

MINUTES

BOARD OF TRUSTEES FEATHER RIVER COMMUNITY COLLEGE DISTRICT

President Elliott called the Special Meeting of the Feather River Community College District Board of Trustees to order at 3:11 p.m. on May 14, 2009. The meeting was held at Feather River College, Science Room 104, 570 Golden Eagle Avenue, Quincy, California.

Trustees present: Elliott, Burkey, Schramel, Sheehan, West

Trustees absent: Student Trustee Scoma

The agenda for the May 14, 2009 Special Meeting at Feather River College, Science Room 104, 570 Golden Eagle Avenue, Quincy, California was approved as presented, (Burkey/Sheehan) unanimous.

A. ITEMS FROM THE PUBLIC

Merle Trueblood, Director of Athletic Operations and Events, introduced Terry Baumgartner, Head Baseball Coach, to those present. He reported that Feather River College is hosting the Community College Regional Baseball Playoff Tournament beginning Friday, May 15, 2009 through Sunday, May 17, 2009. Mr. Trueblood also extended an invitation to the Board of Trustees to attend the event if their schedules allowed and he notified them that he would have passes to the event made available through the office of the Superintendent/President. Terry Baumgartner thanked those present for their support of the baseball program and the upcoming tournament and he explained how the event and those in attendance would support the local Plumas County economy while showcasing the college's athletic baseball talent. He also introduced baseball players Danny Black and Ryan Giacomini who thanked the staff of Feather River College and the community for their support in hosting the regional athletic program event.

REGULAR AGENDA

*** B1. Motion Items**

a) Nick Boyd, Director of Facilities, requested approval of Contract for Construction Management Services. He stated that a Request for Proposal (RFP) for construction management services for the construction phase of the Learning

Resource Center (LRC) had been placed by the College and that out of twelve firms that responded to the request, Counterpoint Construction Services of Santa Rosa, California, had been the successful respondent. Mr. Boyd introduced Neil Bohn, Owner, Counterpoint Construction Services, to those present and he stated that the company has strong background and experience with multi-prime delivery method construction projects and that he is confident with the ability of the company to deliver the services requested. Mr. Bohn addressed the Board of Trustees and thanked them for utilizing his firm for the construction phase of the Learning Resource Center. Trustee Sheehan requested additional information on the exclusion of fees associated with the services of a scheduling consultant noted in the proposal and how these services would be provided, and Mr. Bohn replied that he would build a rough draft of the initial scheduling process and that a scheduling consultant, hired by the College, would document the formalized scheduling process. Trustee Elliott explained that each resolution to award bids would be a separate roll call item and that they would be reviewed independently from the request for Approval of Contract for Construction Management Services. Trustee West stated that she was not clear on where in the process the College was with regards to beginning construction on the Learning Resource Center, and she requested information on whether or not the College has received funding, or a letter of commitment from the State to construct this new building. Nick Boyd replied that the State Chancellor's Office has requested that the College submit resolutions approving the requests to award bids as part of the process of paperwork they need to move forward with recommendations and encumber the funds associated with the general obligation bonds for the project. There was lengthy discussion regarding the commitment that the College would be entering into with contractors if they approved resolutions to award bids and Mr. Boyd stated that all commitments were subject to available funding and State approval. Trustee West stated that she was not comfortable with the current state of the economy and the possible repercussions from contractors who felt they were awarded a contract if the State suddenly felt it necessary to halt construction funding. After further discussion, the request for Approval of Contract for Construction Management Services, was approved as presented, (Sheehan/Schramel), West opposed. Trustee Sheehan also requested and recommended that once the scheduling process for the project has been documented past the rough draft stage that it be presented to the Board of Trustees for review. After approval of item B1a, Approval of Contract for Construction Management Services, lengthy discussion continued on the commitment that the College would be held to if the State backed out of their agreement to encumber funds for the LRC construction project. Trustee Sheehan stated that the award of bid is, in itself, a form of contract and that he felt that the College would have certain responsibilities that it did not have before awarding the contract. Ron Taylor, Superintendent/President, stated that perhaps the key phrasing could be found in the third whereas of each resolution where it states that, "It is the desire and intent of the Feather River Community College District to award a contract to the lowest responsible bidder in compliance with reasonable and stated specifications;" and that until a contract is signed it does not exist. Nick

Boyd stated that he would not move forward on the project until he had a letter from Fred Harris at the Chancellor's Office notifying him that the money had been encumbered for the project and approval to begin construction had been received. Trustee Sheehan also requested that a letter be sent to each identified low bidder notifying them that, although they have been identified as the low bidder for the project, they would not be authorized to spend funds related to the Feather River College Learning Resource Center construction project until they are in receipt of a contract, (Sheehan/West) unanimous.

*** C1. Roll Call Items**

Trustee Elliott explained that he would read and request approval on each resolution item number C1a through C1n and that there would be allowable time for questions and/or discussion on each resolution. He further explained that he would then entertain a motion to include approval of roll call items C1a through C1n into one roll call vote. Trustee Elliott also requested information on who would be preparing the construction contracts and what experience they had in construction law. Mr. Boyd replied that he and Neil Bohn would be drafting the contracts and that they would then be forwarded to legal counsel for review and approval. He additionally stated that the contracts would be required to match and align with the bid specifications identified in the bid contracts. Trustee Elliott also requested information on how the one million dollar commercial general liability (CGL) insurance policy amount had been arrived at and Mr. Boyd replied that it is a State required amount. Trustee Elliott indicated he felt that the amount might be low and he requested that Mr. Boyd research the amount to make sure that the policy provides for adequate liability coverage for the project. Trustee Elliott also requested information on whether or not the dates in Exhibits A and B were still appropriate as March 16, 2009 for a start date and July 31, 2010 as an end date, and Mr. Boyd responded. Trustee West requested information from Mr. Boyd on what he felt the time frame was for a response from the Chancellor's Office regarding the availability of funding and he replied it would expect notification to be received during the week of May 25 2009. There being no objection or further discussion, Trustee Elliott requested approval of the following:

- a) Approval of Resolution #08/09-06 – Approval to Award Bid for Bid Division #1/Site Work, LRC Technology Building – Dig It Construction, Base Bid \$515,748.00 Alternate #5 Additional Flat Work \$2,300.00, Alternate #6 Seat Walls, \$9,600.00.
- b) Approval of Resolution #08/09-07 – Approval to Award Bid for Bid Division #2/Steel Pipe Piles & Alternate Units, LRC Technology Building, Randy Hill Construction, Base Bid, \$607,232.00, Alternate Unit Add/LF Add 1,000 LF, \$37,000, Alternate Unit Deduct/LF Deduct 500 LF, \$24,000.00.

- c) Approval of Resolution #08/09-08 – Approval to Award Bid for Bid Division #3/Structural Concrete, LRC Technology Building – Randy Hill Construction, Base Bid \$792,010.00.
- d) Approval of Resolution #08/09-09 – Approval to Award Bid for Bid Division #4/Structural Steel, LRC/Technology Building, Randy Hill Construction, Base Bid, \$900,555.00. Trustee Sheehan requested information on why, according to the documentation, the bid was not awarded to the lowest bidder reflected to be Martin Iron Works, and Mr. Boyd replied that Martin Iron Works submitted an incomplete bid packet and it was necessary to disqualify the bid. Mr. Boyd also reported that the next lowest bidder, REM Construction, had not submitted a sealed bid as requested and were also disqualified from the bid process.
- e) Approval of Resolution #08/09-10 – Approval to Award Bid for Bid Division #5/Rough Carpentry & Alternate #2 Stone Veneer, LRC Technology Building, REM Construction, Base Bid, \$669,287.00, Alternate #2 Stone Veneer, \$64,595.00. Trustee Sheehan requested information on why, according to the documentation, the bid was not awarded to the lowest bidder reflected to be Plumas County Glass, and Mr. Boyd replied that Plumas County Glass did not follow the appropriate format for the bid process and their bid documents were disqualified.
- f) Approval of Resolution #08/09-11 – Approval to Award Bid for Bid Division #6/Roof System, LRC Technology Building, Kodiak Roofing, Base Bid \$108,686.00. Trustee Sheehan requested information on why, according to the documentation, the bid was not awarded to the lowest bidder reflected to be F. Rodgers Corporation, and Mr. Boyd replied that F. Rodgers Corporation submitted an incomplete bid packet and it was necessary to disqualify the bid from the bid process.
- g) Approval of Resolution #08/09-12 – Approval to Award Bid for Bid Division #7/Doors and Frame, LRC Technology Building, Randy Hill Construction, Base Bid \$134,375.00. Trustee Sheehan requested information on why, according to the documentation, the bid was not awarded to the lowest bidder reflected to be Plumas County Glass, and Mr. Boyd replied that the bid submitted by Plumas County Glass did not follow the bid form provided for them in the bid specifications and as a result it was necessary to disqualify their bid from the bid process.
- h) Approval of Resolution #08/09-13 – Approval to Award Bid for Bid Division #8/Storefront Glazing, LRC Technology Building, Custom Class Distributors, Base Bid, \$155,510.00.
- i) Approval of Resolution #08/09-15 – Approval to Award Bid for Bid Division #10/Wall Finishes and Alternate #1 Laminate, LRC Technology Building, REM

Construction, Base Bid \$80,804.00, Alternate #1 Delete Laminate on RR Walls, \$8,850.00.

- j) Approval of Resolution #08/09-18 – Approval to Award Bid for Bid Division #13/Finish Carpentry, Alternate #7/Corner Guards, Alternate #8/Marker Boards and Alternate #10, Library Shelving, LRC Technology Building, REM Construction, Base Bid \$200,520.00, Alternate #7 Corner Guards, \$1,419.00, Alternate #8 Marker Boards, \$1,831.00, Alternate #10, Library Shelving, \$26,814.00.
- k) Approval of Resolution #08/09-20 – Approval to Award Bid for Bid Division #15, Plumbing, LRC Technology Building, D&D Plumbing, Base Bid, \$98,135.00. Trustee Sheehan requested information on why, according to the documentation, the bid was not awarded to the lowest bidder reflected to be RHP Mechanical, and Mr. Boyd replied that contractors were allowed to offer a discount if they bid multiple bid divisions and D&D Plumbing had offered the College a \$14,700.00 multiple bid division discount and were declared the lowest bidder on this bid division.
- l) Approval of Resolution #08/09-21 – Approval to Award Bid for Bid Division #16/HVAC and Alternate #9/Sidewalk Snow Melt, LRC Technology Building, D&D Plumbing, Base Bid \$944,833.00, Alternate #9 Sidewalk Snowmelt, \$71,515.00. Nick Boyd stated that there had been a bid protest on Bid Division #16 where DDK Mechanical, the second lowest bidder, protested that D&D Plumbing is not an appropriately licensed contractor to provide the HVAC portion of the division and additionally that the bid was not read allowed. Mr. Boyd explained that legal counsel had been consulted regarding the issue and it was determined that D&D Plumbing does have the appropriate credentials to complete the work and that the bid was read aloud and the protest of DDK Mechanical should be rejected.
- m) Approval of Resolution #08/09-22 – Approval to Award Bid for Bid Division #17/Electrical, LRC Technology Building, Alternate #4 Install Generator, Alternate #9/Snow Melt, Alternate #12/CATV and Alternate #14/Duct Bank, Randy Hill Construction, Base Bid, \$993,254.00, Alternate #4 Install Generator, \$4,862.00, Alternate #9 Snow Melt, \$2,210.00, Alternate #12, CATV, \$10,346.00 and Alternate #14, Date Duct Bank, \$58,564.00.
- n) Approval of Resolution #08/09-23 – Approval to Award Bid for Bid Division #18/Landscape and Alternate #3/Irrigation and Alternate #11/50% More Landscaping, LRC Technology Building, Clear Water Landscape Services, Base Bid \$29,909.00, Alternate #3 Irrigation, \$18,500.00 and Alternate #11, 50% More Landscape, \$5,000.00.

There being no objection or further discussion it was agreed to combine Resolutions 08/09-06 through 08/09-13 and Resolutions 08/09-15, 08/09-18,

08/09-20, 08/09-21, and 08-09-22 into one roll call vote, (Sheehan/Schramel) unanimous. There being no objection or further discussion, Resolutions 08/09-06 through 08-09-13 and Resolutions 08/09-15, 08/09-18, 08/09-20, 08/09-21, and 08/09-22 were approved as presented.

Ayes: Elliott, Burkey, Schramel, Sheehan, West
Noes: None
Absent: Student Trustee Scoma
Abstain: None

Ron Taylor requested that the Board explicitly reject the bid protest on Bid Division #16/HVAC and Alternate #9 Sidewalk Snow Melt, LRC Technology Building, (Schramel/Sheehan) unanimous.

There being no further business the meeting was adjourned at 4:08 p.m.

RT/ch