

MONTGOMERY COLLEGE BOARD OF TRUSTEES

RECORD OF RESOLUTIONS October 10, 2005 Board Meeting

INDEX OF BOARD RESOLUTIONS

<u>Board Resolution #</u>	<u>Pages</u>
05-100 Retirement Recognition and Emerita Status for Professor Carla R. Klevan.....	2-3
05-101 Retirement of Dr. Sharon Bernier.....	4
05-102 Retirement of Dr. Ruth Otto.....	5
05-103 Retirement of Ms. Janet Meyers.....	6
05-104 Retirement of Mrs. Linda Privitera.....	7
05-105 Retirement of Mr. Sang Rim.....	8
05-106 Personnel Actions Confirmation Report.....	9-12
05-107 Sole Source Award of Contract, Additional High-Speed Internet Access Bandwidth Services.....	13-15
05-108 Sole Source Award of Contract, Purchase of Printer Equipment Technology... for the Engineering Design Program.....	16-17
05-109 Graduates Receiving the Associate Degree and the One-Year Program Certificate in Summer, 2005.....	18-19
05-110 Approval of Expenditure of Funds for Change Order King Street Art Center Design Services Takoma Park/Silver Spring Campus.....	20-21
05-111 Sole Source Award of Contract, The Arts Study Abroad Pilot Program with the University of Malta.....	22-23
05-112 Sole Source Award of Contract, Technology Availability and Disaster Recovery Services.....	24-25
05-113 Request for Supplemental Appropriation of Fiscal Year 2006 Capital Budget for King Street Art Center Project.....	26-27
05-114 Approval of Transaction for the Development and Construction of an Arts Building on the Takoma Park/Silver Spring Campus.....	28-34
05-115 Approval of the Institutional Mission and Goals Statement for the Maryland Higher Education Commission.....	35-36

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

Resolution Number: **05-100**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement Recognition and Emerita Status to Professor Carla R. Klevan

WHEREAS, Professor Carla R. Klevan has served Montgomery College with dedication and distinction for 16 years and retired from the College as of July 1, 2005; and

WHEREAS, Professor Klevan served as a part-time faculty member from 1984-1988, as a one-year full-time replacement faculty member in 1983-1984, and as a full-time faculty member from 1989-2005; and

WHEREAS, Professor Klevan contributed to the art discipline of the campus and College in significant ways, by excelling as a teacher, by curating exciting art shows each year for the campus gallery, and by creating new art offerings, most notably, the Monotype Workshop; and

WHEREAS, Professor Klevan also shared her expertise by teaching a history course through Maryland College of the Air entitled "Civilization and the Jews" in the 1980s and by offering guest lectures in experimental psychology classes on the topic, "Drawing on the Right Side of the Brain"; and

WHEREAS, she was active in the community, serving on the Advisory Board of Arts on the Block, a partnership with Montgomery Youth Works, and on the Gateway Georgia Avenue Art Walk Committee; and

WHEREAS, Professor Klevan served on campus committees, including the Academic Appeals Committee; and

WHEREAS, she also taught drawing in the Saturday Discoveries Program for youth, offered through Montgomery College Workforce Development/Continuing Education; and

WHEREAS, throughout her teaching career at the College, Professor Klevan continued to grow as an artist and shared her own professional development experiences freely with colleagues, the community, and students; and

WHEREAS, Professor Klevan will be missed by her students and colleagues for her grace, her love of the aesthetic, and her genuine enthusiasm for art; and

WHEREAS, the Board of Trustees' policy provides that "All faculty members and administrators holding faculty rank who retire with a minimum of ten years of service with Montgomery College shall be designated faculty emeritus(a) with appropriate rank or title, subject to the approval of the Board of Trustees"; and

WHEREAS, the President of the College recommends this public recognition of Professor Carla R. Klevan on the occasion of her retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Professor Carla R. Klevan for her contributions and service to the College, and extend to her their best wishes that her retirement years be fulfilling and productive; and be it further

Resolved, That Professor Carla R. Klevan is granted the status of Professor Emerita, and that she be awarded such recognition and honors as may be appropriate to persons holding this rank; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting, and a copy of this resolution be presented to Professor Carla R. Klevan.

CRN:abg

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

Resolution Number: **05-101**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement of Dr. Sharon Bernier

WHEREAS, Dr. Sharon Bernier has served Montgomery College with dedication and distinction for twelve years and retired from the College as of July 1, 2005; and

WHEREAS, Dr. Bernier worked as both the Director of Nursing, as well as served as a faculty member in the Health Sciences Unit to successfully have the program continue to be accredited by the National League of Nursing; and

WHEREAS, She contributed to the State and national nursing professional organizations to help address the nursing shortage issues, as well as advance nursing education in Associate Degree programs serving as national president of the National Association of Associate Degree Nursing; and

WHEREAS, Dr. Bernier participated in staffing the Nursing Department and assisted hundreds of students, as well as faculty and staff over the years, graduating significant numbers of nurses for the community; and

WHEREAS, Dr. Bernier provided opportunities for the faculty to grow professionally and contribute to the Nursing Program and students; and

WHEREAS, the President of the College recommends this public recognition of Dr. Sharon Bernier on the occasion of her retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Dr. Sharon Bernier for her many contributions to the College, and extend to her their best wishes that her retirement years be fulfilling and productive; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting and a copy be presented to Dr. Sharon Bernier.

CRN:abg

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

Resolution Number: **05-102**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement Recognition for Dr. Ruth Otto

WHEREAS, Dr. Ruth Otto has served Montgomery College with dedication and distinction as a full-time faculty member for six years and retired from the College as of July 1, 2005; and

WHEREAS, Dr. Otto served as coordinator for the American English Language Program (AELP) at the Takoma Park/Silver Spring Campus, working collaboratively with the coordinators at Germantown and Rockville in offering an outstanding instructional program for non-native speakers of English; and

WHEREAS, Dr. Otto was always a student advocate and taught with exuberance and enthusiasm; and

WHEREAS, Dr. Otto was a recipient of an Outstanding Faculty Award in 2005, which affirms the high quality of instruction that she provided to students; and

WHEREAS, she served regularly on departmental, campus and College committees, including departmental search committees, the Professional Development Committee, the Takoma Park Faculty Council, and the AELP Advisory Committee; and

WHEREAS, Dr. Otto regularly participated in professional development, including involvement with the Washington Area Teachers of English to Speakers of Other Languages; and

WHEREAS, Dr. Otto will be missed by her students and colleagues for her devotion to her discipline, her keen awareness of her students' needs, and her forthright approach to her profession; and

WHEREAS, the President of the College recommends this public recognition of Dr. Ruth Otto on the occasion of her retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Dr. Ruth Otto for her contributions and service to the College, and extend to her their best wishes that her retirement years be fulfilling and productive; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting, and a copy of this resolution be presented to Dr. Ruth Otto.

CRN:abg

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

Resolution Number: **05-103**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement of Ms. Janet Meyers

WHEREAS, Ms. Janet Meyers has served Montgomery College with dedication and distinction for more than 8 years and retired from the College as of March 1, 2005; and

WHEREAS, as Librarian at the Takoma Park Campus Library, Office of Information Technology, Ms. Meyers made many contributions to the Library collection in her position as media/periodicals librarian and worked diligently at materials selection; and

WHEREAS, she demonstrated initiative, team work, and professionalism at all times; and

WHEREAS, Ms. Meyers always exhibited courtesy and an extra effort to assist the very diverse student body in satisfying their information needs; and

WHEREAS, Ms. Meyers has been praised for her flexibility, work ethic, customer service, and contributions to student success at the Takoma Park Campus Library and the other libraries within the College; and

WHEREAS, her high quality of service was reflected in her performance evaluations; and

WHEREAS, co-workers, staff, and faculty have expressed their appreciation for her thoroughness and diligence; and

WHEREAS, the President of the College recommends this public recognition of Ms. Janet Meyers on the occasion of her retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Ms. Janet Meyers for her many contributions to the College, and extend to her their best wishes that her retirement years be fulfilling and productive; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting and a copy be presented to Ms. Janet Meyers.

CRN:abg

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

Resolution Number: **05-104**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement of Mrs. Linda Privitera

WHEREAS, Mrs. Linda Privitera has served Montgomery College with dedication and distinction for nineteen years in a variety of roles and retired from the College, Takoma Park/Silver Spring Campus as of July 1, 2005; and

WHEREAS, Mrs. Privitera worked as Office Technology Lab Manager, part-time faculty member in Office Technology, and an Administrative Aide for the Instructional Dean, as well as the Administrative Aide for the Nursing Department since 1992, displaying high quality work in each of her roles at the Takoma Park/Silver Spring Campus; and

WHEREAS, she interacted with and assisted thousands of students efficiently, in an orderly manner and with a smile in each of her roles; and

WHEREAS, she demonstrated outstanding initiative, working independently and with good judgment to ensure all activities of the Nursing Department were accurate and timely with budget and course files maintained; and

WHEREAS, faculty often requested Mrs. Privitera to personally handle their word processing and related needs utilizing her excellent problem solving skills, expertise and knowledge of technologies to achieve quality projects; and

WHEREAS, faculty, staff, and students have expressed their appreciation for her diligence and attention to their needs, often teaching skills on the computer or dealing with a software application like Banner; and

WHEREAS, Mrs. Privitera's performance reviews have always been "Outstanding" or "Exceeds Expectations" in all areas of her review, as she performed her duties and lived her belief that Montgomery College changes lives; and

WHEREAS, the President of the College recommends this public recognition of Mrs. Linda Privitera on the occasion of her retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Mrs. Linda Privitera for her many contributions to the College, and extend to her their best wishes that her retirement years be fulfilling and productive; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting and a copy be presented to Mrs. Linda Privitera.

CRN:abg

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

Resolution Number: **05-105**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Retirement of Mr. Sang Rim

WHEREAS, Mr. Sang Rim has served Montgomery College with dedication and distinction for thirteen years and retired from the College as of September 1, 2005; and

WHEREAS, in his capacity as Building Service Worker, Office of Facilities, Mr. Rim has been a dependable team player, ensuring the professional appearance and daily upkeep of the Takoma Park Campus and

WHEREAS, Mr. Rim is recognized as a knowledgeable team player with strong communication skills; and

WHEREAS, Mr. Rim has been an asset to the Office of Facilities, and is praised for his enthusiasm and high quality work standards; and

WHEREAS, the President of the College recommends this public recognition of Mr. Sang Rim on the occasion of his retirement; now therefore be it

Resolved, That the members of the Board of Trustees express their sincere appreciation to Mr. Sang Rim for his many contributions to the College, and extend to him their best wishes that his retirement years be fulfilling and productive; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting and a copy be presented to Mr. Sang Rim.

CRN:abg

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

Agenda Item Number: _____
October 10, 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 PERSON(S)

Ms. Lawyer

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

Resolution Number: **05-106**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 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 summaries indicate related personnel actions taken by the College during the period from and including September 1, 2005, to and including September 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.

Attachments

CRN:abg

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From and Including September 1, 2005, to and Including September 30, 2005

STAFF

STAFF EMPLOYMENTS

Effective Date	Name	Position Title	Grade	Location
9/6/2005	Booker, Kenneth W	Library Assistant	F	IT Learning Center Library RV
9/6/2005	Liu, Darren H	Instructional Asst/PT	G	Humanities/Soc Sci/Educ GT
9/6/2005	Liu, Fang	Admin Aide	F	Humanities/Soc Sci/Educ GT
9/19/2005	Lyles, Garcia G	Blg Service Worker Lead	D	Facilities Maintenance GT
9/6/2005	Maxwell, Sharon K	Customer Serv Asst	F	WD & CE
9/19/2005	Romney, Tracey L	Human Resources Assoc	G	Human Resources Office
9/6/2005	Sepulveda, Liz D	Admin Aide	F	Health Sciences
9/6/2005	Wildy, Caron M	Admin Aide	F	Health Sciences
9/6/2005	Wiseman, Sam	Acad Comp Support Spec	I	Information Technology TP
9/19/2005	Woodward, Debra K	Blg Service Worker	A	Facilities Maintenance GT

STAFF SEPARATIONS

9/14/2005	Anderson, Christopher M	Customer Serv Asst/PT	F	WD & CE
9/9/2005	Belldina, Craig A	Property Control Supervisor	G	Procurement Receiving Store RV
9/23/2005	Cotton, Eugene A	Blg Service Worker	A	Facilities Maintenance TP
9/3/2005	Estate of: Ritter, Robert ¹	Instructional Asst	H	Information Technology GT
9/30/2005	Flores, Robert A	Electrician	H	Facilities Operations - GT
9/30/2005	Mossavari, Nima	Safety & Security Officer	E	Facilities Security - RV
9/16/2005	Powers, Robert L	Recording Tech PT	H	Music RV
9/23/2005	Pryor, James E	Blg Service Worker	A	Facilities Maintenance TP
9/9/2005	Timma, Michael T	Media Technology Specialist	G	IT Learn Ctr Aud/Vis Instrc GT

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	2	1	1	1	0	5
Male	1	3	0	1	0	5
TOTAL	3	4	1	2	0	10

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	0	0	0	0	0
Male	6	3	0	0	0	9
TOTAL	6	3	0	0	0	9

1 Deceased

FACULTY

FACULTY EMPLOYMENTS

Effective Date	Name	Position Title	Grade Location
9/7/2005	Leger, J. M.	Professor - N/T	Student Development TP

FACULTY SEPARATIONS

9/7/2005	Gleason, Douglas L ¹	Professor	Visual Comm Technology RV
----------	---------------------------------	-----------	---------------------------

FACULTY EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	0	0	0	0	0
Male	1	0	0	0	0	1
TOTAL	1	0	0	0	0	1

FACULTY SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	0	0	0	0	0
Male	1	0	0	0	0	1
TOTAL	1	0	0	0	0	1

1 Deceased

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

Agenda Item Number: _____
October 10, 2005

**SOLE SOURCE AWARD OF CONTRACT
ADDITIONAL HIGH-SPEED INTERNET ACCESS BANDWIDTH SERVICES**

BACKGROUND

The Office of Information Technology (OIT) is charged with managing and supporting College information technology. The Chief Information Officer has recommended a contract award for the upgrade of services for high-speed Internet access bandwidth, on a sole source basis. Upgrading high-speed Internet access will assist the College in achieving its information availability objectives.

Comcast is an existing communications provider to Montgomery College and has served the College well with a 100 Mbps connection to two locations: the Rockville Campus and the Gaithersburg Business Training Center. The upgrade of services will provide the College with access to a high-capacity fiber network for eight locations plus links to both the Internet and Internet2 (Internet2 is a consortium of 207 universities working with industry and government to promote network and research applications and technologies).

The College will purchase the following additional services:

- 40 Mbps of high-speed Internet access
- An eight-location intercampus WAN with 400 Mbps Ethernet service
- Connectivity to MAX/Internet2 via the University of Maryland host relationship

These additional services will offer significant savings and benefits over current systems. Savings of over \$300,000 will enable expansion to provide additional capabilities requested by College students, faculty and staff. The proposed services will create flexible strategies and plans for a range of scenarios—from a short-term upgrade of current services to long-term growth in the number of sites and level of usage. The Comcast proposal will meet the College's need for a secure, competitively-priced Internet Service Provider for 40 Mbps of Internet access, upgrade to a 400 Mbps Ethernet WAN, and secure MAX/Internet2 access. MAX (Mid-Atlantic Crossroads) will allow the College to connect to other higher education institutions and non-profits such as NIH with high-speed lines capable of carrying large video and data files.

The immediate benefits for the College will include a significant increase in bandwidth—from 100 Mbps to 400 Mbps—at eight key campus locations. This will reduce existing bandwidth bottlenecks and enable expected growth of application usage (e.g., Internet, email, file sharing, database access, Wi-Fi) for all College employees, students, and library users. A high-capacity, scalable, and flexible architecture will enable seamless future growth in increments of 1 Mbps.

Comcast is the only provider of both video and high-speed data services to all of Montgomery County and serves over 200,000 distinct commercial and residential customers. For the College, Comcast provides video to campus locations, ATM data solutions, PEG (Public, Education, and Government) channel distribution, advertising to the community, public affairs announcements, and joint training programs. The Office of Information Technology has met with Comcast to assess current programs as

well as future needs identified in OIT's strategic plans. Under the Comcast proposal, the cost for high-speed Internet access upgrades and expansion will be a one-time fee of \$313,400 and a monthly fee of \$25,400 for the first year. The contract term is for five years totaling \$2,257,400.

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract for the purchase of service upgrades to the College's high-speed Internet access bandwidth to Comcast, Rockville, Maryland, on a sole source basis, for a five-year term beginning October 2005 for a total amount of \$2,257,400, dependent upon actual usage.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Bojonny
Mr. Leurig
Mr. Moore
Mr. Sorrell
Ms. Wormack

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

Resolution Number: **05-107**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Sole Source Award of Contract,
Additional High-Speed Internet Access Bandwidth Services**

WHEREAS, the Chief Information Officer has requested a contract award for the purchase of additional high-speed Internet access bandwidth services, on a sole source basis; and

WHEREAS, Comcast, Inc., Rockville, Maryland, is the only provider of both video and high-speed data services to Montgomery County and serves over 200,000 distinct commercial and residential customers; and

WHEREAS, Comcast is an existing communications provider to Montgomery College and has served the College well with connectivity to two locations: the Rockville Campus and the Gaithersburg Business Training Center; the additional services offered will build on that relationship and provide the College with access to a high-capacity fiber network for eight locations plus links to both the Internet and Internet2 (Internet2 is a consortium of 207 universities working with industry and government to promote network and research applications and technologies); and

WHEREAS, staff has determined that the Comcast fibernet high-speed Internet access upgrade from Comcast meets College requirements since it is integrated and compatible with the current computer information system suite; and

WHEREAS, the Director of Procurement affirms that a sole source procurement is justified since the products are the only ones that meet College requirements and this service capability is not available from any other vendor; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2006 Operating Budget to enable the College to award the contract as recommended; and

WHEREAS, sole source procurement contracts valued above \$25,000 require Board approval; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event of a sole source procurement; and

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

Resolved, That a contract be awarded for the purchase of additional high-speed Internet access bandwidth services for a total price of \$2,257,400 for a five-year term beginning October 2005, to Comcast, Inc., Rockville, Maryland.

CRN:abg

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

Agenda Item Number: _____
October 10, 2005

**SOLE SOURCE AWARD OF CONTRACT
PRINTER EQUIPMENT TECHNOLOGY FOR THE ENGINEERING SCIENCE PROGRAM**

BACKGROUND

The Instructional Dean of Science, Engineering and Mathematics, Rockville Campus, has requested a contract award for the purchase of specialized printer technology for the Engineering Science program, on a sole source basis. The Engineering Science program, in the Department of Physics, Engineering, and Geosciences, on the Rockville Campus, offers an introductory course entitled Introduction to Engineering Design (ES 100). ES 100 is a freshman-level design course utilizing state-of-the-art, industry-standard, and specialized modeling software. The department purchased separately a site license for this specialized engineering software, Pro/ENGINEER Wildfire 2.0, which students use in a technologically advanced PC lab for part and assembly design. Specialized printer technology is required to interface and work with the engineering software suite. After researching other printer technology, engineering faculty and staff determined that the ZPrinter 310, which creates three-dimensional physical models directly from digital data, is the only product compatible with the Pro/ENGINEER software used for the course and is the only printer technology with reusable parts meeting College requirements. The ZPrinter 310 is manufactured and distributed by Z Corporation of Burlington, Massachusetts. Together with other state-of-the-art, industry-standard software, tools, and equipment used in the curriculum, the ZPrinter 310 will prepare students who complete the College's Engineering Science program to transfer to elite universities with approximately 90% going to the top 20 engineering schools with the experience, skills, and knowledge in industry standard equipment and software. The total price for the purchase of the ZPrinter 310, including delivery, installation, and service, is \$29,900.

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract for the purchase of printer equipment technology for the Engineering Science program to Z Corporation, Burlington, Massachusetts, on a sole source basis, for a total price of \$29,900.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Daniels
Mr. Moore
Mr. Sorrell
Ms. Wormack

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

Resolution Number: **05-108**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Sole Source Award of Contract,
Printer Equipment Technology for the Engineering Science Program**

WHEREAS, the Instructional Dean, Science, Engineering, and Mathematics, Rockville Campus, has requested a contract award for the purchase of printer equipment technology for the Engineering Science program, on a sole source basis; and

WHEREAS, the Engineering Science program in the Department of Physics, Engineering, and Geosciences offers an introductory course entitled Introduction to Engineering Design (ES 100), which requires specialized printer technology that interfaces and works with the engineering course software suite, Pro/ENGINEER; and

WHEREAS, after researching printer technology, Engineering Department faculty and staff determined that the ZPrinter 310, manufactured and distributed by Z Corporation, is the only product compatible with the Pro/ENGINEER software meeting College requirements; and

WHEREAS, the Director of Procurement affirms that a sole source procurement for the purchase of the ZPrinter 310 is justified since only one vendor manufactures and distributes this product, the printer system software is proprietary, and this product is the only equipment that meets College requirements; and the Chief Business Officer certifies that funds are available in the FY2006 Operating Budget; and

WHEREAS, sole source procurement contracts valued above \$25,000 require Board approval; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event of a sole source procurement; and

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

Resolved, That a contract be awarded for the purchase of the printer equipment technology for the Engineering Science program for a total price of \$29,900, to Z Corporation, Burlington, Massachusetts.

CRN:abg

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

Agenda Item Number: _____
October 10, 2005

**GRADUATES RECEIVING THE ASSOCIATE DEGREE
AND THE ONE-YEAR PROGRAM CERTIFICATE IN SUMMER 2005**

BACKGROUND

The attached lists of students have met all graduation requirements for their respective degree or certificate. This has been certified by the Director of Admissions, Records and Registration.

RECOMMENDATION

It is recommended that the Board of Trustees ratify these graduates as having met all requirements and recognize their receipt of their respective degree or certificate.

BACK-UP INFORMATION

Board Resolution
List of Graduates (Trustees only)

RESOURCE PERSON

Mr. Helberg

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

Resolution Number: **05-109**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Graduates Receiving the Associate Degree and the One-Year Program Certificate
in Summer 2005**

WHEREAS, it is necessary that the Board take action on the list of certified candidates attached herewith; and

WHEREAS, the students of Montgomery Community College, as listed on the attachments, have been certified by the Director of Admissions, Records and Registration of the College to have completed the prescribed courses and curriculum, met all other requirements of the College, and received the degree or certificate for which he/she qualified; and

WHEREAS, the faculty has recognized the students of Montgomery Community College, as listed on the attachments, as having received their respective Associate Degree or One-Year Program Certificate; and

WHEREAS, the President recommends that the Board approve the following resolution; now therefore be it

Resolved, That the Board of Trustees recognizes the students of Montgomery Community College, as listed on the attachments, as having received their respective Associate Degree or One-Year Certificate.

Attachments (Trustees only):

1. Germantown Campus Graduates
2. Rockville Campus Graduates
3. Takoma Park/Silver Spring Campus Graduates
4. School of Art and Design

CRN:abg

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

October 10, 2005
Agenda Item Number ___

**APPROVAL OF EXPENDITURE OF FUNDS FOR CHANGE ORDER
KING STREET ART CENTER DESIGN SERVICES
TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

On July 19, 2004, pursuant to authorization of the Board of Trustees by Resolution #04-95, Cafritz Company was awarded a contract for \$1,572,000 for the design of the King Street Art Center at the Takoma Park/Silver Spring Campus as part of a design/build master contract for the renovation of the former Giant Food bakery building on the Takoma Park/Silver Spring Campus. The Montgomery College Foundation, Inc. ("Foundation"), entered into this design phase contract ("Part One") with Cafritz for the benefit of the College and in anticipation of a lease/leaseback bond financing of the construction portion of the project.

During the project design a number of additional tasks arose requiring the performance of additional services by Cafritz. These included the need for additional testing and engineering evaluations of the existing building, cost estimating services, additional design services associated with a College-requested program change to enhance the use of the planned expansion space in the building, and additional services associated with the Montgomery County Planning Board's mandatory referral approval process for public construction projects. These additional tasks were necessary for the completion and approval of the project design in a timely manner. The final total fee for the additional services comprising the change order is approximately \$560,000 with the College and Cafritz still in negotiations over the final price for several items that were provided by the design team as allowances. The Board is being asked to approve the use of \$260,000 in College funds that is being set aside for this purpose in the FY2006 operating budget. The remaining funds for the total value of the change order for these additional services will be provided from the pending bond offering for the King Street Art Center project.

RECOMMENDATION

It is recommended that the Board of Trustees approve expenditure of funds in the amount of \$260,000 which together with bond proceeds anticipated for the project will fund a change order total not-to-exceed \$560,000 to the Part One contract with Cafritz Company for design services for the King Street Art Center at the Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Capp
Mr. Moore

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

Resolution Number: **05-110**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Approval of Expenditure of Funds for Change Order, King Street Art Center Design Services, Takoma Park/Silver Spring Campus

WHEREAS, on July 21, 2004, by Board Resolution #04-95, the Board of Trustees authorized entering into a design phase contract ("Part One") for \$1,572,000 with Cafritz Company ("Cafritz") as part of a master design/build contract for the renovation of the former Giant Food Bakery site into a King Street Art Center on the Takoma Park/Silver Spring campus; and

WHEREAS, the Montgomery College Foundation, Inc. ("Foundation"), entered into the Part One contact with Cafritz for the benefit of the College; and

WHEREAS, a number of additional tasks arose as a result of various project and regulatory requirements that necessitated Cafritz perform additional services as directed by the College for which Cafritz is entitled to additional compensation and a change order to the original design contract; and

WHEREAS, the cost of these additional services may not exceed \$560,000; and

WHEREAS, the source of funds for this change order will be \$260,000 from the FY2006 Operating Budget and up to \$300,000 from bond proceeds to be obtained for the project; and

WHEREAS, the Chief Business Officer certifies that funds are available and are appropriated in the FY2006 Operating Budget for this purpose; and

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

Resolved, That the Board of Trustees approves and authorizes an expenditure of \$260,000 which together with funds available from the sale of bonds for the project, also authorized by the Board of Trustees, will fund the change order to the design phase contract with Cafritz Company in a total amount not to exceed \$560,000; and be it further

Resolved, That the Board of Trustees authorizes the President of the College to take such actions as are necessary to have the change order executed and funded.

CRN:abg

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

Agenda Item Number: _____
October 10, 2005

**SOLE SOURCE AWARD OF CONTRACT
PILOT ARTS STUDY ABROAD PROGRAM AT THE UNIVERSITY OF MALTA IN ITALY**

BACKGROUND

The Director of the Arts Institute has requested a contract for a pilot arts study abroad program for select Montgomery College students, on a sole source basis. The arts study abroad program is a scholarship initiative being developed by the Arts Institute that will provide study abroad experience and credit to art students. During the 2005-2006 academic year, a committee of collegewide arts faculty will be developing the final details of the scholarship program, which is expected to be fully operational in the following school year. Once established and fully funded through the Montgomery College Foundation, this program will provide students in all art disciplines a unique international travel/study experience that will broaden their education; support for the creation of a work of art or performance reflective of the study abroad experience; and an opportunity to exhibit or present that work or performance to the College community and to the community at large.

For this pilot program, College art faculty nominated qualified art students, and a panel comprised of art faculty and administrators and Arts Institute staff selected the student participants. Ten College students, accompanied by two art faculty members, will participate in the arts study abroad program, which will be offered by the University of Malta, Malta, for three weeks (December 27, 2005 to January 18, 2006) and will provide three semester hours of College credit for Individualized Art Workshop (AR 285). The College faculty will teach the course, which will consist of drawing, painting, and Italian art history classes, complemented by field trips to museums and art galleries. Upon return to the College, the students will develop and complete in spring 2006 individualized projects based on their Italian art learning and experiences.

The College selected the University of Malta for this study abroad program because of the University's similar partnerships with other colleges, universities, and foundations as well as extensive international education experience; course design flexibility and the University's ability to tailor its courses to meet College needs; and the historically and culturally rich environment. The University will provide teaching, working, and classroom space in the Il Perugino Center; room and board at local hotels in Citta della Pieve, a small town in the Umbria province in Italy about midway between Florence and Rome; ground transportation for all group travel in Italy; art supplies and equipment; coordination of and admission tickets for museum and gallery visits; and use of a debit card system for all participants while in Italy. The total price for this program is \$60,000.

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract for the pilot arts study abroad program in Italy through the University of Malta, Malta, on a sole source basis, for a total price of \$60,000.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Moore Mr. Smith Dr. Shartle-Galotto Mr. Sorrell Ms. Wormack

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

Resolution Number: **05-111**
Adopted on:10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Sole Source Award of Contract,
Pilot Arts Study Abroad Program at the University of Malta in Italy**

WHEREAS, the Director of the Arts Institute has requested a contract award for a pilot arts study abroad program through an agreement with the University of Malta, Malta, on a sole source basis; and

WHEREAS, an arts study abroad program will enhance the mission of the College and the Arts Institute by providing students a unique and culturally rich opportunity for continuous learning in the arts while supporting the Institute's collaborative projects; and

WHEREAS, the purpose of the arts study abroad program is to provide a scholarship travel/study abroad opportunity to select students in all art disciplines; and for this pilot program, art students were nominated by College art faculty, and the final selection of pilot participants was made by a panel of collegewide art faculty and administrators and Arts Institute staff; and

WHEREAS, this pilot experience will give Montgomery College an opportunity to establish a relationship with the University of Malta for future study abroad programs for any appropriate academic area; assess the effectiveness of this location and arrangements with the University of Malta for future partnerships; evaluate the educational activities and opportunities that this type of experience will provide participating art students and faculty; and to initiate and promote the Arts Study Abroad Program; and

WHEREAS, the Director of Procurement affirms that a sole source procurement for this pilot program is justified since the vendor offers a tailor-made academic program and services that meet College requirements during the required timeframe; and the Chief Business Officer certifies that funds are available in the FY2006 Operating Budget.

WHEREAS, sole source procurement contracts valued above \$25,000 require Board approval; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event of a sole source procurement; and

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

Resolved, That a contract be awarded for the pilot arts study abroad program to be held on December 27, 2005 to January 18, 2006, for a not to exceed price of \$60,000, to the University of Malta, Malta.

CRN:abg

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

Agenda Item Number: _____
October 10, 2005

**SOLE SOURCE AWARD OF CONTRACT
TECHNOLOGY AVAILABILITY AND DISASTER RECOVERY SERVICES**

BACKGROUND

The Chief Information Officer has requested a contract award for the purchase of technology availability services and disaster recovery services, on a sole source basis. At its June 2005 meeting, the Board approved a contract award to SunGard for technology availability planning and assessment services to assist the College in decisions and actions to prevent or respond to a situation that disrupts normal business processes.

The SunGard Availability Services program is a one-stop source that integrates risk management and incident response for the College's information availability plans, delivers solutions to support information availability, and provides a secure, reliable environment to host mission-critical systems and applications. SunGard has performed satisfactory services for the College in the past and also provides these and similar services to Montgomery County and Montgomery County Public Schools.

Staff have determined that additional technology availability services are needed to support a comprehensive action plan to guide the return of essential business operations and, eventually, full business recovery following an identified event. The plans are designed to assist Montgomery College in achieving its information availability objectives. Additional services would include creation of flexible strategies and plans for a range of scenarios—from short-term outages to full-blown disasters, online daily automated backup of information, and off-site data center services for immediate and seamless recovery and protection from the loss of data. By implementing the additional technology availability services, College information is kept secure and always available online for retrieval and restoration for a faster data recovery.

Montgomery College's goals for engaging SunGard to perform a Technology Availability Service include; a partnership that provides a proactive means for Montgomery College IT to respond to a situation that disrupts normal business processes, creating a coordinated plan of action to respond to a major business or technology disruption, reaching higher levels of preparedness as well as risk mitigation. No other vendor meets College needs and offers an integrated, one-stop source for ensuring College information technology systems' uninterrupted access to mission-critical data and systems. The total price is a not to exceed amount of \$500,000.

RECOMMENDATION

It is recommended that the Board of Trustees approve a contract award for additional technology availability services to SunGard Availability Services, on a sole source basis, for a four-year term, beginning October 2005, for a total not to exceed amount of \$500,000, with \$250,000 to be funded in FY 2006.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Bojonny Mr. Leurig Mr. Moore Mr. Sorrell Ms. Wormack

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

Resolution Number: **05-112**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Sole Source Award of Contract,
Technology Availability and Disaster Recovery Services**

WHEREAS, the Chief Information Officer has requested a contract award for additional technology availability services to assist the College in decisions and actions to prevent or respond to a situation that disrupts normal business processes, on a sole source basis; and

WHEREAS, the Director of Procurement affirms that the sole source request is justified since no other vendor offers an integrated, one-stop source for ensuring College information technology systems' uninterrupted access to mission-critical data and systems and no other product will meet College needs; and the Chief Business Officer certifies that funds are available in the FY2006 Capital Budget; and

WHEREAS, sole source procurement contracts valued above \$25,000 require Board approval; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event of a sole source procurement; and

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

Resolved, That a contract be awarded for additional technology availability services to SunGard Availability Services, Charlotte, North Carolina, on a sole source basis, for a four-year term beginning October 2005, for a not to exceed amount of \$500,000.

CRN:abg

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

Agenda Item Number ___
October 10, 2005

**REQUEST FOR SUPPLEMENTAL APPROPRIATION
FY2006 CAPITAL BUDGET - KING STREET ART CENTER PROJECT**

BACKGROUND

This supplemental appropriation request is for \$1,100,000 to provide sufficient appropriation authority for future contingency expenditures in the King Street Art Center Project. The source of funds is the College's Major Facilities Capital Projects Fund (MFCPF). The Board of Trustees authorized the establishment of this fund in June 2005 in order to support the capital improvement needs of the College. Under the terms of the Revenue Authority bond agreement for the King Street Art Center, excess funds can be transferred out of the Major Facilities Reserve Fund (MFRF) twice a year after the debt service obligations are met. The MFCPF currently has a balance of \$1,165,794 (9/30/05). The Montgomery College Foundation recently signed the construction contract for the renovation of the King Street Art Center, contingent on the successful sale of County Revenue Authority bonds in mid-October, and the renovation is anticipated to start in late October. Discussions between the College and the Foundation have led to designating a separate construction contingency for the King Street Art Center project, but additional appropriation authority is necessary to allow for the use of this fund.

RECOMMENDATION

It is recommended that a request be submitted to the County Executive and the County Council for consideration in order to amend the College's approved FY2006 Capital Budget to approve supplemental appropriation in the amount of \$1,100,000 from the College's Major Facilities Capital Projects Fund (no additional county funds required) for construction contingency expenses for the King Street Art Center project.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Capp
Ms. Dimon
Mr. Moore
Mr. Sorrell

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

Resolution Number: **05-113**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

Subject: Request for Supplemental Appropriation
FY2006 Capital Budget – King Street Art Center Project

WHEREAS, on May 26, 2005, by Council Resolution #15-1008, the County Council approved and appropriated \$27,921,000 in the FY2006 Montgomery College Capital Budget; and

WHEREAS, on June 20, 2005, by Board Resolution #05-62, the Board of Trustees approved the final adoption of the FY2006 Capital Budget for the College as amended and approved by the County Council; and

WHEREAS, on June 20, 2005, by Board Resolution #05-75, the Board of Trustees approved the establishment of a Major Facilities Capital Projects Fund; and

WHEREAS, the College and the Montgomery College Foundation are proceeding with the construction of the King Street Art Center project and desire the establishment of a separate construction contingency fund for the project; and

WHEREAS, the College desires to amend the FY2006 Capital Budget (King Street Art Center Project – PDF#046603) and provide for a supplemental appropriation of \$1,100,000 from the fund balance in the College's Major Facilities Capital Projects Fund; and

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

Resolved, That the Board amends the FY2006 Capital Budget (King Street Art Center Project – PDF#046603) to include a supplemental appropriation of \$1,100,000 from the College's Major Facilities Capital Projects Fund as a construction contingency for the King Street Art Center project; and be it further

Resolved, That the Board authorizes the President to transmit the supplemental appropriation request to the Montgomery County Executive for review and recommendation to the Montgomery County Council for final action for appropriation.

CRN:abg

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

Agenda Item # _____
October 10, 2005

**APPROVAL OF TRANSACTION FOR THE DEVELOPMENT AND CONSTRUCTION OF AN ARTS
BUILDING ON THE TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

Montgomery College (the "College") has undertaken to renovate an existing building on its Takoma Park/Silver Spring Campus in Silver Spring, Maryland, into an arts building (the "Project"). The Project will be financed and constructed by Montgomery College Foundation, Inc. (the "Foundation") through a lease financing transaction. To fund Project construction costs, the Montgomery County Revenue Authority (the "Issuer") will issue its Lease Revenue Bonds (Montgomery College Arts Center Project) Series 2005A (the "Bonds") in the aggregate amount of \$33,000,000 and loan the Bond proceeds to the Foundation.

On June 20, 2005, the Board of Trustees adopted Board Resolution #05-78, to authorize this lease financing transaction. Because the Bond issuance is supported by a number of interlocking contracts and will be implemented through a public offering, it is desirable to have a single omnibus resolution of the College to consolidate approval for and ratification of the various agreements of the College in connection with the lease financing transaction as well as confirm the approval of the Project and specifically authorize use of the Major Facilities Reserve Fund as a source of payment for the College's lease obligations. To meet current practices in the municipal bond market, governmental entities that participate in bond financings adopt authorizing resolutions that are more extensive and legally specific than those usually adopted by similar entities for other transactions and purposes. Accordingly, this proposed omnibus resolution is drafted to conform to these practices and to meet the expectations of the municipal bond marketplace.

Since June 20, the construction responsibilities have changed. It was intended that KSAC Design/Build, LLC ("Cafritz") would be responsible for construction as well as design of the Project with Bovis Lend Lease, Inc. ("Bovis") acting as a prime subcontractor. After design was completed, it became desirable and in the best interests of the College for Cafritz to change roles and to become a consultant for the construction phase and for Bovis to construct the Project. Cafritz is assigning its construction contract portion to Bovis with a consent and acknowledgement by the Foundation and the College of the assignment.

This omnibus resolution:

- Approves the construction arrangements for the Project, including the expansion of Bovis' role with respect to the construction of the Project.
- Confirms prior authorizations of the lease arrangement and related agreements to be executed by the College.
- Specifically authorizes the use of the Major Facilities Reserve Fund as a source of payment for the lease obligations.
- Approves the Bond related documents and agreements to which the College will be a party.

- Authorizes the President, the Chair of the Board of Trustees or their designees to execute and/or deliver ancillary documents related to the issuance of the Bonds and lease financing transaction, as may be appropriate.

RECOMMENDATION

It is recommended that the Board of Trustees authorize and approve an omnibus resolution for the lease financing transaction and direct and empower certain officers of the College to execute and deliver the College Documents (as defined in the attached Board Resolution) and any other agreements, documents, or certificates necessary to complete the transactions contemplated by the lease financing transaction.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Campbell
Mr. Sorrell

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

Resolution Number: **05-114**
Adopted on: 10/10/05

Agenda Item # _____
October 10, 2005

Subject: Approval of Transaction for the Development and Construction of An Arts Building on the Takoma Park/Silver Spring Campus.

WHEREAS, Montgomery College (the "College") desires to utilize an arts building on its Takoma Park/Silver Spring Campus in Silver Spring, Maryland (the "Project"); and

WHEREAS, the Montgomery College Foundation, Inc. (the "Foundation") desires to develop the Project for use by the College; and

WHEREAS, on June 20, 2005, the College adopted Board Resolution #05-78, pursuant to which the Board of Trustees authorized the College to enter into certain agreements in connection with the financing, construction, and lease of the Project; and

WHEREAS, in order to permit the Foundation to construct and own the Project, the College shall enter into the Condominium Unit Lease with the Foundation (the "Condominium Unit Lease") to provide a site for the Project (the "Project Site"), which will be part of Unit Two of the condominium owned by the College. The Project Site is subject to the condominium regime established by the College and the Foundation (as amended, the "Condominium Regime"); and

WHEREAS, the College shall enter into the Project Lease Agreement with the Foundation (the "Lease Agreement") pursuant to which the College will lease the Project upon its completion from the Foundation and act as the Foundation's construction agent during the construction of the Project; and

WHEREAS, in connection with the financing of the Project it is desirable for the College to approve an omnibus resolution authorizing, approving, and ratifying each of the agreements the College has executed and will execute in connection with the financing of the Project, including any documents that may need to be executed by the College in connection therewith, as well as acknowledge, authorize, and confirm the Board of Trustees approval of the Project and use of funds from the Major Facilities Reserve Fund to make lease payments in connection with the College's use of the Project; and

WHEREAS, a portion of the cost of the Project Site was funded by a grant by Montgomery County, Maryland, (the "County") to the College and pursuant to a memorandum of understanding between the College and the County (the "County MOU"), the College must repay a portion of this grant and observe certain restrictions on the use of the Project required to maintain the tax-exempt status of the County's general obligation bonds that were used to fund the grant; and

WHEREAS, the Montgomery County Revenue Authority (the "Issuer") will issue its Lease Revenue Bonds (Montgomery College Arts Center Project) Series 2005A (the "Bonds") in the aggregate amount of \$33,000,000 under a Trust Indenture between the Issuer and Manufacturers and Traders Trust Company (the "Trustee"); and

WHEREAS, the proceeds of the Bonds will be loaned to the Foundation pursuant to a Loan Agreement between the Issuer and the Foundation in order to finance the costs of the Project; and

WHEREAS, the Foundation entered into the Part I Agreement, with KSAC Design/Build, LLC (“Cafritz”) for the design of the Project (the “Design Contract”) and the College entered into a Guaranty for the benefit of Cafritz (the “Design Guaranty”) pursuant to which the College guaranteed the performance of the obligations of the Foundation under the Design Contract; and

WHEREAS, in the best interests of the College, the College is authorized to continue Cafritz in a changed role as a consultant in the construction phase of the Project and contract with Bovis Lend Lease, Inc. (“Bovis”) under a Part II Agreement for the construction of the Project and Cafritz will assign the construction portion of the design/build contract to Bovis in order to facilitate the construction of the Project; and

WHEREAS, as a result of the College’s obligations to Cafritz under the Design Guaranty and the subsequent assignment by Cafritz, the College will provide an acknowledgement of Cafritz’s assignment to Bovis (the “Acknowledgement”); and

WHEREAS, the College will enter into a Guaranty for the benefit of Bovis (the “Construction F”) pursuant to which the College will guaranty the performance of the obligations of the Foundation under the Construction Contract; and

WHEREAS, the College will enter into a Project Management Agreement (the “Project Management Agreement”) with Heery International, Inc. (“Heery”) pursuant to which Heery will act as an independent third party project management agent to monitor the Project; and

WHEREAS, as security for the issuance of the Bonds, the Foundation will collaterally assign its interests under the Lease Agreement to the Trustee (the “Assignment”) and will provide the Trustee additional security in the form of a Deed of Trust encumbering the Project (the “Deed of Trust”); and

WHEREAS, the College will enter into a Nondisturbance, Attornment and Consent to Assignment Agreement with the Foundation and the Trustee (the “Nondisturbance Agreement”) pursuant to which (i) the College will consent to the Foundation’s collateral assignment of the Lease Agreement to the Trustee, (ii) the Trustee will agree not to disturb the College’s rights under the Lease Agreement should the Trustee exercise its rights under the Lease Agreement, and (iii) the College will agree to continue to lease the Project from any future owners of the Project; and

WHEREAS, in connection with the issuance of the Bonds, the College will enter into a Continuing Disclosure Agreement pursuant to which the College will be obligated to provide financial information and disclose certain material events (the “Continuing Disclosure Agreement” and together with the Condominium Unit Lease, the County MOU, the Lease Agreement, the Design Guaranty, the Acknowledgement, the Construction Guaranty, the Project Management Agreement and the Nondisturbance Agreement, the “College Documents”); and

WHEREAS, in connection with the issuance of the Bonds, certain information about the College will be set forth in a Preliminary Official Statement and an Official Statement for the Bonds; and

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

Resolved, That the College is hereby authorized to lease the Project Site to the Foundation pursuant to the terms of the Condominium Unit Lease. The Condominium Unit Lease shall be for a term not to exceed 35 years, at a rent of five thousand dollars (\$5000) for the entire term, paid in advance, and shall require that Project Site be used by the Foundation in a manner that will not violate the restrictions contained in the agreements with the County or others. The Condominium Unit Lease shall allow the

Foundation to encumber the Project Site for the purpose of obtaining financing for the Project; and be it further

Resolved, That the College is hereby authorized to lease the Project for College purposes, upon its completion, from the Foundation pursuant to the terms of the Lease Agreement, and, as an approved project, is authorized to utilize the Major Facilities Reserve Fund for all lease payment obligations. The Lease Agreement shall be for a term not to exceed 30 years after the completion of the Project and shall be a “triple net” lease agreement. The College shall pay semi-annual base rentals during the term, and the annual amount of the base rental shall not exceed such amounts as shall be determined to be appropriate by the Authorized Officers (as defined below) in order to meet all requirements of the Bonds. The base rentals will be made payable solely from major facilities fees established and imposed by the College in respect of enrolled credit hours or charges for non-credit courses (“Major Facilities Fees”) and such other sources as the Authorized Officers (as defined below) designate. Under the terms of the Lease Agreement, the College must pay the costs of maintenance, insurance, and taxes relating to the Project and these obligations shall not be limited to Major Facilities Fees; and be it further

Resolved, That the College is hereby authorized to enter into covenants in the Lease requiring it to establish, collect, and maintain Major Facilities Fees at prescribed levels and establish and maintain a fund for the holding of Major Facilities Fees in order to ensure that such Major Facilities Fees are applied for the payment of the base rentals and other limited purposes. The College is further authorized to pledge Major Facilities Fees to secure its obligation to make payments of base rentals under the Lease; and be it further

Resolved, That the College is hereby authorized to provide the Acknowledgement, acknowledging the assignment of the construction portion of the design/build contract by Cafritz to Bovis in connection with the construction of the Project; and be it further

Resolved, That the execution by the College of the Design Guaranty pursuant to which the College guaranteed the performance of the obligations of the Foundation under the Design Contract is hereby ratified and the College is hereby authorized to enter into the Construction Guaranty under which the College will guaranty to Bovis the full, faithful and prompt performance of the Foundation’s obligations under the Construction Contract; and be it further

Resolved, That the College is hereby authorized to enter into the Project Management Agreement in order to provide for an independent third party project management agent to monitor the Project, including the review and recommendation of payment to Bovis during the construction phase of the Project; and be it further

Resolved, That the College is hereby authorized to enter into the Nondisturbance Agreement with the Trustee and the Foundation pursuant to which (i) the College will have the right to quiet and peaceful possession of the Project under the Lease Agreement in the event the Trustee exercises or enforces any of its rights under the Assignment or the Deed of Trust, (ii) the College will agree to continue to lease the Project from any future owners of the Project, including the Trustee, in the event ownership of the Project changes, and (iii) the College will provide its consent to the Assignment; and be it further

Resolved, That the College is hereby authorized to enter into the Continuing Disclosure Agreement for the benefit of the holders of the Bonds pursuant to which the College will agree to disseminate certain financial information and disclose certain material events to the information repositories identified therein as a requirement of the issuance of the Bonds; and be it further

Resolved, That in order to effectuate the transaction described herein, the Board hereby authorizes, directs and empowers the President, Dr. Charlene Nunley, or her designee, or the Chair of the Board of Trustees, Dr. Sylvia Crowder, or designee (each an "Authorized Officer") to execute and deliver the College Documents on behalf of the College (with such changes as an Authorized Officer shall determine to be necessary, proper, appropriate, advisable or desirable) and each of the College Documents are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed by the College; and be it further

Resolved, That an Authorized Officer is hereby authorized, directed and empowered to provide and certify information relating to the College, the Project Site, and the Project, as it pertains to the issuance of the Bonds, as such information may be required for the preparation and distribution of an Official Statement for the Bonds. The use and distribution by the Issuer or its underwriters of a Preliminary Official Statement containing such information to solicit offers to purchase the Bonds is hereby approved; and be it further

Resolved, That the College is hereby authorized to enter into any agreements or amendments to agreements with the County, the Foundation, the Issuer or the Trustee which may be required by the leasing activities, the issuance of the Bonds or the construction of the Project and such authority and agreements are hereby authorized, adopted, specified, accepted, approved and confirmed by the College; and be it further

Resolved, That all agreements, documents and contracts of the College to be entered into in connection with the leasing activities, the issuance of the Bonds or the execution and delivery of the College Documents (the "Related Documents") as an Authorized Officer shall determine to be necessary, proper, appropriate, advisable or desirable, including but not limited to (i) any tax certificate necessary or desirable to be executed in connection with the establishment or preservation of the tax-exempt status of the Bonds, (ii) any easements or other interests in real property necessary or desirable for the development, operation or construction of the Project, (iii) any assignment of the construction contract for the Project, (iv) the College's undertaking the role of the Foundation's construction agent for the construction of the Project and the administration of the Construction Contract for the Project, (v) any financing statements or other instruments required to effect a security interest in the College's interests in the pledged fees to secure its lease obligations under the Lease Agreement, (vi) any agreements with the underwriter for the Bonds including a bond purchase agreement and letter of representation, and (vii) any agreements with the Issuer relating to the Issuer's involvement in the Project and payment of fees and expenses and any matters relating to the procurement of the Trustee, paying agent or registrar for the Bonds or to the book entry arrangements relating to the Bonds; be and the same are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed; and be it further

Resolved, That all actions heretofore taken by the College or an Authorized Officer in connection with the leasing and contract activities, the issuance of the Bonds, the College Documents and the Related Documents, including without limitation (i) the expenditure of funds, (ii) the selection, appointment and employment of engineers, consultants and advisors for the Project and the leasing activities, (iii) the filing of any applications for any regulatory approvals or permits, (iv) the acquisition of the bakery and the Project Site and the establishment of the Condominium Regime, (v) the execution of the Design Guaranty and the County MOU and (vi) all other actions taken in connection with any of the foregoing, be and the same are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed; and be it further

Resolved, That without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the College hereby (i) authorizes and directs all of the officers, employees and agents of the College to carry out or cause to be carried out, and to perform, such obligations of the College and such

other actions as they, or any one of them, in consultation with the College's general counsel, in connection with the leasing activities, the issuance of the Bonds and the construction of the Project, shall consider necessary, advisable, desirable or appropriate in connection with this resolution, the College Documents, the Related Documents and related transactions, including, without limitation, and whenever appropriate, the execution and delivery thereof and of all other related documents, instruments, financing statements, certifications and opinions, (ii) delegates, authorizes and directs each Authorized Officer the right, power and authority to exercise his own independent judgment and discretion in determining and finalizing the terms, provisions, forms and contents of each of the College Documents, any agreement required by the County or amendments to agreements and the Related Documents herein identified and referred to and to execute and deliver any such documents and (iii) authorizes the Authorized Officers to execute certificates of the College. The execution and delivery by any such officers of the College of any of such documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this resolution, shall constitute conclusive evidence of both the College's and their approval of all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish their absolute, unconditional and irrevocable authority with respect thereto from the College and the authorization, approval and ratification by the College of the documents, instruments, certification and opinions so executed and the actions so taken; and be it further

Resolved, That if any one or more provisions of these resolutions should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of these resolutions. If any provisions of these resolutions shall be held or deemed to be or shall, in fact, be inoperative, or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases, because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstance shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions wherein contained inoperative or unenforceable or invalid to any extent whatever.

CRN:abg

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

Agenda Item Number: _____
October 10, 2005

**APPROVAL OF THE INSTITUTIONAL MISSION AND GOALS STATEMENT FOR THE MARYLAND
HIGHER EDUCATION COMMISSION**

BACKGROUND

Pursuant to Education Article, 11-302 and 303, Annotated Code of Maryland, the Maryland Higher Education Commission requires all public institutions to develop institutional mission and goals statements and to establish and periodically update the format of these statements. Governing boards must review, adopt, and submit the mission statements to the Commission. The Commission will review the statements and report the outcome of the review to the General Assembly of Maryland.

The document required by MHEC is much more extensive than the College's published Mission Statement. The MHEC guidelines mandate a mission and goals document that is consistent with the State Plan for Higher Education. Specifically, it must describe the institution's capabilities to meet the State's present and future needs for postsecondary education, the long-range and short-range objectives and priorities for postsecondary education, and the methods and guidelines for achieving and maintaining them.

The Institutional Mission and Goals Statement prepared by the College meets the Commission's institutional mission review process by providing a summary mission statement, and discussing institutional identity, institutional capabilities, and the ability of the College goals and objectives to achieve the mandates of the State Plan for Higher Education.

RECOMMENDATION

That the Board of Trustees adopt the Institutional Mission and Goals Statement and submit it to the Maryland Higher Education Commission.

BACK-UP INFORMATION

Board Resolution
Institutional Mission and Goals Statement

RESOURCE PERSONS

Dr. Levine
Dr. Fechter

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

Resolution Number: **05-115**
Adopted on: 10/10/05

Agenda Item Number: _____
October 10, 2005

**Subject: Approval of the Institutional Mission and Goals Statement for the Maryland
Higher Education Commission**

WHEREAS, Pursuant to the Education Article 11-302 and 303, Annotated Code of Maryland, the Maryland Higher Education Commission requires all public institutions to develop institutional mission and goals statements and to establish and periodically update the format of the mission statements; and

WHEREAS, the Board of Trustees must review, adopt and submit the mission and goals statements to the Commission; and

WHEREAS, the College has prepared an Institutional Mission and Goals Statement that meets the Commission's institutional mission review process by providing a summary mission statement, and discussing institutional identity, institutional capabilities and the ability of the College goals and objectives to achieve the mandates of the State Plan for Higher Education; now therefore be it

Resolved, That the Board of Trustees approve the Institutional Mission and Goals Statement and submit the approved statement to the Maryland Higher Education Commission.

Attachment

CRN:abg