>
Percentage of Unprepared Students: LACCD, Statewide, and Other Districts

- **2006-2007**
  - LACCD: 84%
  - Statewide: 73%
  - Surrounding Districts: 71%
  - Multi-College Urban: 72%

- **2007-2008**
  - LACCD: 86%
  - Statewide: 74%
  - Surrounding Districts: 73%
  - Multi-College Urban: 73%

- **2008-2009**
  - LACCD: 86%
  - Statewide: 75%
  - Surrounding Districts: 74%
  - Multi-College Urban: 74%
Completion Rate for Unprepared Students

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>LACCD Average</td>
<td>36%</td>
<td>37%</td>
<td>37%</td>
<td>36%</td>
<td>34%</td>
</tr>
<tr>
<td>Surrounding Districts</td>
<td>39%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>39%</td>
</tr>
<tr>
<td>Multi-College Urban</td>
<td>45%</td>
<td>46%</td>
<td>46%</td>
<td>45%</td>
<td>41%</td>
</tr>
<tr>
<td>Statewide</td>
<td>40%</td>
<td>41%</td>
<td>41%</td>
<td>41%</td>
<td>39%</td>
</tr>
</tbody>
</table>
## LACCD Completion Rates for Ethnic Groups

<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>30.9%</td>
<td>34.8%</td>
<td>33.6%</td>
<td>33.2%</td>
<td>31.6%</td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>34.5%</td>
<td>33.3%</td>
<td>37.0%</td>
<td>41.8%</td>
<td>24.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>61.6%</td>
<td>63.1%</td>
<td>63.6%</td>
<td>59.3%</td>
<td>51.6%</td>
</tr>
<tr>
<td>Filipino</td>
<td>44.5%</td>
<td>42.7%</td>
<td>47.4%</td>
<td>43.9%</td>
<td>42.6%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>34.2%</td>
<td>34.0%</td>
<td>35.6%</td>
<td>35.4%</td>
<td>33.1%</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>30.4%</td>
<td>42.4%</td>
<td>30.6%</td>
<td>36.6%</td>
<td>33.7%</td>
</tr>
<tr>
<td>White</td>
<td>52.4%</td>
<td>52.2%</td>
<td>53.3%</td>
<td>51.8%</td>
<td>46.9%</td>
</tr>
</tbody>
</table>
What Does the 2015 Scorecard Tell Us?

• Where is the student cohort of 2008-2009 today?

• Where did we make progress?

• Where did we fall short?
## 2015 Outcomes: LACCD and Statewide

<table>
<thead>
<tr>
<th>Category</th>
<th>LACCD</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion</td>
<td>39%</td>
<td>47%</td>
</tr>
<tr>
<td>30 Units</td>
<td>63%</td>
<td>67%</td>
</tr>
<tr>
<td>Persistence</td>
<td>66%</td>
<td>72%</td>
</tr>
<tr>
<td>Remedial: English</td>
<td>36%</td>
<td>43%</td>
</tr>
<tr>
<td>Remedial: ESL</td>
<td>21%</td>
<td>28%</td>
</tr>
<tr>
<td>Remedial: Math</td>
<td>25%</td>
<td>31%</td>
</tr>
<tr>
<td>CTE</td>
<td>47%</td>
<td>50%</td>
</tr>
<tr>
<td>CDCP</td>
<td>7%</td>
<td>8%</td>
</tr>
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</table>
## Summary Progress: LACCD and Other Districts
### 2007-08 to 2008-09

<table>
<thead>
<tr>
<th>Measure</th>
<th>LACCD</th>
<th>Surrounding Districts</th>
<th>Multi-College Urban</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion</td>
<td>▼</td>
<td>▼</td>
<td>▼</td>
<td>▼</td>
</tr>
<tr>
<td>30 Units</td>
<td>▼</td>
<td>▲</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Persistence</td>
<td>▲</td>
<td>▲</td>
<td>▲</td>
<td>▲</td>
</tr>
<tr>
<td>Remedial: English</td>
<td>▼</td>
<td>▼</td>
<td>□</td>
<td>▼</td>
</tr>
<tr>
<td>Remedial: ESL</td>
<td>▼</td>
<td>▲</td>
<td>▲</td>
<td>▲</td>
</tr>
<tr>
<td>Remedial: Math</td>
<td>▼</td>
<td>□</td>
<td>▼</td>
<td>□</td>
</tr>
<tr>
<td>CTE</td>
<td>□</td>
<td>▼</td>
<td>▼</td>
<td>□</td>
</tr>
<tr>
<td>CDCP</td>
<td>□</td>
<td>n/a</td>
<td>n/a</td>
<td>▼</td>
</tr>
</tbody>
</table>

Change on each measure, based on previous year’s data (2007-08 to 2008-09)

▲ = improvement  □ = no change  ▼ = decline
## Summary Progress: By College 2007-08 to 2008-09

<table>
<thead>
<tr>
<th>Measure</th>
<th>D</th>
<th>C</th>
<th>E</th>
<th>H</th>
<th>M</th>
<th>P</th>
<th>S</th>
<th>T</th>
<th>V</th>
<th>W</th>
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</thead>
<tbody>
<tr>
<td>Completion</td>
<td>▼</td>
<td>▼</td>
<td>▼</td>
<td>▼</td>
<td>△</td>
<td>▼</td>
<td>□</td>
<td>▼</td>
<td>▼</td>
<td>▲</td>
</tr>
<tr>
<td>30 Units</td>
<td>▼</td>
<td>▼</td>
<td>□</td>
<td>△</td>
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<td>△</td>
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</tr>
<tr>
<td>Persistence</td>
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<td>□</td>
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<td>▲</td>
</tr>
<tr>
<td>Remedial: English</td>
<td>▼</td>
<td>▼</td>
<td>▼</td>
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<tr>
<td>Remedial: ESL</td>
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<td>□</td>
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<tr>
<td>CTE</td>
<td>□</td>
<td>▼</td>
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<td>▼</td>
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<td>▲</td>
</tr>
<tr>
<td>CDCP</td>
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<td>▲</td>
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<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>▲</td>
<td>▼</td>
<td>▲</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Change on each measure, based on previous year’s data (2007-08 to 2008-09)

▲ = improvement  □ = no change  ▼ = decline
## Summary Progress: Districtwide
### 2007-08 to 2008-09

<table>
<thead>
<tr>
<th>Measure</th>
<th>Improvement</th>
<th>No Change</th>
<th>Decline</th>
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<tbody>
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<td>1</td>
<td>6</td>
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<tr>
<td>30 Units</td>
<td>3</td>
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<tr>
<td>Persistence</td>
<td>6</td>
<td>1</td>
<td>2</td>
</tr>
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<td>Remedial: English</td>
<td>1</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Remedial: ESL</td>
<td>2</td>
<td>1</td>
<td>6</td>
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<td>Remedial: Math</td>
<td>2</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>CTE</td>
<td>3</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>CDCP</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Number of LACCD colleges that changed on each measure, based on previous year’s data (2007-08 to 2008-09)
What Are We Doing Today?

- Expanding services (assessment, orientation, counseling) through SB 1456
- Reducing achievement gaps through Student Equity Plans
- Increasing remedial section offerings to align with our unprepared student population
- Better preparing students for basic skills assessment
- Improving the articulation of pathways through remedial courses
- Expanding accelerated learning strategies where appropriate

* Remember, Scorecard data runs six years behind! *
Looking Forward

• **Setting institutional goals and standards to improve accountability**

  • *Scorecard measures are part of the Framework of Indicators established by the state’s Institutional Effectiveness initiative*

  • **Goals will be set for all indicators in 2015-16**

  • *Institution set standards required by accreditation*
During the agenda review meeting for October 7th Board Meeting, Mr. Svonkin requested more detailed information on an agreement between the LA Chamber of Commerce and LATTC. Under this agreement, LATTC will pay the LA Chamber of Commerce $150,000. Mr. Svonkin requested specific information on the LA Chamber of Commerce's involvement in the LA H3C project to justify the dollar amount of the agreement.
As a funded partner, the Los Angeles Area Chamber of Commerce has been tasked to complete/participate in the following activities:

- Convene and facilitate monthly Health Sector Collaborative meetings
- Participate in monthly LAH3C Directors meetings
- Support with the coordination of annual Health Institute
- Coordinate and implement Work Readiness Certificate program for all LAH3C participants
  - Developed rubric to assess students
  - Administer and grade customer service and math quiz
  - Coordinate with employers and students to ensure all program completers participate in mock interviews
  - Submit data to LAH3C administration
  - Follow up with individual students that do not earn certificates and support with remediation
- Employer engagement and LAH3C campaigns
  - Host employer forums to educate and inform employers
  - Coordinate and facilitate employer focus groups to increase awareness and buy-in for the core curriculum, digital badges, and e-portfolios
  - Coordinate branding of LAH3C with partners by disseminating monthly information, newsletters, and other outreach/marketing material
  - Coordinate and facilitate conference calls to discuss LAH3C progress and identify areas of support
- Coordinate job/resource fairs to maximize employer participation and student engagement
- Support individual colleges with employer partners, job leads, and job placements
- Support with competency mapping of LACCD health science programs of study
Item No. 2015-17

Subject: October 7, 2015 Board of Trustees Agenda, BSD1, Item M, #4500217634 (page 9 or 23)

On September 2nd, the Board approved a contract with DHR International, Inc. to provide recruitment search assistance to the Office of the Personnel Commission for the position of Vice Chancellor for Finance and Resource Development. The contract was approved for $57,000 for professional services fee and $10,000 for travel and incidentals.

An amendment to this contract is being put forth to cover the administrative support cost estimated at 12% of the total contract or $8,640. This additional cost will bring the total cost of the contract to $75,640.

In reviewing the language which has been included on the agenda, it appears that the Board is being asked to approve a contract for $75,640; this is not the case. The additional cost of the amendment is $8,640 and this is what is before the Board for approval.

Submitted By: Adriana D. Barrera, Deputy Chancellor Date: 10/7/2015
RESPONSE TO BOARD MEMBER INQUIRY

Received From: Board Member Scott Svonkin

Item No. 2015-9

Subject: BSD2, II Ratify an Agreement with Mr. Bones Pumpkin Patch in the Culver City Area (page 3 of 3)

During the agenda review meeting for October 7th Board meeting, Mr. Svonkin asked for the basis used to determine the cost of the leased space.

Submitted By: Iris Ingram, Vice President of Administrative Services, WLAC

Date: 10/7/2015
West Los Angeles College

Basis for the Cost of the Leased Space

When staff checked for comparable rates (on line) in the local area last June, they could not find any comparables for short term land leases in Culver City. So, staff used a lease rate of $1 per square foot per year. This rate represents a modest discount to the nominal rate of $1.20 per sq. ft. per year charged for Lot 7 which has been improved with a security fence and lighting. Mr. Bones will have to do the same, but at the firm’s expense.

Parking is based on $5 per space per day part. “Day part” separates the day and evening parking because day parking spaces behind the trailer are permitted to QTech at $5 per day; this is the comparable used. Additionally, staff estimated $2 per space per day for overflow parking at the Throwing Center. Based on this estimate, staff arrived at a total of $18,699.27 for leasing 1.4 acres and providing parking on a limited/permit basis to the Mr. Bones Pumpkin Patch for one month and 19 days.

See the chart below:

<table>
<thead>
<tr>
<th>Mr. Bones Cost Recap</th>
<th>Rate</th>
<th>EA</th>
<th>HR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tradesman</td>
<td>58.00</td>
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<td>12</td>
<td>696.00</td>
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<tr>
<td>Custodians</td>
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<td>16</td>
<td>640.00</td>
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<td>sub-total OT chargebacks 1,336.00</td>
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<tr>
<td>Base Rent (Month)</td>
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<td>5,080.00</td>
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<td>Base Rent (Daily)</td>
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<td></td>
<td>3,217.27</td>
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<tr>
<td>Water ($4.04 per CCF)</td>
<td>4.04</td>
<td>50</td>
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<td>202.00</td>
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<tr>
<td>Parking sub-total</td>
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<td>10,402.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>sub-total fair rental &amp; costs 18,901.27</td>
</tr>
</tbody>
</table>

**20,237.27 TOTAL**
During the agenda review meeting for October 7th Board meeting, Mr. Svonkin requested more detailed information regarding solar panels at LASC.

Between the time the original panels were proposed and construction took place, more efficient panels became available that generated all the necessary power that Southern California Edison (SCE) had given LASC approval for. Therefore, solar panels on Lot 8 parking structure were not placed on all of the standards that had previously been installed.

LASC also repurposed a parking lot that had been planned for solar panels. However, no panels were ever installed. Some standards that had been designed to support solar panels were removed. These standards are available for installation of new solar panels when or if SCE gives LASC approval to generate more kilowatts.
During the agenda review meeting for October 7th Board Meeting, Mr. Svonkin asked for the names of the firms which submitted bids to the Foundation for California Community Colleges.
These are the firms which responded to the Office Products Request for Proposals (RFP) #15-003:

- Complete Office of California, Inc.
- Independent Stationers, Inc.
- Office Depot, Inc.
- Staples Contract & Commercial, Inc. (operating as Staples Advantage)

The firms below were eligible to submit a proposal, through their participation in the mandatory pre-submittal meeting, but did not respond to the RFP:

- Daisy IT Supplies, Sales, & Service
- Office Solutions
- Ricoh USA
- Riverside Office Supply (dba Reliable Workplace Solutions)
- Sourceone Office Products
- Unisource Worldwide
Item No.  2015-16

Subject:  FPD3, Energy Infrastructure Improvements - Los Angeles Valley College; Award of Design-Build Contract

Additional information is provided regarding FPD3 on the October 7, Board meeting agenda. Attached is a memo from Mr. John Dacey, Lead Construction Counsel.

Submitted By:  John Dacey, Lead Construction Counsel  Date:  10/7/2015
To: Board of Trustees
   Francisco C. Rodriguez, Chancellor

From: John P. Dacey, Lead Construction Counsel

cc: James D. O'Reilly, Chief Facilities Executive

Date: September 22, 2015

Re: Energy Infrastructure Improvements - Los Angeles Valley College; Award of Design-Build Contract – October 7, 2015, Com. No. FPD3

I. ACTION ITEM ON OCTOBER 7, 2015 BOARD DATE REGARDING ENERGY INFRASTRUCTURE IMPROVEMENTS

There is an item on the October 7, 2015 Board Agenda regarding the Energy Infrastructure Improvements project at Los Angeles Valley College (“Project”).

The item asks the Board to adopt a resolution for the Project that:

1. Ratifies implementation of the Design-Build system of project delivery;
2. Ratifies the Request for Qualifications and Proposals process (Procurement NumberCS-011-15-T) conducted by Staff;
3. Authorizes the award of the Design-Build Agreement to a single Design-Build Entity (“DBE”);
4. Authorizes District Staff, specifically the Chancellor and/or the Chief Facilities Executive, to enter into a Design-Build Agreement for the Project; and
5. If the aggregate cost for the Project does exceed the not to exceed amount authorized by the Board, then Staff shall bring the item, and/or the affected part thereof, back to the Board for review, consideration, and/or further action.

II. PURPOSE OF THIS MEMORANDUM

The main purpose of this Memorandum is to set forth Staff’s and the PMO’s findings regarding why the Design-Build delivery method, as authorized by Education Code sections 81700, et. seq., should be used for the Project.
III. APPLICABLE LAW FOR DESIGN-BUILD CONTRACTS

Education Code sections 81700 et seq. specifically authorize community college districts to utilize the Design-Build delivery method as a safe and cost efficient alternative to competitive bidding because the Legislature has determined that it can produce accelerated completion of projects, provide for cost containment, reduce construction complexity, and reduce exposure to risk for community college districts. The Legislature has also determined that the cost-effective benefits to community college districts are achieved by shifting the liability and risk for cost containment and project completion to the design-build entity.

The foregoing Code sections also require that governing boards of a community college districts shall make written findings that use of the design-build process will accomplish one of the following objectives: (1) reduce comparable project costs; (2) expedite the project’s completion, or (3) provide features not achievable through the traditional design-bid-build method.

IV. STAFF’S, PMO’S AND LCC’S FINDINGS OF FACT

District Staff, the PMO, and Lead Construction Counsel (“LCC”) have reviewed these statutory objectives and concluded that the design-build delivery method should be used for the Project because: (1) it will reduce comparable project costs; (2) it will expedite the project’s completion; and/or (3) it provides features not achievable through the traditional design-bid-build method, including cost containment and shifting the risk of loss for design deficiencies to the Design-Build Entity, the following reasons:

1. “Reduced Comparable project costs”

The Legislature has recognized that “the cost-effective benefits” to a community college district under the Design-Build delivery method are achieved by shifting the liability and risk for cost containment and project completion to the design-build entity”.

Using the Design-Build delivery method on the Project will achieve this goal/factor, that cannot be achieved using the design-bid-build (hard/low bid) method because: (1) responsibility for errors, omissions, and other deficiencies in the design and construction documents obtained by the District under the design-bid-build (hard/low bid) method from an architect hired by the District are, vis a vis the contractor, the responsibility of the District. Under design-bid-build, a district hires an architect to design a project. The errors, omissions, and other deficiencies in the design and construction documents are usually a predominant cause of additional project costs over and above the original contract award amount because under design-bid-build the contractor has no responsibility for such errors, omissions and/or deficiencies. These errors, omissions and deficiencies translate to increased costs to the District during construction in the following ways: (1) delay damages; (2) extra work/change order claims by the contractor; and (3) in-fighting between the public entity owner and the architect/engineering team hired by the public entity owner. All of the foregoing also translate into additional time, claims, construction manager
time, attorney fees, expert fees, and other significant costs.

Conversely, under the Design-Build delivery method, the contractor, known as the Design Build Entity, must “design and construct” the project. As such, those responsibilities and resultant costs just mentioned as being the District’s responsibility all shift to the Design-Build Entity and have to be borne by the Design-Build Entity. This greatly reduces costs compared to a project procured under the design-bid-build delivery method and achieves the risk shifting benefits contemplated by the statutes. Also, given that the Project can be built three months sooner than using the design-bid-build delivery method, the District should also realize a cost savings by having to pay three months less worth of General Conditions Costs to the DBE than it would otherwise have to pay to a contractor under the design-bid-build delivery method. As such, the use of Design-Build for the Project will achieve these cost savings and risk shifting benefits. For these reasons alone, the Design-Build delivery method should be used for the Project.

2. “Expediting the project’s completion”

Using the Design-Build delivery method will save time and expedite the Project’s completion when compared to the time it will take to design and build the Project using the design-bid-build delivery method (also referred to as hard/low bid contracting).

Based on Staff’s, the PMO’s, and LCC’s experience, if the Project were to be developed and constructed using the design-bid-build delivery method, it would be necessary to use three steps that would take at least 30 months to complete, and most likely several more months. These three steps include: (1) hire Architect and Engineer to design the project and prepare 100% Construction Documents and obtain Division of the State Architect ("DSA") approval thereon; (2) then pre-qualify contractors to ensure all participants are well-qualified to construct the project; and (3) then advertise for and award a construction contract under the design-bid-build delivery method and have construction start and complete. Each of the three steps would also require Board action adding more time to the overall procurement before construction could begin.

Conversely, using the Design-Build project delivery method provides integration of these procedural steps into one overall procurement step, including ensuring only well qualified contractors will design and build the project. Based on the PMO’s evaluation, using the Design-Build delivery method, the anticipated total amount of time to design and complete construction of the Project will be reduced to 27 months. Staff and LCC concur.

Therefore, the proposed use of Design-Build is anticipated to meet the requirement of “expediting the project’s completion” because it will take 3 months less to achieve completion of the Project using the Design-Build method versus using the design-bid-build project delivery method. For this reason alone, the Design-Build delivery method should be used for the Project.
3. “Provide features not achievable through the traditional design-bid-build method”

The applicable law expressly recognizes by the language in and the purpose behind the statutes that using the Design-Build delivery method will simplify construction and reduce its complexity when compared to using the low/hard bid delivery method. These are features that are not achievable through the design-bid-build delivery method.

Generally speaking, most “construction complexity” on public works projects comes from incomplete, conflicting, uncoordinated, and/or construction documents that contain errors, omissions, ambiguities, conflicts and other deficiencies. This then creates polarizing positions between the public entity owner and architect, on the one hand, and the contractor and the public entity owner, on the other hand. As these situations are encountered, arguments ensue as to whether the construction documents are or are not incomplete, conflicting, uncoordinated, and/or contain errors, omissions, deficiencies, etc. (all of which poses liability on the public entity) and/or whether or not the contractor knew or should have known (which may shift liability away from the public entity owner and onto the contractor). Such polarizing positions are greatly heightened in projects where a contractor’s expertise could be of great assistance in the design, but which is prohibited by law if the design-bid-build (hard/low bid) method of procurement is used. This increases risk to the public entity on such projects where the design-bid-build (hard/low bid) method of procurement is used.

Conversely, in the experience of District Staff, the PMO and the LCC, where a contractor’s expertise can be used to design and construct such projects as part of a design-build team, construction complexity is significantly reduced as the entity that must build the project also designs it pursuant to performance/project criteria established by the public entity owner. This is what is being done on the Project at Los Angeles Valley College. The Design-Build Entity has to design and build the Project. It is in its own best interests to ensure that there are no incomplete, conflicting, uncoordinated, errors, omissions, deficiencies, etc. in the design and construction documents. If there are any found during construction, the Design-Build Entity has to bear the risk of loss and cost to overcome same from a cost and time standpoint. These are all features that are not achievable under the design-bid-build delivery method. For this reason alone, the Design-Build delivery method should be used for the Project.

V. CONCLUSIONS

As mentioned above, the Design-Build statutes require that the governing board of a community college district make written findings that use of the design-build process will accomplish one of the following objectives: (1) reduce comparable project costs; (2) expedite the project’s completion, or (3) provide features not achievable through the traditional design-bid-build method.

The foregoing findings by District Staff, the PMO and LCC demonstrate that not only one, but all three of the requirements to use the Design-Build delivery method are present for the Project and warrant use of the Design-Build method for the Project.
RESPONSE TO BOARD MEMBER INQUIRY

Received From: Board Member Nancy Pearlman
Item No. 2015-12
Subject: Culinary Arts Department Services Districtwide

This is a response to a request made by Board Member Pearlman during the August 5th Board meeting. Ms. Pearlman requested that the three Culinary Arts Departments in the District be asked if they are able to provide catering services before any outside caterers are asked. This request has been conveyed to college presidents.

Each Culinary Arts Department has its own local community which it serves routinely. As Dr. Otto Lee, president of Harbor College wrote, the department already caters a number of events for local groups. All three Culinary Arts departments also provide catering services internally for a number of clubs, committees and departments. Expansion of the catering function beyond current practice may compromise the needed time for instruction and learning.

Of course, given enough time to plan accordingly all three departments will continue to be available to cater special functions of a district wide nature.

Submitted By: Adriana D. Barrera, Deputy Chancellor Date: 10/7/2015
A response to a request made by Board Members during the August 19th Board Retreat meeting has been prepared. Board Members requested that information regarding committees and/or organizations for community colleges that may benefit the District be provided.

Submitted By: Lucia F. Robles, Dean, Educational Programs

Date: 10/7/2015
<table>
<thead>
<tr>
<th>Name of Committee and/or Organization and Description</th>
<th>Purpose</th>
<th>Number of Members and Election Cycle</th>
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</table>
| California Community Colleges Trustees (CCCT) | The CCCT's primary purposes are: 
  a) To promote and advance public education by seeking citizen and legislative support for community colleges; 
  b) Provide education, information and assistance to member boards; and 
  c) Cooperate with persons and organizations whose interests and purposes are the betterment of community college educational opportunities for California residents. | The CCCT has a 21-member board of directors elected by the 72 local governing boards. They meet approximately six times a year. |
| # | # | # |
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| # | # | # |

**Election of CCCT Board of the League**

1. **Nomination Process**
   a) Any League institutional member governing board may nominate only a member or members, of its board for a vacancy on the CCCT Board of the League.
   b) A nominee for the CCCT Board must be a trustee other than a student trustee of a member board.
   c) There shall be only one (1) CCCT Board member from a member board. In the event there is more than one person from the same member board receiving sufficient votes to serve as a CCCT Board member in an election, only the one receiving the highest number of votes shall serve.
   d) If a community college district board nominates a member, or members, of its board and is not a member board of the League at the time of nominations, written notice that the board, by official action, has decided to join the League for that year will satisfy the membership requirement contained in this section. This notice must be received by the League by the close of nominations February 15.
   e) Nomination ballots shall be mailed to member districts prior to January 1 and nominations must be received by the League office, or postmarked on or between January 1 and February 15. Each nominating board must certify in writing that the nominee has consented to be nominated at the time of nomination.

**Website of Committee/Organization**

http://www.ccleague.org/4a/pages/index.cfm?pageid=3335
<table>
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<tr>
<td><strong>Advisory Committee on Legislation (ACL)</strong></td>
<td>The ACL reviews legislation and related issues requiring legislative resolution, develops appropriate legislative solutions and recommends appropriate League advocacy priorities.</td>
<td>*** Although there are no vacancies at this time, they continuously accept applications. Interested parties should complete the online application and submit it by September 30, 2015. Website of Committee/Organization <a href="http://www.ccleague.org/i4a/pages/index.cfm?pageid=3331">http://www.ccleague.org/i4a/pages/index.cfm?pageid=3331</a></td>
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<tr>
<td><strong>Board of Governors (BOG)</strong></td>
<td>The BOG has the legislative authority to develop and implement policy for the colleges. The Chancellor of the California Community Colleges, through a formal process known as “consultation” brings recommendations to the BOG.</td>
<td>The 17-member board is appointed by the governor and formally interacts with state and federal officials and other state organizations. NOTE: Currently there is one vacancy see (Appendix A) Website of Committee/Organization <a href="http://extranet.cccco.edu/SystemOperations/BoardofGovernors.aspx">http://extranet.cccco.edu/SystemOperations/BoardofGovernors.aspx</a></td>
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| **Taskforce on Workforce, Job Creation and A Strong Economy** | This Taskforce is to consider strategies and recommend policies and practices that would:  
- Prepare students for high-value jobs that currently exist in the State,  
- Position California’s regions to attract high-value jobs in key industry sectors from other states and around the globe,  
- Create more jobs through workforce training that enables small business development, and  
- Finance these initiatives by braiding existing state and federal resources. | The Taskforce is comprised of 26 members representing the business community, labor, public agencies involved in workforce training, K-12 education policy, community based organizations, and other groups.  
Chancellor Harris made the final decision on the nominations. The first half of the seats, were filled by internal constituency groups. The second half of the seats by external stakeholders, representing constituencies that depend on our community colleges for workforce training.  
**Website of Committee/Organization**  
http://doingwhatmatters.cccco.edu/StrongWorkforce.aspx |
| **Accreditation Taskforce** | The charge of the task force was to evaluate the current state of accreditation of community colleges in California and to recommend to the Chancellor and the Board of Governors of the California Community Colleges possible courses of action that will best serve students within the 113-college system. In approaching this charge, the task force determined that, rather than focus primarily on past difficulties, its report should identify the qualities that would constitute an ideal accrediting agent. | The members of the task force represent various constituent groups within the community college system, including administration, faculty, trustees, accreditation liaison officers, and the Chancellor’s Office.  
**Website of Committee/Organization**  
http://www.californiacommunitycolleges.cccco.edu/ChancellorsOffice/ReportsandResources.aspx |
## Committees and/or Organizations for Community Colleges

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| **The Association of Community College Trustees (ACCT)** | The ACCT educates community and technical college trustees through annual conferences focused on leadership development and advocacy, as well as through publications and online and face-to-face institutes and seminars. | Associate members may be appointed to a committee under the following conditions:  
- They shall be selected from voting members;  
- They may serve three consecutive one-year terms per committee;  
- No more than one associate member from a college shall serve on any one board committee;  
- All related expenses are to be the responsibility of their college;  
- They have full voting rights; and  
- They shall have a letter of nomination from their board supporting the appointment to an ACCT committee. |

ACCT Board Policy states that the ACCT Chair will make committee appointments. In making appointments, the chair will consider regional representation, gender, and diversity. Each committee chair shall be a member of the ACCT Board of Directors.

**ACCT Board Committees and Charges:**

**Diversity** — The Diversity Committee ensures leadership for the involvement of historically underrepresented diverse populations within the governance activities of ACCT. It promotes respect for and acceptance of diverse individuals and promotes awareness and educational opportunity for underrepresented populations. It advises the ACCT Board by strengthening the links with the minority membership, identifying issues that require member input, and recommending strategies to gather input.

**Finance and Audit** — The Finance and Audit Committee is responsible for monitoring executive compliance with fiscally related Policies and Bylaws, reviewing the annual budget, the financial audit, establishing procedures for the periodic audit of Association programs and services, and reporting to the Board of Directors.

**Governance and Bylaws** — The Governance and Bylaws Committee is responsible to...
Committees and/or Organizations for Community Colleges

review resolutions related to the governance of the Association, amendments to the Bylaws, and the Board Policies. In fulfilling this charge, the Committee helps ensure that the Board of Directors is fulfilling its role to represent the member boards in determining and demanding appropriate organizational performance through its written governing policies.

**Member Communications and Education Committee** — The Member Communications and Education Committee is responsible for evaluating and making recommendations to strengthen the Board’s links with the membership; identifying issues that require member input; and recommending strategies to gather input. Additionally, they evaluate and make recommendations to strengthen current ACCT education programs, and recommend additional programs that promote effective board governance through advocacy and education.

**Public Policy** — The Public Policy Committee is charged with reviewing public policy issues and recommending positions to the Board of Directors and, where appropriate, to the ACCT Executive Committee.

**Website of Committee/Organization**
http://www.acct.org/
MEMO

Date: September 30, 2015

To: Board of Trustees

From: James O’Reilly, Chief Facilities Executive

RE: Capital Outlay Projects

The following information is provided to you for informational purposes based on that which may be available in the future pending passage of a proposed state bond measure.

Background

California Community Colleges capital outlay demands far exceed the available state resources to fund them. The Capital Outlay Projects are annually prioritized based on criteria set by the Board of Governors. For this reason in the 1990s the State Chancellor’s Office implemented a plan for how Capital Outlay Projects get approved and funded. This plan is very complex and takes into consideration such things as: life safety, instructional needs, building age, current/projected enrollment loads, building type, and local contribution.

Board of Governor’s Priority Funding Categories

The Board of Governor’s has established six categories labeled A through F.

Category A – Health and Safety Projects – The most critical projects dealing with life safety are assigned to this category. Projects in this category are ranked according to the number of people threatened or affected by the condition of the facility or site. 50% of the available funds are assigned to this area.

Category B – Growth in Instructional Space – Projects that expand space on sites earn eligibility scores based on current and projected enrollments and the need for increased instructional space. Supplementing with additional local funds will improve the eligibility scores in this category. If a college has more space than it needs based on the state’s capacity load ratios then the college would not qualify for this category. 50% of the remaining funds after funding Category A are allocated to this category.

Category C – Modernization of Instructional Space – Projects that modernize existing space earn eligibility scores based on age and condition of the existing facility or its infrastructure. Supplementing with additional local funds will improve the eligibility scores in this category. 25% of the remaining funds after funding Category A are allocated to this category.
Category D – Complete Campus Projects – Projects in this category provide for reconstruction of existing space or construction of new space and purchase of equipment to promote a complete campus concept. Examples include physical education facilities, performing arts centers, child develop centers. Projects in this category earn eligibility points based upon the age of the campus, additional programs/services that can be offered because of the projects, the project design solution, and the extent to which local funds directly mitigate state costs of the project. 15% of the remaining funds after funding Category A are allocated to this category.

Category E – Growth in Instructional Support – This category is similar to Category B except it is for the support of the instructional programs. 5% of the remaining funds after funding Category A are allocated to this category.

Category F – Modernization of Instructional Support – This category is similar to Category C except it is for the support of the instructional programs. 5% of the remaining funds after funding Category A are allocated to this category.

*Note – Current state regulations restrict the use of state capital outlay funds for student centers, stadiums, dorms, parking lots, and single-purpose auditoriums.

State Funding Process

State funding information comes from the following information which is housed in the State’s Fusion Data Base.

Space Inventory – Yearly the Facilities Planning and Development Department works with the colleges to collect changes in space and space utilization. This information is then uploaded into the State’s Fusion Data Base. This information will be used to calculate the capacity load ratios for each college. The state would like to see the capacity load ratios as close to 100% as possible. This would mean that the college is not over built or under built for the existing student load.

Five Year Construction Plan – Yearly the Facilities Planning and Development Department works with the colleges to update the colleges five year outlook on construction projected needs. This plan takes into consideration what has been built and projects that the college would like to build in the next five years based on projected enrollments.

Initial Project Proposals – Each year, the Facilities Planning and Development Department works with the colleges to develop Initial Project Proposals (IPPs). These IPPs are then submitted to the State Facilities Unit for their review and consideration for possible state funding. These IPPs are for projects which were originally identified by the colleges as projects in their Five Year Construction Plan. Included in the IPP is a description of the intent and purpose of each project. The State Facilities Unit reviews the IPP to determine the feasibility of the project.
Final Project Proposal – In the next year’s planning process the college decides if they will pursue the project identified in the previous year’s IPP. The Final Project Proposal (FPP) describes the scope, cost, schedule, and financing array of a project and includes conceptual drawing of the project. The description of the project includes an assessment of the problems of the existing facilities, as well as an analysis of alternatives considered prior to proposing the recommended solution. The proposal includes a detailed space array, detailed cost estimate and summary calculation of the state fundable equipment allowance. This FPP is then submitted to the State Facilities Unit for their review. The FPP cost the college approximately $50,000 to produce which is paid for out of their operational budgets.

*Note – The State has not funded any New Capital Outlay Projects for the last 10 years.

Status of the Current IPPs and FPPs

The District originally submitted three (3) Final Project Proposals (FPPs) in 2014 for State funding consideration in the 2016-17 fiscal year. These projects included: ELAC – G9 Replacement and Addition, LACC – Theater Arts Replacement and LATTC – Cypress Hall (D) Replacement. The 2016-17 spending plan was submitted by the State Chancellor’s Office to the Board of Governors for approval in May 2015. The 2016-17 spending plan included 18 projects totaling approximately $500 million. None of the three (3) FPPs submitted by LACCD made the final cut for inclusion within the 2016-17 spending plan.

Per the State Chancellor’s Office memorandum dated March 5, 2015, FPP projects that did not fall within the 2016-17 spending plan were eligible to be resubmitted for funding consideration in the 2017-18 fiscal year. Therefore, the District resubmitted the same three (3) FPPs in 2015 (ELAC G9 Replacement and Addition, LACC Theater Arts Replacement and LATTC Cypress Hall (D) Replacement). Other potential projects that were suggested as feasible candidates for FPP submittal in 2015 were the LAMC Plant Facilities and LAVC Liberal Arts Instructional Building projects. Following review and consideration by each College’s VP of Administration and other staff, these projects were not developed into FPPs but rather resubmitted as Initial Project Proposals (IPPs).

There are several factors that deter the District’s College’s from submitting FPPs. Often times for an FPP project to be competitive in receiving approval for State funding, a local match to total project cost is necessary. Existing local bond funds for LACCD (from Measures A, AA and J) have been allocated to existing projects, thus, prohibiting many College’s from committing to a local match on FPP projects. Developing an FPP is a cost that must be incurred by each College individually. Per District directive local bond funds cannot be utilized to pay for developing an FPP. Due to a lack of funds or increased burden of existing budgets, many Colleges’ cannot afford to pay for the cost of an FPP.
The District submitted twenty (20) IPPs in 2015 for funding consideration in the 2018-19 fiscal year. If approved these IPPs may be developed into FPPs and submitted in July 2016. The following is a list of current IPPs under review by the State Chancellor’s Office:

- ELAC – K5 & K7 Replacement and Addition
- ELAC – G3 Auditorium Renovation
- ELAC – Sports Complex
- ELAC – Facilities, Maintenance & Operations Replacement
- LACC – Communications Building Modernization
- LAHC – Seahawk Center Replacement
- LAHC – General Classroom Building Replacement
- LAMC – Learning Assistance Center/Library Reconstruction
- LAMC - Plant Facilities
- LAPC – Child Development Dept. Bungalow Replacement
- LAPC – Industrial Technology Replacement
- LATTC - Cedar Hall (K) Renovation & Modernization
- LATTC - Wellness Center
- LATTC - Construction Trades Center
- LATTC - Oak Hall (F) Renovation & Modernization
- LAVC – Liberal Arts Instructional Building
- LAVC – Academic Replacement Building
- WLAC - Physical Education Replacement
- WLAC – Plant Facilities/Shops Replacement Phase 2
- WLAC - Career Education Renovation

If you have any questions, please feel free to call me at (213) 891-2048.

C: Dr. Francisco Rodriguez, chancellor
Dr. Adriana Barrera, deputy chancellor
Thomas Hall, director, Facilities Planning and Development

JDO/tlh