

# MONTGOMERY COLLEGE BOARD OF TRUSTEES

## RECORD OF RESOLUTIONS May 16, 2005 Board Meeting

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**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**PERSONNEL ACTIONS CONFIRMATION REPORT**

BACKGROUND

The Board of Trustees by State Law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACK-UP INFORMATION

Board Resolution  
Personnel Actions Confirmation Report

RESOURCE PERSONS

Ms. Lawyer  
Ms. Bokor

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-38**  
Adopted on: 5/16/05

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Personnel Actions Confirmation**

WHEREAS, by State Law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, the attached summary indicates related personnel actions taken by the College during the period from and including April 1, 2005, to April 30, 2005; and

WHEREAS, the President of the College recommends that the Board adopt the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the attached report and confirms the action of the President.

Attachment

CRN:abg

MONTGOMERY COLLEGE

SUMMARY OF PERSONNEL ACTIONS  
From and Including April 1, 2005, to and Including April 30, 2005

**STAFF**

**STAFF EMPLOYMENTS**

Effective Date	Name	Position Title	Grade	Location
04/04/05	Berry, Robert C	Library Assistant 10 Mos/PT	F	IT Learning Center Library RV
04/18/05	Harris, LaShaun R	Admin Aide	F	Student Development GT
04/18/05	Jackson, Sonja M	Library Assistant	F	IT Learning Center Library TP
04/04/05	Libby, John H	Alumni Coord	I	Institutional Advancement
04/04/05	Nero, Kenneth E	Library Assistant	F	IT Learning Center Library TP
04/04/05	Nikkhah Chalezamin, Samia	Library Assistant 10 Mos/PT	F	IT Learning Center Library RV
04/18/05	Wureh, Snami E	Senior Admin Aide	G	Provost TP

**STAFF SEPARATIONS**

04/15/05	Appel, John F	IT Security Analyst	L	Office of Info Tech
04/19/05	Casillas Perez, Jorge	Instructional Asst/PT	G	Humanities/Soc Sci/Educ GT
04/09/05	Flor-Robinson, Kellie A <sup>1</sup>	Safety & Sec Officer Lead	F	Facilities Security - TP
04/21/05	Taylor, Veda J	Admin Aide	F	Health Sciences

**STAFF EMPLOYMENTS: Ethnicity and Gender**

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	1	3	0	0	0	4
Male	2	1	0	0	0	3
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>

**STAFF SEPARATIONS: Ethnicity and Gender**

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	2	0	0	0	0	2
Male	1	0	1	0	0	2
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>

**FACULTY**

**FACULTY EMPLOYMENTS: None**

**FACULTY SEPARATIONS: None**

<sup>1</sup> Retirement

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**AWARD OF CONTRACT  
TROLLEY SYSTEM FOR GERMANTOWN SWIMMING POOL ROOF STRUCTURE  
BID NO. 605-013**

BACKGROUND

The new structural steel support system for the new roof on the Germantown Campus swimming pool requires routine inspection and painting. The roof support system was designed to incorporate the addition of a trolley system (moveable platforms on tracks) between the structural steel girders to allow for the inspection and maintenance of the steel as well as maintenance of the lighting fixtures over the pool. The trolley system was designed by SNG Engineering, Inc., the firm that designed the new roof after the structural failure of the original roof as a result of the 2003 President's Day snowstorm.

The project was advertised for bid on March 22, 2005. One (1) bid was received on April 13, 2005 for \$326,000, submitted by Superior Iron Works, Inc., Sterling, Virginia. The project cost estimate was \$270,000. The low bid is higher than estimated because the work must be completed in a tight time frame, before the start of fall classes, and steel costs remain high nationwide. Sufficient funds are available in the FY2005 Operating Budget for this work. References were checked and positive responses were received. This firm was the steel subcontractor on the Germantown Pool roof structural repair; their work was very satisfactory.

RECOMMENDATION

It is recommended that an award of contract for an amount not-to-exceed \$358,000, which includes the bid price of \$326,000 plus a 10% contingency to be used if needed for unforeseen conditions, be made to Superior Iron Works, Inc., Sterling, Virginia, as the low responsible bidder for the fabrication and installation of a trolley system for the Germantown Campus swimming pool roof structure at the Germantown Campus.

BACK-UP INFORMATION

Board Resolution  
Summary of Bids  
Bidders List

RESOURCE PERSONS

Mr. Capp  
Ms. Wormack  
Mr. Moore

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-39**  
Adopted on: 5/16/05

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Award of Contract, Trolley System for Germantown  
Swimming Pool Roof Structure**

WHEREAS, the Chief Facilities Officer requests approval of a contract for fabrication and installation of a trolley system for the roof support structure at the Germantown Campus swimming pool in order to inspect and maintain the structural steel and lighting systems over the pool; and

WHEREAS, the Director of Procurement certifies that project specifications and drawings were developed by appropriate College staff and consultants; and

WHEREAS, pursuant to Md. (Educ.) Ann. Sec. 16-311, invitations to bid were publicly advertised on March 22, 2005, in the *Washington Post*, *Baltimore Sun*, and *Montgomery Journal*; listed by two reporting agencies; and posted on the Montgomery College Procurement Web site, two State of Maryland Web sites, and the Montgomery County Web site; and

WHEREAS, seventeen (17) firms received the bid documents, and one (1) bid for this project was received in the Office of Procurement and publicly opened, read aloud, and recorded beginning at 3:00 p.m. local time on April 13, 2005; and

WHEREAS, the bid of \$326,000 submitted by Superior Iron Works, Inc., Sterling, Virginia, Maryland, meets all College specifications and is therefore the low responsive bid; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2005 Operating Budget to enable the College to award the contract as recommended plus allow for a 10% construction contingency, if needed; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That a contract for providing all necessary materials, labor, equipment, and insurance for fabrication and installation of a trolley system for the inspection and maintenance of the structural steel and lighting over the swimming pool at the Germantown Campus be awarded to Superior Iron Works, Inc., Sterling, Virginia, at the firm's low bid price of \$326,000, plus a 10% contingency, to be used for unforeseen conditions if needed, for a total contract award authorization not-to-exceed \$358,000.

CRN:abg

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE  
Rockville, Maryland**

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**AWARD OF CONTRACT  
COLLEGEWIDE ROOF REPAIRS  
BID NO. 605-014**

**BACKGROUND**

As a part of Facilities' ongoing roof maintenance, repair, and replacement program, all College roofs are inspected annually by maintenance staff. Every three years, an engineering survey of all roofs is performed by a roofing consultant. The surveys form the basis for funding requests to the County and State for roof repairs and roof replacements in the Capital Budget. This contract award covers the repairs identified for 17 College buildings in the latest survey.

Project specifications for collegewide roof repairs were prepared by an engineering consultant and Facilities staff, and the project was advertised for bid on March 22, 2005. Bids were opened on April 13, 2005, and three (3) bids were received ranging from \$171,840 to \$375,761. The apparent low bid was submitted by Control Roofing and Sheetmetal, Corp., Capitol Heights, Maryland. The estimated project cost was \$200,000. Sufficient funds are available for this project in the FY2005 Capital Budget. References provided by the firm were checked and positive responses were received.

**RECOMMENDATION**

It is recommended that an award of contract for \$171,840 be made to Control Roofing and Sheetmetal Corp., Capitol Heights, Maryland, as the recommended low bidder for collegewide roof repairs.

**BACK-UP INFORMATION**

Board Resolution  
Summary of Bids  
Bidders List

**RESOURCE PERSONS**

Mr. Capp  
Mr. Moore  
Ms. Wormack

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-40**  
Adopted on: 5/16/05

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Award of Contract for Collegewide Roof Repairs**

WHEREAS, the Chief Facilities Officer has requested repairs to various roofs at each of the College's three campuses as a result of a recent engineering survey; and

WHEREAS, the Director of Procurement certifies that specifications were developed by appropriate College staff and consultants; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2005 Capital Budget for this purpose; and

WHEREAS, pursuant to Md. (Educ.) Code Ann. Sec. 16-311, invitations to bid were publicly advertised in *The Montgomery Journal*, *Baltimore Sun*, and *The Washington Post* newspapers on March 22, 2005, listed by two reporting agencies; and posted on the Montgomery College Procurement Web site, two State of Maryland Web sites, and the Montgomery County Web site; and

WHEREAS, twenty-two (22) contractors received bid documents and three (3) bids were received in the Office of Procurement, and were publicly opened, read aloud, and logged in beginning at 3:00 p.m. local time on April 13, 2005; and

WHEREAS, after analysis of the bids, it was determined that the low bid of \$171,840 submitted by Control Roofing and Sheetmetal, Corp., Capitol Heights, Maryland, meets all College specifications and is therefore the low responsible bid; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That a contract for providing all necessary materials, labor, equipment, and insurance for the collegewide roof repairs is awarded to Control Roofing and Sheetmetal Corp., Capitol Heights, Maryland, at the firm's bid price of \$171,840.

CRN:abg

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**AWARD OF CONTRACT  
CLAY TILE ROOF REPLACEMENT GERMANTOWN CAMPUS  
BID NO. 605-015**

**BACKGROUND**

This project involves completely replacing the 27-year old original clay tiles on the Humanities & Social Sciences Building roof. Also included are repairs to the clay tiles on the Science and Applied Studies and the Physical Education Building roofs at the Germantown Campus using tiles salvaged from Humanities. The clay tiles are on the steep slope portions of the roofs and are no longer manufactured. Maintenance and leaks have been a problem on these portions of the roofs. The tiles on the Humanities Building will be replaced with ones made of recycled rubber and plastic. The new tiles are similar in appearance to the original tiles, but are not prone to the problems associated with clay tiles.

The project was advertised for bid on March 22, 2005. Bids were opened on April 13, 2005; five (5) bids were received, including one no bid, ranging from \$389,710 to \$543,000. The estimated cost of this project was \$300,000. The apparent low bid was submitted by Ruff Roofers, Inc., Baltimore, Maryland. The low bid is higher than the College's cost estimate due to the labor-intensive nature of clay tile roof repairs plus the fact that the work is required during the peak roof repair season. This is the first replacement of this type to be done at the College. Sufficient funds are available in the FY2005 Facility Use Revolving Fund and the FY2005 Capital Budget for this work. References were checked and positive responses were received.

**RECOMMENDATION**

It is recommended that an award of contract for \$389,710 be made to Ruff Roofers, Inc., Baltimore, Maryland, as the recommended low bidder for the replacement of clay tiles on the Humanities & Social Sciences Building roof and repairs to the clay tiles on the Science and Applied Studies and Physical Education Building roofs at the Germantown Campus.

**BACK-UP INFORMATION**

Board Resolution  
Summary of Bids  
Bidders List

**RESOURCE PERSONS**

Mr. Capp  
Ms. Wormack  
Mr. Moore

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-41**  
Adopted on: 5/15/06

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Award of Contract, Clay Tile Roof Replacement,  
Germantown Campus, Bid No. 605-015**

WHEREAS, the Chief Facilities Officer requests approval of a contract for replacing the original clay tiles on the Humanities and Social Sciences Building roof and making repairs to the clay tiles on the Science and Applied Studies and Physical Education Building roofs at the Germantown Campus; and

WHEREAS, the Director of Procurement certifies that project specifications and drawings were developed by appropriate College staff and consultants; and

WHEREAS, pursuant to Md. (Educ.) Ann. Sec. 16-311, invitations to bid were publicly advertised on March 22, 2005, in the *Washington Post*, *Baltimore Sun*, and *Montgomery Journal*; listed by two reporting agencies; and posted on the Montgomery College Procurement Web site, two State of Maryland Web sites, and the Montgomery County Web site; and

WHEREAS, twenty (20) firms received bid documents, and five (5) bids for this project were received, including one no bid, in the Office of Procurement and were publicly opened, read aloud, and recorded beginning at 3:00 p.m. local time on April 13, 2005; and

WHEREAS, the bid of \$389,710 submitted by Ruff Roofers, Inc., Baltimore, Maryland, meets all College specifications and is therefore the lowest responsive bidder; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2005 Facility Use Revolving Fund and the FY2005 Capital Budget to enable the College to award the contract as recommended; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That a contract for providing all necessary materials, labor, equipment, and insurance for the replacement of the original clay tile roof on the Science and Applied Studies Building and repairing the clay tile roofs on the Humanities and Social Science and Physical Education Building roofs at the Germantown Campus be awarded to Ruff Roofers, Inc., Baltimore, Maryland, at the firm's low bid price of \$389,710.

CRN:abg

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**CREATION OF A NEW LATE PAYMENT FEE**

**BACKGROUND**

Montgomery College has been running a delete-no-pay process for the past thirty years or so, insuring for the most part that students who are registered for a course have also paid for that course or made arrangements to pay. The delete no-pay process opens seats for paying students which might otherwise have been taken by those who have not paid. Over the last several years, the College has run this process on various schedules, with similar results as far as the percentage of students who are deleted for non-payment and the percentage who reregister after being deleted. Most community colleges in the State of Maryland use a similar process.

This past year, the College charged a committee to review this process. The charge to the committee was to look for ways to better serve the students while also giving the deans more accurate and timely information on which to base decisions regarding course sections and resource requirements.

After thoroughly studying this issue and having looked at what other colleges in the State are doing, the committee recommended a revised delete-no-pay process for the future.

Along with a number of programmatic changes, the committee thought the College needed to provide a financial incentive for students to pay their tuition and fees or make payment arrangements by the due dates by instituting a late payment fee. This fee will only impact students who have not met one of the following conditions: no financial aid, have not signed up for the deferred payment plan, have not made any payment on their account, and who do not have a sponsor.

**RECOMMENDATION**

It is recommended that the Board of Trustees, effective with the beginning of the fall semester 2005, create a new late payment fee in the amount of \$50.00. This fee will be assessed only to students that do not make appropriate payment arrangements.

**BACK-UP INFORMATION**

Board Resolution

**RESOURCE PERSONS**

Mr. Moore  
Mr. Helberg  
Ms. Dimon  
Mr. Campbell

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-42**  
Adopted on: 5/16/05

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Creation of a New Late Payment Fee**

WHEREAS, the College encourages students to make payment arrangements at the time they register for classes; and

WHEREAS, there is a requirement on the part of the student by which these arrangements must be made; and

WHEREAS, students are deleted for non-payment through the end of the second week before classes begin; and

WHEREAS, over the years, the college has made a concerted effort to minimize student fees; and

WHEREAS, there must be a financial incentive for students to make payment arrangements; now therefore be it

Resolved, That the Board Trustees establish a \$50.00 late payment fee for students that have not paid nor made arrangements to pay their tuition and fee charges. This fee will become effective at the beginning of the fall semester 2005.

CRN:abg

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**ADOPTION OF BOARD POLICIES RELATING TO  
BEST PRACTICES OF THE SARBANES-OXLEY ACT**

**BACKGROUND**

In December 2004, the Chief Business Officer presented to the Board of Trustees recommended best practices of the Sarbanes-Oxley Act for implementation by the College. Congress passed the American Competitiveness and Corporate Accountability Act of 2002, better known as the Sarbanes-Oxley Act, on July 30, 2002. This Act was passed in response to corporate accounting scandals and governs accountability and financial reporting of publicly traded corporations. "Publicly traded" corporations are those firms that file financial statements with the Securities and Exchange Commission. The Sarbanes-Oxley Act seeks to improve the accuracy of financial reporting of publicly traded corporations in the wake of investors who lost millions of dollars because of their reliance on financial reporting by companies that did not present accurately the financial condition of companies.

While colleges and universities are not subject to the Act's provisions, it is relevant to institutions of higher education for the following reasons:

- Trustees of colleges and universities may expect institutions to adopt certain aspects of the Act as best practices.
- Several states are considering adopting variations of the Act for all public institutions.
- Bond rating agencies and directors and officers' liability insurers may consider governance aspects of the Act in underwriting and/or pricing policies. Colleges and universities that receive federal funding must adhere to the new General Accounting Office standards that are in some cases more restrictive than the standards in the Act.
- Montgomery College's Board of Trustees continually seeks to strengthen institutional and personal accountability and responsibility.

Subsequent to the meeting with the Board in December 2004, staff prepared a new policy on Internal Audit and modified related existing policies on the Board of Trustees Bylaws, External Audit, and Inspection of Public Records, to comply with the recommended best practices from the Sarbanes-Oxley Act. The best practices of the Act address external auditor independence, the role and responsibility of the Audit Committee, College leadership prohibitions in the audit process, prohibitions governing records destruction or alteration, and annual audited financial statement certification. These practices are the most relevant for the College to implement and, as the Board of Trustees indicated, comply with the "spirit of the Act." College staff will continue to monitor the Act and will inform the Board of any additional policy implications.

**RECOMMENDATIONS**

It is recommended that the Board of Trustees adopt the new policy on Internal Audit and adopt the modified policies in the following areas: Board Bylaws, External Audit, and Inspection of Public Records. It is further recommended that the President or designee be authorized to modify existing or develop new procedures as applicable.

## BACK-UP INFORMATION

Board Resolution  
New Board Policy (Trustees only)  
Modified Board Policies (Trustees only)

## RESOURCE PERSONS

Mr. Campbell  
Mr. Cephas  
Ms. Dimon  
Mr. Moore  
Mr. Sorrell  
Dr. Tusa

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: **05-43**  
Adopted on: 5/16/05

Agenda Item Number: \_\_\_\_\_  
May 16, 2005

**Subject: Adoption of Board Policies Relating to Best Practices of the Sarbanes-Oxley Act**

WHEREAS, Congress passed the American Competitiveness and Corporate Accountability Act of 2002, better known as the Sarbanes-Oxley Act, on July 30, 2002; and

WHEREAS, the Sarbanes-Oxley Act was passed in response to corporate accounting scandals and addresses issues of confidence governing “publicly traded” corporations (firms that file financial statements with the Securities and Exchange Commission), and the provisions of the Act apply specifically to publicly traded companies; and

WHEREAS, while nonprofit entities such as Montgomery College are not subject to this legislation, implementing the best practices of the Act indicates a good faith effort to comply and will also strengthen the financial operations of the institution; and

WHEREAS, the National Association of College and University Business Officers (NACUBO) and the Association of Community College Trustees (ACCT), and other organizations are recommending that colleges and universities review and implement best practices of the Act; and

WHEREAS, to adopt some of the best practices of the Act, College staff has developed a new policy on Internal Audit; modified existing related policies on the Board of Trustees Bylaws, External Audit, and Inspection of Public Records; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees adopt the new Internal Audit policy and modifications to the following policies: Board of Trustees Bylaws, External Audit, and Records Management (formerly Inspection of Public Records); and be it further

Resolved, That, consistent with these actions, the President or designee be authorized to modify or develop procedures where applicable.

CRN:abg