

**Agenda Item Details**

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Meeting Sep 20, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.14 Approve Minutes of August 23, 2012, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the August 23, 2012, Regular Board Meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 16.14**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**SUBJECT:** Approve Minutes of August 23, 2012, Regular Board Meeting

Attached are the minutes of the August 23, 2012, Regular Board Meeting for review and approval by the Board of Trustees.



**FISCAL IMPACT:**  
None

**FUNDING SOURCE:**  
None

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the August 23, 2012, Regular Board Meeting minutes as presented.

**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT  
BOARD OF TRUSTEES**  
**APPROVED** September 20, 2012  
  


**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at Education Center  
August 23, 2012  
4:00 p.m.**

**1. CALL TO ORDER/ROLL CALL**

**1.01 Roll Call**

*The Regular Meeting of the Board of Trustees was called to order at 4:03 p.m. by President Biehl. Vice President Martinez-Roach, Clerk Herrera and Member Le were present. Member Nguyen arrived at 5:07 p.m.*

**1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)**

*President Biehl extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.*

*There were no public speakers.*

**1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

*The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.*

**2. CLOSED SESSION**

**2.01 Expulsion(s): A**

*Motion by President Biehl, second by Member Nguyen, to approve the reinstatement of Student A into a comprehensive high school.*

*Vote: 5/0*

**2.02 Public Employee Performance Evaluation (Government Code Section 54957)**

**2.03 Public Employment/Public Employee Appointment (Government Code Section 54957)**

- *Internal Auditor (1)*
- *Director – Special Services (1)*
- *Director – Construction, Maintenance and Facilities (1)*

*On a vote of 5/0, the Board approved the appointment of Linda da Silva as the Director Construction, Maintenance and Facilities.*

**2.04 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)**

**2.05 Conference with Labor Negotiators (Government Code Section 54957.6)**

*Agency Designated Representatives:*

*Chris D. Funk, Superintendent*

*Marcus Battle, Associate Superintendent of Business Services*

*Juan Cruz, Assistant Superintendent of Instructional Services*

*Vida Branner, Director of Compensation and Classified Employee Relations*

*Cari Vaeth, Director of Human Resources*

*Employee Organizations:*

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

*Unrepresented Organizations:*

*Administrators*

*Managers*

*Confidentials*

**2.06 Conference with Legal Counsel – Anticipated Litigation**

**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code**

- *Two (2) Potential Case*

**2.07 Conference with Legal Counsel – Anticipated Litigation**

**Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9**

- *One (1) Potential Case*

**OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM**

**3. PLEDGE OF ALLEGIANCE**

4. **WELCOME AND EXPLANATION TO AUDIENCE**

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

*President Biehl extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.*

5. **ADOPTION OF AGENDA**

For consideration by the Board of Trustees.

*There were no changes to the agenda.*

6. **BOARD SPECIAL RECOGNITION(S)**

No items on calendar under this section.

7. **STUDENT BOARD LIAISONS**

No items on calendar under this section.

8. **SPECIAL ORDER OF BUSINESS – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.

*There were no items under special order of business.*

9. **PUBLIC HEARING(S) – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

9.01 Hold Public Hearing at Approximately 6:05 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From California School Employees Association, Chapter 187 to East Side Union High School District - Cari Vaeth, Director, Human Resources and Vida Branner, Director, Compensation and Classified Employee Relations

*There were no public speakers.*

9.02 Hold Public Hearing at Approximately 6:10 p.m. - Regarding Tentative Successor Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2012 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Cari Vaeth, Director, Human Resources

*There were no public speakers.*



**9.03 Ratify and Approve Tentative Successor Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2012 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Cari Vaeth, Director, Human Resources**

*Motion by President Martinez-Roach, second by Clerk Herrera, to ratify and approve the successor agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2012 – June 30, 2013, including the disclosure of major provisions of the tentative agreement (AB1200).*

**10. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

**Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.**

**Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.**

*There were no public speakers under this section.*

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

**11.01 Adopt Resolution #2012/2013-01 Support Schools & Local Public Safety Protection Act (Proposition 30) and Our Children Our Future: Local Schools and Early Education Investment Act (Proposition 38) - Frank Biehl, Board President**

**Motion #1**

*Motion by Vice President Martinez-Roach, second by Clerk Herrera, to adopt Resolution #2012/2013-01 Support Schools and Local Public Safety Protection Act (Proposition 30) and Our Children Our Future: Local Schools and Early Education Investment Act (Proposition 38).*

*Public speaker:*

- *Marisa Hanson*

*Motion withdrawn by Member Martinez-Roach.*

*Vice President Martinez-Roach would like to separate the Propositions for consideration by the Board of Trustees.*

*Second withdrawn by Clerk Herrera.*

**Motion #2**

*Motion by President Biehl, second by Clerk Herrera, to support both Propositions.*

*Adopt Resolution #2012/2013-01 Support Schools and Local Public Safety Protection Act (Proposition 30) and Our Children Our Future: Local Schools and Early Education Investment Act (Proposition 38)*

*Motion withdrawn by President Biehl and second withdrawn by Clerk Herrera.*

**Motion #3**

*Motion by President Biehl, second by Member Nguyen, to adopt amended Resolution #2012/2013-01(a) Support Schools and Local Public Safety Protection Act (Proposition 30)*

*Vote: 5/0*

**Motion #4**

*Motion by President Biehl, second by Clerk Herrera, to adopt amended Resolution #2012/2013-01(b) Our Children Our Future: Local Schools and Early Education Investment Act (Proposition 38)*

*Vice President Martinez Roach, Member Nguyen and Member Le indicated that they will not be able to support Proposition 30 and will be voting No.*

*For the record, Vice President Martinez-Roach will be voting No because it is detrimental to public education.*

*Motion withdrawn by President Biehl and second withdrawn by Clerk Herrera.*

**11.02 Receive and Adopt Second Reading of Proposed New, Amended and Deleted 1000 Board Policy Series - Juan Cruz, Assistant Superintendent of Instructional Services, and Chris D. Funk, Superintendent**

*Motion by President Biehl, second by Member Le, to receive and adopt the second reading of the proposed new, amended and deleted 1000 Board Policy series.*

*Vote: 5/0*

**11.03 Discussion and/or Action regarding Proposed First Amendment to Superintendent's Contract - Rogelio Ruiz, Esq., Legal Counsel, Rehon & Roberts**

*Motion by Member Herrera, second by Board President Martinez-Roach, to approve the first amendment to Superintendent's contract.*

*Vote: 5/0*

**11.04 Discussion and/or Action regarding California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: Asian/Pacific Islander and Hispanic – Frank Biehl, Board President**

**Motion #1**

*Motion by Member Nguyen, second by Clerk Herrera, to nominate Board Vice President Martinez-Roach as a candidate for CSBA's Director-at-Large, Hispanic.*

*Vote: 5/0*

**Motion #2**

*Motion by Patricia Martinez-Roach, second by Member Nguyen, to nominate Board Member Le as a candidate for CSBA's Director-at-Large, Asian/Pacific Islander.*

*Vote: 5/0*

**11.05 Approve Board Members Attendance and Lawful Expenses to the Silicon Valley Leadership Group's Education Leaders Summit and the 2012 California Latino School Boards Association Unity Conference - Chris D. Funk, Superintendent**

*Motion by Vice President Martinez-Roach, second by Member Nguyen, to approve Board Members attendance and lawful expenses to Silicon Valley Leadership Group's Education Leaders Summit and the 2012 California Latino School Boards Association Unity Conference.*

*Vote: 5/0*

**11.06 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings - Chris D. Funk, Superintendent**

*Motion by Vice President Martinez-Roach, second by Member Le, to ratify/approve Superintendent's attendance and lawful expenses to conferences, workshops and meetings.*

*Vote: 5/0*

**11.07 Approve Superintendent's Early Commencement Compensation per Employment Contract – Chris D. Funk, Superintendent**

*Motion by Clerk Herrera, second by Member Nguyen, to approve Superintendent's early commencement compensation per employment contract.*

*Vote: 5/0*

**11.08 Discussion and/or Action regarding Rocketship Exemption Letter to Santa Clara County Office of Education – Chris D. Funk, Superintendent**

*Motion by Vice President Martinez-Roach, second by Member Nguyen, to approve the Rocketship exemption letter to the Santa Clara County Office of Education.*

*Vote: 5/0*

**12. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/.BOARD DISCUSSION AND/OR ACTION**

**12.01 Approve Expulsion Hearing Committee Personnel for 2012-2013 - Juan Cruz, Assistant Superintendent of Instructional Services, and George Sanchez, Coordinator of Student Services**

*Motion by Vice President Martinez-Roach, second by Member Le, to approve the expulsion hearing committee personnel for 2012-2013.*

*Vote: 5/0*

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

**13.01 Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Director, Human Resources**

*Motion by Vice President Martinez-Roach, second by Clerk Herrera, to approve the variable term waiver request for certificated employee.*

*Vote: 5/0*

**13.02 Approve Provisional Internship Permit Requests for Certificated Employees - Cari Vaeth, Director, Human Resources**

*Motion by Clerk Herrera, second by Member Nguyen, to approve the provisional internship permit requests for certificated employees.*

*Vote: 5/0*

**13.03 Approve 2012-2013 Administrative, Management and Confidential Salary Schedules and Furlough Days - Cari Vaeth, Director, Human Resources; Marcus Battle, Associate Superintendent of Business Services; and Karen Poon, Director of Finance**

*Motion by Member Nguyen, second by Clerk Herrera, to approve the 2012-2013 Administrative, Management and Confidential salary schedules and furlough days.*

*Vote: 5/0*

**14. BUSINESS SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**14.01 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

*Motion by Member Nguyen, second by Clerk Herrera, to approve contracts for professional services over \$50,000 (attached).*

*Vote: 5/0*

**15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**15.01 Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager**

*Motion by Clerk Herrera, second by Member Nguyen, to approve bond/capitol projects contracts for professional services over \$50,000 (attached).*

*Vote: 5/0*

**15.02 Status of Piedmont Hills High School Auxiliary Gym Project; Approval of Termination of Contract with BCI Builders, Inc. for Construction of Project and/or Termination of Contractor’s Right to Perform the Work of the Contract; Delegation of Authority to Administration to Terminate Contract and/or Contractor’s Right to Perform the Work of the Contract and to Tender Claim to Surety Under Project Performance Bond – Marcus Battle, Associate Superintendent; Rogelio M. Ruiz, Legal Counsel, Rehon & Roberts**

*Public speaker:*

- *Dene Bustichi*

*Motion by Member Nguyen, second by Clerk Herrera, that based on the information provided, it has been determined that BCI: (1) has failed to execute the Work under the Contract or any separable part thereof with sufficient diligence as would have ensured the Project's completion within the time specified, (2) has failed to complete the Work under the Contract within the time specified; (3) has persistently or repeatedly failed to supply enough properly skilled workers to complete the Work in the time specified; and (4) has failed to make prompt payment to Subcontractors, or for material, or for labor. The Board delegates to Administration the authority and power to terminate the Contract and/or Contractor's right to perform the Work of the Contract and to serve written notice upon BCI and its Surety of the District's termination of the Contract and/or Contractor's right to perform the Work of the Contract in accordance with the terms of the Contract, which notice shall contain the grounds of termination and such other grounds as Administration may determine after further investigation.*

*Vote: 5/0*

**16. ATTACHMENT A – CONSENT CALENDAR ITEMS**

*Items 16.08 and 16.10 were pulled from the consent calendar for discussion. Motion by Clerk Herrera, second by Member Nguyen, to approve the remainder of the consent calendar.*

*Vote: 5/0*

**16.01 Ratify/Approve Classified Personnel Actions Presented August 23, 2012**

**16.02 Ratify/Approve Certificated Personnel Actions Presented August 23, 2012**

**16.03 Ratify/Approve Student Aide Personnel Actions Presented August 23, 2012**

**16.04 Approve School Field Trips**

**16.05 Approve Award of Bids for Bond/Capital Projects**

**16.06 Approve Contracts for Professional Services At or Below \$50,000**

**16.07 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000**

**16.09 Approve Budget Transfers**

- 16.11 Approve Change Orders to Purchase Orders for Year-End Reconciliation**
- 16.12 Accept Warrant Register for the Months of June and July 2012**
- 16.13 Adopt Resolution #2012/2013-02 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546**
- 16.14 Approve Notice of Completion for Independence High School KIPP Relocatable Classrooms and Restrooms Project Phase 1 (Beals Martin Construction, Inc.)**
- 16.15 Approve Final Change Order for Silver Creek High School Exterior Painting Project (Fix Painting Company)**
- 16.16 Approve Notice of Completion for Silver Creek High School Exterior Painting Project (Fix Painting Company)**
- 16.17 Approve Final Change Order for James Lick High School Fire Service Center Project (BRCO Constructors Inc.)**
- 16.18 Approve Notice of Completion for James Lick High School Fire Service Center (BRCO Constructors Inc.)**
- 16.19 Approve Final Change Order for Silver Creek High School Title IX Interior Modernization Project (Rodan Builders Inc.)**
- 16.20 Approve Notice of Completion for Silver Creek High School Title IX Interior Modernization Project (Rodan Builders Inc.)**
- 16.21 Approve Final Change Order for James Lick High School Child Development Center Project (Calstate Construction, Inc.)**
- 16.22 Approve Notice of Completion for James Lick High School Child Development Center Project (Calstate Construction, Inc.)**
- 16.23 Approve Final Change Order for Independence High School KIPP Relocatable Science Project (Beals Martin Construction, Inc.)**
- 16.24 Approve Notice of Completion for Independence High School KIPP Relocatable Science Classroom Project (Beals Martin Construction, Inc.)**
- 16.25 Approve Minutes of June 19, 2012, Board Meeting/Retreat**
- 16.26 Approve Minutes of June 21, 2012, Regular Board Meeting**

**Item pulled from the consent calendar for discussion, consideration and/or action by the Board of Trustees.**

**16.08 Approve Memoranda of Understanding**

**Motion #1**

*Motion by Member Nguyen, second by Member Herrera, to approve all items in the memorandum of understanding, except item #7.*

*Vote: 5/0*

**Motion #2**

*Due to a conflict of interest, Board President Biehl recused himself from the vote; his wife is employed by Gardner Family Care Corporation, Inc.*

*Motion by Member Le, second by Clerk Herrera, to approve item #7, Gardner Family Care Corporation, Inc.*

*Vote: 4/0, President Biehl recused himself from the vote/left the room*

**16.10 Approve Purchase Orders**

*Motion by Vice President Martinez-Roach, second by Member Le, to approve the purchase orders as presented.*

*Vote: 5/0*

**17. WRITTEN REPORTS/RECOMMENDATIONS**

**17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects Which Exceed the 10% Allowance**

*Item received*

**17.02 Summary of General Obligation Refunding Bonds, 2002 Election, Series C**

*Item received*

*Request made by Board Member to place item as a report on the September agenda.*

**18. FUTURE AGENDA ITEMS**

**18.01 Opportunity for Board of Trustees to request items on future agendas.**

**18.02 Future Items:**

- *Parent Involvement Plan – Patricia Martinez-Roach, Board Vice President*
- *Child Development Program – Patricia Martinez-Roach, Board Vice President*
- *Special Education Program Costs – Patricia Martinez-Roach, Board Vice President*
- *Allowable Advertising – Frank Biehl, Board President*
- *Social Networking – Patricia Martinez-Roach, Board Vice President*



- *Accel Program – Van Le, Board Member*
- *Analysis of ESUHSD’s Relationship with MetroED – Patricia Martinez-Roach, Board Vice President*
- *Plan on How to Expand the Early Alert Pilot Program to Other Sites – Patricia Martinez-Roach, Board Vice President*
- *International Baccalaureate (IB) Program – Lan Nguyen, Board Member*

**19. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

**19.01 Board of Trustees**

**J. Manuel Herrera, Board Clerk**

*As MetroED begins their new year, there is an understandable and legitimate interest in ensuring the program and what it offers that the information is made available effectively and widely in our student population. I will be bringing that to the Board and discussing it with the Superintendent beforehand.*

**Van Le, Board Member**

*This is our first meeting with the Superintendent. I want to say thank you to all of the staff. We are starting the new year with new leadership and will be taking East Side to the next level. I will be taking a little more to visit with Chris in the few months and visit schools.*

**Patricia Martinez-Roach, Board Vice President**

*I want to let everyone know how much I appreciate all that you do. This is a team effort. Thank you very much from the bottom of my heart.*

*This evening there is a vigil going on. They started at Our Lady of Guadalupe and are going to Story Road, which is in reference to all the violence we’ve had in our city the last few days. I was wondering if, legally, there was anything we could do as a Board to send a message or pass a resolution to our community that we want to do something about this increase in violence in our city, especially since it relates to some of our students. I would like to adjourn in memory of the innocent victims.*

*Thank you Mr. Funk and welcome. We are very excited that you are here. To our new administration, we are looking forward to a very productive year.*

**Frank Biehl, Board President**

*I want to thank everyone who has been working on this transition in getting the new year started. Our new Superintendent has been around town meeting with lots of people. I think we’ve got a great opportunity to move things forward in our district. I want to thank everyone that has been involved in our construction projects. There’s a lot of working going on. There’s a lot of vibes in the community because of that work. They see change occurring in our district and they are quite pleased with it. I want to thank all of our staff for holding together during these difficult budget times. We know that you have made the difference and the reason the reason we are solvent is because of the sacrifices you all have been willing to make for us and for our students. I thank you for that.*



**19.02 Chris D. Funk, Superintendent**

*I am so excited to be a part of this organization. As I have spent the first 30 days on the job, I am up to over 70 individuals that I have had a one-on-one conversation with; anywhere from a 30-minute to a 90-minute one-on-one. I am truly excited about the commitment level of this organization. Over half of the individuals I have spoken with are products of the system and are working or living within this community and that says a lot about this organization.*

*As I mentioned before, after 18 years at San Jose Unified and being in a position where I was very secure, it took the right district to pry me away. The only district I was interested in was East Side. So far, the first 30 days I've been having a blast. I've had the opportunity to go down to Long Beach with members of the Math Department from Overfelt and their feeder middle schools to talk about the alignment and collaboration with algebra. I've been to 6 different sites to present to the entire staff to talk about my vision and mission and where I would like to take the district collaboratively together.*

*We've done a slight adjustment to the governance structure where I have now included the Association Presidents and all Principals at Cabinet meetings. Hopefully, that helps the Trustees in terms of issues that are vetted before they come to the Board and that we have the buy-in before we bring things. It does not mean we will always agree on everything, but we will move forward.*

*It is truly an exciting time. I am looking forward to visiting classrooms on a regular basis. I am looking forward to the work we are going to do collaboratively. Thank so much. A huge thank you to all the various departments that worked collaboratively this summer to get school open. Congratulations and looking forward to a great year together.*

**20. REPORT CLOSED SESSION ACTION(S)**

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

*See section 2.0 for reporting out of Closed Session items.*


**21. ADJOURNMENT**

**President adjourns the meeting.**

*On a motion by Board Vice President Martinez-Roach, the Board held a moment of silence in honor of the current crisis/violence occurring in the City of San Jose.*

*Meeting adjourned at 7:26 p.m. in honor and respect for all those affected by the violence.*

*Respectfully submitted,*

  
J. Manuel Herrera, Clerk  
East Side Union High School District

**Agenda Item Details**

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Meeting Aug 23, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 14.01 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 14.01**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

**SUBJECT:** Approve Contracts for Professional Services Over \$50,000

The attached list of Contracts for Professional Services over \$50,000, are being presented for Board review and approval.

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment


**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.

[14.01 Contracts Over \\$50k 8-23-12.pdf \(73 KB\)](#)

**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT  
BOARD OF TRUSTEES  
APPROVED August 23, 2012**



*M. Battle*

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
Contracts for Professional Services over \$50,000  
Board Meeting of August 23, 2012**

**1. AchieveKids**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$400,000.00 (estimated annual expenditure)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with AchieveKids for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Due to the specialized educational services required to appropriately serve students who present severe, unique emotional and/or developmental disabilities including mental retardation, autistic spectrum disorder, mood, disruptive behavior, anxiety and psychotic disorders residing in the ESUHSD, AchieveKids is an NPS offering such services that meet the widely, varying needs of this unique group of students.

**Selection Process**

There was no competitive solicitation done for this type of service. There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to AchieveKids were made at the students' IEP meeting by the District's Program Specialist after consultation with the District's Special Services Coordinator.

AchieveKids is an NPS that offers specialized educational services for this unique group of ESUHSD students. The vendor pool for these specialized services is very small especially locally.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract Services Agreement with AchieveKids for the contract term September 1, 2012 through and including June 30, 2013 for therapeutic services in an estimated amount of \$400,000.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.



## 2. The Bay School

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Carole Hersom Donna Bertrand	July 1, 2012 – June 30, 2013	\$ 246,284.62 (estimated annual expenditure)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with The Bay School for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Evergreen School District has served these students in this setting since their elementary school years at this school located in Santa Cruz, which specializes in the instruction of extremely involved Autistic students.

### Selection Process

There was no competitive solicitation done for this service. The Bay School was selected by Evergreen School District to meet the students' needs in elementary school. It is an NPS that offers specialized educational services for autistic students.

### RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with The Bay School for the contract term of July 1, 2012 through and including June 30, 2013 for the provision of NPS services for special education students in an estimated amount of \$246,284.62, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

## 3. Beacon School

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$500,000.00 (estimated annual expenditure)  Special Education-Tuition  \$180,000.00 - (estimated annual expenditure for transportation)	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into an Agreement with Beacon School for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the

Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

ESUHSD's relationship with Beacon School, an NPS, goes back many years. Beacon was on the ground floor of assisting ESUHSD with offering services to a growing population of students with the classification of Emotional Disturbance (ED). Starting at Oak Grove High School and eventually expanding to Independence, Mt. Pleasant and Andrew Hill High Schools, Beacon worked on first establishing the transitional ED classroom and then therapeutic ED classrooms. Having this established relationship facilitates giving students with emotional disturbances the appropriate continuum of services both in the comprehensive setting and in the more restrictive off campus setting of an NPS. Additionally, Beacon School is extremely proactive in returning students to ESUHSD's comprehensive campuses when appropriate.

**Selection Process**

ESUHSD has single sourced this vendor based on the complexity of building a long term relationship that benefits both ESUHSD and the students.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Agreement with Beacon School for the contract term September 1, 2012 through and including August 31, 2013 for the provision of NPS services for special education students in an estimated amount of \$680,000.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**4. Beacon School, Therapeutic Services**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 - August 31, 2013	\$730,000.00 (estimated annual expenditure)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Beacon School for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Beacon School has historically provided support to the ESUHSD in an effort to assist the ESUHSD in providing the continuum of services for special education students with the classification of Emotional Disturbance (ED) within the District. Currently, collaboration is occurring within four therapeutic classrooms at four different, comprehensive sites. As a result of this collaboration over forty-eight students are able to remain on ESUHSD's high school campuses. ESUHSD teachers are supported by Beacon's involvement through behavior intervention, academic support and therapeutic interventions.



Beacon's Therapeutic Support Service program is a model that has been developed and improved over the last ten years. The model at each site consists of one behavioral coach and one therapist with a Beacon Program Supervisor providing ten hours of weekly oversight at each site. Additionally, Beacon provides program supervision and maintains weekly and sometimes daily contact with our program. The behavioral system is an integral part of the services provided by Beacon and requires training and oversight in order to be successful. In addition, Beacon School provides training to the ESUHSD staff on a regular basis.

**Selection Process**

ESUHSD has single sourced this vendor based on the complexity of building a long term relationship that benefits both ESUHSD and the students.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract Services Agreement with Beacon School for the contract term September 1, 2012 through and including August 31, 2013 for therapeutic services in an estimated amount of \$730,000.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**5. County of Santa Clara, Probation Department**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz George Sanchez Donna Bertrand	July 1, 2012 – June 30, 2013	\$93,576.00  Student Services - SARB	Student Services  George Sanchez, Coordinator of Student Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve an Agreement for services between the Santa Clara County Probation Department and East Side Union High School District relating to the payment of the salary of one (1) Justice System Clerk II (JCS II) in an amount of \$93,576.00 for the contract period of July 1, 2012 through and including June 30, 2013.

This Agreement authorizes the County to utilize the revenue they collect to be used against the amount in the contract. Should the revenue collected not meet the contracted amount of \$93,576.00, the County will not seek further compensation.

The Scope of Work includes but not limited to:

1. Screen District Attorney (DA) Referral forms, Juvenile Contact Reports, and other attendance record information and enter into CMS 2000, JTC's database.
2. Coordinate truancy hearing date with DA and Juvenile Hearing Officer.
3. Set up court date and notify minor and parent(s) or legal guardian.
4. Enter student identification numbers and case information into tracking form, and send weekly reports to the Office of the District Attorney.
5. Prepare truancy calendar and type up waiver forms.
6. Complete all actions necessary if minor "Fails to Appear," such as, call minor and/or parent, schedule new appointment, type another abstract, and report minor's status to Department of Motor Vehicles (DMV).
7. Process case after Court, enter dispositional information into CMS 2000 and report to DMV.

8. Collect fines and monitor minor's completion of Public Service Work.
9. Report to the DMV a "Failure to Comply" when minor does not comply with all "Court Orders" or a "Failure to Pay" if fine is not paid by due date.
10. Send a quarterly report listing the students name and student ID to the East Side Union High School District.

**Selection Process**

Not applicable to this service.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Agreement for services between the Santa Clara County Probation Department and East Side Union High School District relating to the payment of the salary of one (1) Justice System Clerk II (JCS II) in an amount of \$93,576.00 for the contract period of July 1, 2012 through and including June 30, 2013.

**6. County of Santa Clara, CalWORKs**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Richard Uribe Dan Moser Donna Bertrand	July 1, 2012 – June 30, 2013	(\$290,872.00) (REVENUE)  CalWORKs	Adult Education Center  Richard Uribe, Director

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to ratify Master Contract # MC.ESUD.2013 with the County of Santa Clara Social Services Agency. This master contract is a revenue contract whereby ESUHSD will provide an array of education, training and job placement services for CalWORKs clients for the County of Santa Clara. For the term of July 1, 2012 through June 30, 2013, this is contingent upon approval of the County and State budgets. Registration fees and expenses for books are paid for through another payment system within the County of Santa Clara.

ESUHSD has been providing this service for at least the last 10 years successfully.

**Selection Process**

Not applicable

**RECOMMENDATION**

It is recommended that the Board of Trustees ratify Master Contract # MC.ESUD.2013 with the County of Santa Clara Social Services Agency for the term of July 1, 2012 through June 30, 2013 for the revenue amount of \$290,872.00.

**7. MAXIM Health Care Services**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$75,000.00  Special Education - SDC	Special Education Services  Carole Hersom, Coordinator of Special Services



East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with MAXIM Health Care Services, Inc. for the purchase of licensed vocational nursing services; and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Contractor will provide substitute services for 1:1 IEP Para-Educators in the case of their absences. These services are provided to ESUHSD's medically fragile students who have a variety of medical conditions that warrant this service.

**Selection Process**

There was no competitive solicitation done this year as two years ago the District contacted a few nursing agencies to request a quote to provide the 1:1 service for this student. None of the vendors contacted were able to provide the District with this type of service. The District was able to receive a quote from a vendor, Care at Home to do this work; however, at the same time the District had contacted the Director of Nurses for the Santa Clara County Office of Education (SCCOE) to see if she had any vendor recommendations. SCCOE provided us with the name of the vendor SCCOE currently has a contract to provide comparable services: MAXIM.

MAXIM and Care at Home agencies offer services at the same rate. Ultimately, MAXIM was chosen due to their availability of staff to provide this specialized service that was needed by the District.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Agreement with MAXIM Health Care Services, Inc. for the contract term September 1, 2012 through and including August 31, 2013 for the provision of substitute services for 1:1 IEP Para-educator in an amount of \$75,000.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**8. Morgan Center**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	July 1, 2012 – June 30, 2013	\$300,000.00 (estimated annual expenditures for services)  Special Education-Tuition  \$77,034.00 (estimated annual expenditure for transportation)	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Morgan Center for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.



Due to the specialized educational services required to appropriately serve the severely involved Autism Spectrum students residing in the ESUHSD, Morgan Center is an NPS offering such services that meet the widely, varying needs of this unique group of students.

**Selection Process**

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to the Morgan Center were made at the students' IEP meeting by the District's Program Specialist after consultation with the District's Special Services Coordinator.

Morgan Center is an NPS that offers specialized educational services for this unique group of ESUHSD students. Morgan Center is one of two local NPS' that offer these unique services and ESUHSD contracts with both vendors.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract Services Agreement with Morgan Center for the contract term July 1, 2012 through and including June 30, 2013 for the provision of NPS services for special education students in an estimated amount of \$377,034.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**9. Pacific Autism Center (PACE)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$222,238.70 (estimated annual expenditure)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into an Agreement with Pacific Autism Center for Education (PACE) for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Due to the specialized educational services required to appropriately serve the severely involved Autism Spectrum students residing in the ESUHSD, PACE is a NPS offering such services that meet the widely, varying needs of this unique group of students.

**Selection Process**

There was no competitive solicitation done for this type of services.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP

meeting. Referrals to PACE were made at the students' IEP meeting by the District's Program Specialist after consultation with the District's Special Services Coordinator.

PACE is an NPS that offers specialized educational services for this unique group of ESUHSD students. PACE is one of two local non-public schools that offer these unique services and ESUHSD contract with both vendors.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Agreement with Pacific Autism Center for Education (PACE) for the contract term September 1, 2012 through and including August 31, 2013 for the provision of NPS services for special education students in an estimated amount of \$222,238.70, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**10. Pine Hill School**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$781,648.00 (estimated annual expenditures for services)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Pine Hill School for the provision of non-public school (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Due to the specialized educational services required to appropriately serve students who present severe, unique emotional and/or developmental disabilities including mental retardation, autistic spectrum disorder, mood, disruptive behavior, anxiety and psychotic disorders residing in the ESUHSD, Pine Hill is an NPS offering such services that meet the widely, varying needs of this unique group of students.

**Selection Process**

There was no competitive solicitation done for this type of service. There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to Pine Hill School were made at the students' IEP meeting by the District's Program Specialist after consultation with the District's Special Services Coordinator.

Pine Hill School is an NPS that offers specialized educational services for this unique group of ESUHSD students. The vendor pool for these specialized services is very small especially locally.



**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract Services Agreement with Pine Hill School for the contract term September 1, 2012 through and including August 31, 2013 for the provision of NPS services for Special Education students in an estimated amount of \$781,648.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**11. Spectrum Center**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Carole Hersom Donna Bertrand	September 1, 2012 – August 31, 2013	\$598,772.00 (estimated annual expenditures for services)  Special Education-Tuition	Special Education Services  Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an Agreement with Spectrum Center, Inc. for the provision of Non-Public School (NPS) services for special education students and to delegate authority to the Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the master contract and specified services per the students' Individual Education Program (IEP) which will be incorporated into the Contract Services Agreement.

Due to the specialized educational services required to appropriately serve students who present severe, unique emotional and/or developmental disabilities including mental retardation, autistic spectrum disorder, mood, disruptive behavior, anxiety and psychotic disorders residing in the ESUHSD, Spectrum Center is a NPS offering such services that meet the widely, varying needs of this unique group of students.

**Selection Process**

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referrals to Spectrum Center are made at the students' IEP meetings by the District's Program Specialists after consultation with the District's Special Services Coordinator.

Spectrum Center is an NPS that offers specialized educational services for this unique group of ESUHSD students. The vendor pool for these specialized services is very small especially locally.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract Services Agreement with Spectrum Center, Inc. for the contract term September 1, 2012 through and including August 31, 2013 for the provision of NPS services for special education students in an estimated amount of \$598,772.00, and to delegate authority to the Superintendent or designee to amend said contract including funding as needed.

**Agenda Item Details**

Meeting	Aug 23, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	15.01 Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager
Access	Public
Type	Action, Discussion
Recommended Action	It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts for professional services as recommended on the attachment.

**Public Content****EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 15.01****TO:** Board of Trustees**FROM:** Chris D. Funk, Superintendent**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager**SUBJECT:** Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000

The attached list of Bond/Capital Projects Contracts for Professional Services over \$50,000 is being presented for Board review and approval.

**FISCAL IMPACT:**

As indicated in the attachment

**FUNDING SOURCE:**

As indicated in the attachment

**RECOMMENDATION:**


It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts for professional services as recommended on the attachment.

[Bond Contracts Over \\$50K.pdf \(155 KB\)](#)

**Executive Content**

Last Modified by Vangie Avila on August 7, 2012

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
BOARD OF TRUSTEES  
APPROVED August 23, 2012**





**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Bond/Capital Projects Contracts for Professional Services over \$50,000**  
**Board Meeting of August 23, 2012**

**1. AEDIS Architecture & Planning**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
K. Lanford M. Battle J. Unger	April 9, 2009 – February 28, 2013 (change contract period)	\$27,860.00 (increased amount)  Measure E	W.C. Overfelt Adult Education Center/Facilities  Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #3 to the Purchase Order #905237 and Amendment #3 to Work Authorization #3 for the W.C. Overfelt Adult Education Center New Academic & Administrative Building Project, (Project No.: E-042-001).

This change order is issued due to District's request for Architect to provide design services during the construction phase of this project to create a new drop off lane at the W.C. Overfelt High School student parking lot located on the east side of the high school campus.

Scope of work to include a dual lane drop off area which includes parking lot light poles, a 4' chain link fence in a striped island to provide a safety barrier between the students and vehicles, restriping the existing parking lot for better vehicle circulation and better ADA access, and provide site security cameras located on the east end. This change requires DSA review and approval.

Original Purchase Order was approved for \$526,018.00 + Change Order #1 \$52,601.80.00 + Change Order #2 \$91,314.00 + Change Order #3 \$27,860.00 = the new Purchase Order total of \$697,793.80

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #3 to Purchase Order #905237 and Amendment #3 to Work Authorization #3 with AEDIS Architecture & Planning in the amount of \$27,860.00 for the W.C. Overfelt Adult Education Center New Academic & Administrative Building Project, (Project No.: E-042-001).

**2. Consolidated Engineering Laboratories**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
K. Lanford M. Battle J. Unger	June 17, 2012 – December 31, 2012 (change contract period)	\$18,309.00 (increased amount)  Measure E	Silver Creek High School/Facilities  Adolfo Laguna, Principal Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to the Purchase Order #103309 for the Silver Creek High School Multi-Purpose Classroom Building Project, (Project No.: E-055-001).

This change order is needed because of additional materials testing and special inspection for the remaining construction schedule duration and unforeseen inspections. This change order request is not to exceed \$18,309.00.

Original Purchase Order was approved for \$68,014.00 + Change Order #1 \$28,655.00 + Change Order #2 \$18,309.00 = the new Purchase Order total of \$114,978.00.

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #103309 with Consolidated Engineering Laboratories in the amount of \$18,309.00 for the Silver Creek High School Multi-Purpose Classroom Building Project, (Project No.: E-055-001).

**3. Davillier-Sloan, Inc.**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
K. Lanford M. Battle J. Unger	December 20, 2011- December 31, 2012 (change contract period)	\$ 73,344.00 (increased amount)  Measures G & E	Facilities/Purchasing  Kathy Lanford, Assistant Director  Marcus Battle, Associate Superintendent of Business Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to the Purchase Order #202023 and Amendment #2 for the Contract Services Agreement with Davillier-Sloan, Inc (DSI) for the provision of Labor Compliance services for the Measure E projects awarded before January 01, 2012.

The Consultant will continue to monitor and review all certified payroll records received from the District's construction contractors awarded projects for compliance under its Department of Industrial Relations approved Labor Compliance Program and will notify the District if incorrect wages or other problems on the certified payroll are identified.

Original Purchase Order was approved for \$70,000.00 + Change Order #1 \$68,000.00 + Change Order #2 \$73,344.00 = the new Purchase Order total of \$211,344.00.

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #202023 and Amendment #2 with Davillier-Sloan, Inc (DSI) for the extended term through December 31, 2012 for the provision of Labor Compliance services for the Measure E projects awarded before January 01, 2012 in the amount of \$73,344.00.



#### 4. Santa Clara Valley Construction Inspections

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle J. Unger	September 17, 2012 – September 30, 2013	\$73,566.00 (not to exceed)  Measure E	Calero High School/Facilities  Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an agreement for Class-2 DSA required project inspection services for Calero High School Modernization Project, (Project No.: E-080-002).

#### Selection Process

The ESUHSD Administration solicited the firms on the "Measure E & G Pre-Approved Inspector of Record Firms (IOR) List" which was approved by the Board of Trustees on June 21, 2012 (RFQ-18-11-12). The District received six (6) proposals from consultants in the pool. After careful review of each proposal submitted, District staff based their recommendation on demonstrated competence and qualifications to perform the service and achieve fair and reasonable fees.

The selection of the project inspector requires DSA approval. The Architect for the project also approves and submits the Inspector Qualification Record Form (DSA-5) to DSA for approval. Because of the possibility DSA will not approve the District's choice, staff is recommending three (3) IOR consultants in the following order. If DSA does not accept the District's first choice, we would award to the second choice and if needed, third choice. ESUHSD would move forward with the recommendation to the Board of Trustees to award the contract to Santa Clara Valley Construction Inspections pending DSA approval.

#### Proposal Results:

IOR	Total Fee
<b>1 - Santa Clara Valley Construction Inspections – Clay Hanning, IOR</b>	<b>\$73,566.00</b>
2 - Furman & Associates, Inc. – Jerry Furman, IOR	\$77,400.00
3 – Michael Henley & Company – Dan Butler, IOR or Steve Kindell, IOR	\$117,500.00

#### RECOMMENDATION

It is recommended that the Board of Trustees enter into and approve an Agreement pending DSA approval with Santa Clara Valley Construction Inspections, in an amount of \$73,566.00 for the term September 17, 2012 through September 30, 2012 for the provision of Class-2 DSA required project inspection services for Calero High School Modernization Project, (Project No. E-080-002).

#### 5. United Compliance Corporation (UCC)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle J. Unger	October 21, 2011 until project close out is completed	\$25,000.00 (increase amount)  Measure E	Santa Teresa High School /Facilities  Greg Louie, Principal Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #201714 with United Compliance Corporation (UCC) for the additional scope of Construction Management Services to coordinate a Level 2 Modernization incorporating the Building 100 Counseling Suite into the Building 200 modernization in an increased amount of \$25,000.00 for the Santa Teresa High School Units 100, 200, 400, 700, 1300 & 1400 Buildings, (Project No.: E-070-003).

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #201714 with United Compliance Corporation (UCC) in the amount of \$25,000.00 for the Santa Teresa High School Units 100, 200, 400, 700, 1300 & 1400 Buildings, (Project No.: E-070-003).

**6. Williams Scotsman – Ratify Lease Agreement**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
K. Lanford M. Battle J. Unger	July 1, 2012 – June 30, 2013	\$126,381.60  Capital Facilities	Oak Grove High School/Facilities  Martha Brazil, Principal Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to ratify the continuation of the lease for twenty-four (24) relocatable classrooms at Oak Grove High School. Administration is requesting authorization to keep these relocatables on a month-to-month year extension. These units will be used to house students during the modernization of two (2) Measure E Classroom Modernization projects.

**Selection Process**

N/A. This is a continuation of a current lease.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve the continuation of the lease for twenty-four (24) relocatable classrooms at Oak Grove High School with Williams Scotsman for an amount of \$126,381.60 for the extended period of July 1, 2012 – June 30, 2013.



*M. Guillen***Agenda Item Details**

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Meeting Aug 23, 2012 - ESUHS D REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.06 Approve Contracts for Professional Services At or Below \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 16.06**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

**SUBJECT:** Approve Contracts for Professional Services At or Below \$50,000

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

**FISCAL IMPACT:**

As indicated in the attachment

**FUNDING SOURCE:**

As indicated in the attachment

**RECOMMENDATION:**

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

[16.06 Contract Under \\$50k 8-23-12.pdf \(26 KB\)](#)

**Executive Content**

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*Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.*

# Item: 16.06

## EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES At or Below \$50,000 Board Meeting of August 23, 2012

### A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	Brightstar Care	Carole Hersom Juan Cruz Donna Bertrand	September 1, 2011 – August 31, 2012 (No change)	\$4,500.00  Special Education	Education Center, Special Education Services  Carole Hersom, Coordinator	<b>Ratification.</b> Approved Change Order #1 to Purchase Order #201045 due to the fact that the original amount of \$12,000.00 was an estimate only for service provided in the classroom only. However, the student has required additional services and this change order will cover those additional costs already provided during the school year and summer program in accordance to the student's IEP.  Original Purchase Order Amount \$12,000.00 + Change Order #1 \$4,500.00 = a new Purchase Order Total \$16,500.00.
2	Brightstar Care	Carole Hersom Juan Cruz Donna Bertrand	August 14, 2012 – August 31, 2013	\$18,500.00  Special Education	Education Center, Special Education Services  Carole Hersom, Coordinator	To provide a nurse to W.C. Overfelt to administer insulin injections on a daily basis to an ESUHSD Special Education student. The nurse will do the blood glucose reading, give the insulin and check the student twenty minutes after the injection. The nurse will also provide other services as needed per the IEP.  Several agencies were contacted but only Brightstar had the licensed staff available who could perform the critical services to this ESUHSD Special Education student.
3	Loyola Marymount University	Cari Vaeth Donna Bertrand	No Term	No Cost	District Wide  Cari Vaeth, Director of Human Resources	To enter into a Participating District Intern Agreement that will provide Loyola Marymount University intern candidates the opportunity to participate in an internship program within the ESUHSD.

4	San Bernardino County Superintendent of Schools	Robert Ibarra Kirsten King Juan Cruz Donna Bertrand	July 1, 2012 – June 30, 2013	\$6,000.00 Staff Development	Education Center, Professional Development  Robert Ibarra, Coordinator	To provide the on-going hosting of the ESUHSD's Organizational Management System (OMS) which provides online professional development registration for all employees, including data management, Title II Federal reporting functions, server maintenance, security back-ups, upgrades, and technical support for the ESUHSD system administrator.
5	San Jose State University	Cari Vaeth Donna Bertrand	July 1, 2012 – June 30, 2015	\$16.67 per quarter unit, and \$25.00 per semester unit  (REVENUE AGREEMENT)	District Wide  Cari Vaeth, Director	To enter into a Student Teaching Agreement with the State, to provide teaching experience through practice teaching to students enrolled in teacher training curricula of the State University.
6	Shelly Davis	Carole Hersom Juan Cruz Donna Bertrand	September 1, 2012 – August 31, 2013	\$6,800.00 Special Education	Education Center, Special Education Services  Carole Hersom, Coordinator	Consultant to provide specific social skills training for one Special Education student as per IEP agreement.
7	VT Safety Services	Carole Hersom Juan Cruz Donna Bertrand	August 13, 2012 – June 30, 2013	\$5,000.00 Special Education	Education Center, Special Education Services  Carole Hersom, Coordinator	To provide annual trainings as required; such trainings include but not limited to CPR and First Aid Training for Post Senior Staff.



**Agenda Item Details**

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Meeting Aug 23, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.07 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**Public Content**

**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**Item: 16.07**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

**SUBJECT:** Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000

The attached list of Bond/Capital Projects Contracts for Professional Services at or below \$50,000, is being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment

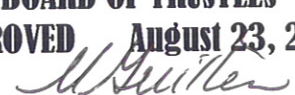

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed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

[Bond Capital Projects Contracts At or Below \\$50K.pdf \(26 KB\)](#)

**Executive Content**

*Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.*

Last Modified by Vangie Avila on August 6, 2012

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED August 23, 2012**  
  


**EAST SIDE UNION HIGH SCHOOL DISTRICT  
BOND/CAPITAL PROJECTS PROFESSIONAL CONTRACT SERVICES At or Below \$50,000**  
Board Meeting of August 23, 2012

**A. BOND / FACILITIES**

	<b>Contractor Name</b>	<b>Reviewed By</b>	<b>Contract Period</b>	<b>Cost/Funding</b>	<b>School/Dept. Manager</b>	<b>Purpose</b>
1	BAGG Engineers	K. Lanford M. Battle J. Unger	August 24, 2012 – December 31, 2013	\$16,766.00 (not to exceed)  Measure E	Calero High School/Facilities  K. King, Director  Kathy Lanford, Assistant Director of Facilities	Provide special testing and inspection services during the construction of the Calero High School Modernization, (Project No.: E-080-002).  Received seven (7) testing/inspection companies proposals; BAGG Engineers submitted the most responsive proposal. The selection was based on lowest hourly minimums, inspector hourly rates and administration fees.  Provide ground topographic survey for the James Lick High School Multi-Use Building 900, (Project No.: E-030-005).
2	Carroll Engineering	K. Lanford M. Battle J. Unger	August 24, 2012 – December 31, 2012	\$3,700.00 (not to exceed)  Measure E	James Lick High School/Facilities  Glenn VanderZee, Principal	
3	Furman & Associates, Inc.	K. Lanford J. Lawrence M. Battle J. Unger	August 24, 2012 – December 31, 2012	\$1,500.00 (not to exceed)  Measure G	Andrew Hill, Santa Teresa High Schools/Facilities  Betina Lopez, Greg Louie, Principals  Kathy Lanford, Assistant Director of Facilities	Provide all required Division of the State Architect Project inspection for the Andrew Hill & Santa Teresa High Schools Measure "G" Gym Bleacher Replacement Project, (G-025-204 and G-070-204).
4	Mont-Rose Moving Systems, Inc.	K. Lanford M. Battle J. Unger	July 9, 2012 – July 31, 2012	\$2,048.52 (not to exceed)  Measure E	Santa Teresa High School/Facilities  Greg Louie, Principal	RATIFICATION REQUEST – PO # 300049  Provide relocation services for the Santa Teresa High School Modernization of Unit 100, 200, 400, 700, 1300,

								<p>&amp; 1400 Buildings, (Project No.: E-070-003).</p> <p>Disassemble, load, deliver (4) cubicles from storage to site and re-assemble in school library administration building to accommodate counseling staff move during the construction phase for the 2013-2013 school year.</p> <p>RATIFICATION REQUEST – PO # 300322</p> <p>Provide video inspection of accessible sewer lines inside building 500 requested by project architect for the Yerba Buena High School Building 500/Theatre, (Project No.: E-060-004).</p>
5	Scantech Utility Locating Services	K. Lanford M. Battle J. Unger	July 23, 2012 – December 31, 2012	\$1,250.00 (not to exceed) Measure E	<p>Kathy Lanford, Assistant Director of Facilities</p> <p>Yerba Buena High School/Facilities</p> <p>Tom Huynh, Principal</p> <p>Kathy Lanford, Assistant Director of Facilities</p>	<p>Santa Teresa High School/Facilities</p> <p>Greg Louie, Principal</p> <p>Kathy Lanford, Assistant Director of Facilities</p>	<p>Provide hydro jet and video camera work on the sewer lines in the boy's and girl's restroom in (4) buildings for the Santa Teresa High School Unit 100, 200, 400, 700 1300 &amp; 1400 Building Project, (Project No.: E-070-003).</p>	
6	Scantech Utility Locating Services	K. Lanford M. Battle J. Unger	August 24, 2012 – December 31, 2012	\$2,480.00 (not to exceed) Measure E				