

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
January 22, 2009**

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

Agenda Item Number: 7A
January 22, 2009

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
Ms. Bokor

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

Resolution Number: **09-01-001**
Adopted on: **1/22/09**

Agenda Item Number: 7A
January 22, 2009

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 December 1, 2008, to and including December 31, 2008; 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

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From and Including December 1, 2008, to and Including December 31, 2008

STAFF

STAFF EMPLOYMENTS: None

STAFF SEPARATIONS:

<u>Effective Date</u>	<u>Name</u>	<u>Title</u>	<u>Grade</u>	<u>Location</u>
12/19/2008	Garrett, Cordell L	Building Service Worker Lead	D	Facilities Operations - TP/SS
12/03/2008	Gill, Robert B	Purchasing Supervisor	K	Procurement Office
12/16/2008	Jones, Jeremiah J	Electronic Technician	H	IT Learn Ctr Aud/Vis Instrc RV
12/31/2008	Pedersen, Poul M ²	Tech Proj & Plan Analyst	L	Office of Info Tech
12/19/2008	Soto, Betty J	Learning Center Director	K	Humanities & Social Science
12/31/2008	Surber, Mary K ²	Senior Admin Aide	G	Collegewide Cap Prjt/Oper

	WHITE	BLACK	HISPANIC	ASIAN	AMER IND	TOTALS
Female	2	0	0	0	0	2
Male	2	2	0	0	0	4
TOTAL	4	2	0	0	0	6

FACULTY

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS

<u>Effective Date</u>	<u>Name</u>	<u>Position Title</u>	<u>Location</u>
12/03/2008	Feeney, Patrick G ¹	Professor	Sociol/Anthr/Crim Justice RV

¹ Deceased

²Retired

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

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

Agenda Item Number: 7B
January 22, 2009

**AWARD OF CONTRACT
WEB-BASED CURRICULUM MANAGEMENT SYSTEM
BID NO. 509-003**

BACKGROUND

The Chief Information Officer has requested a contract for a web-based curriculum management system used to initiate proposals on the design, development, modification and discontinuance of courses and programs on a collegewide basis. Over the past several years, the growing size of the faculty and the complexity of the web-based curriculum management system have impacted the ability to accurately track proposals. The current system is a form-driven process and a hybrid of paper and electronic procedures that provides representation and input from instructional and student support services. This system involves multiple levels of approval and information outlets, (for example, catalog, registrar, and web site). Several colleges and universities, many of whom are SCT Banner users, are automating their curriculum action processes in an effort to eliminate error, reduce labor time and delay, and ensure consistency of information across formats. To improve the quality of the current web-based curriculum management system, members of the College Curriculum Committee, in conjunction with staff from the Office of Information Technology, developed system specifications to automate, manage, and streamline the current curriculum processes.

On August 27, 2008, a request for proposal was issued for the purchase of a web-based curriculum management system. One (1) response was received on September 12, 2008. An evaluation committee consisting of the College Curriculum Committee members and the Office of Information Technology staff, reviewed, evaluated, and ranked the response based on established criteria. The sole proposal submitted by Governet, Santa Barbara, California met College requirements. Vendor references were affirmed and past performance was satisfactory. The first year price for the purchase of the web-based curriculum management system is \$70,000, which includes implementation, hosting, and maintenance as well as custom programming services. The subsequent annual hosting and maintenance services are a total not-to-exceed amount of \$25,000. Board approval is required for competitive sealed proposals valued above \$25,000.

RECOMMENDATION

It is recommended that the Board of Trustees award a contract for the web-based curriculum management system to Governet, Santa Barbara, California, beginning January 2009, for a total first year price of \$70,000 including implementation, hosting, maintenance, and custom programming or services. It is further recommended that the contract be renewed for four additional one-year terms, for a not-to-exceed annual cost of \$25,000, at the sole option of the College, under the same terms and conditions, if service is satisfactory, funds are available, and it is in the best interest of the College.

BACK-UP-INFORMATION

Board Resolution
Bid Summary (Board Members Only)
Bidders List (Board Members Only)

RESOURCE PERSONS

Mr. Leurig
Mr. Sheeran
Dr. Wormack

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

Resolution Number: **09-01-002**
Adopted on: **1/22/09**

Agenda Item Number: 7B
January 22, 2009

**Subject: Award of Contract, Web-based Curriculum Management System,
Bid Number 509-003**

WHEREAS, the Chief Information Officer has requested a contract for a web-based curriculum management system to initiate proposals on the design, development, modification and discontinuance of courses and programs collegewide; and

WHEREAS the Director of Procurement certifies that specifications were developed by appropriate College staff and the Chief Business Officer certifies that funds are available in the FY2009 Capital Budget; and

WHEREAS, pursuant to MD. (Educ.) Code Ann. Sec. 16-311 (c), a request for proposal was publicly advertised in a County newspaper on August 27, 2008, and posted on the College Procurement, Montgomery County, and State websites, downloaded by eighty-two (82) vendors, and one (1) response, was received, read, and recorded beginning at 3:00 p.m. on September 12, 2008; and

WHEREAS, upon evaluation it was determined that the sole proposal submitted by Governet, Santa Barbara, California, met all College requirements and is the lowest responsible bidder; and

WHEREAS, Board of Trustees approval is required for award of competitive sealed proposals valued above \$25,000; and

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

Resolved, That a contract for the web-based curriculum management system be awarded to Governet, Santa Barbara, California, beginning January 2009, for a total first year price of \$70,000 including implementation, hosting and maintenance and custom programming services; and be it further

Resolved, That the contract be renewed for four additional one-year terms, for a not-to-exceed annual cost of \$25,000, at the sole option of the College, under the same terms and conditions, if service is satisfactory, funds are available, and it is in the best interest of the College.

BKJ:abg

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

Agenda Item Number: 8A
January 22, 2009

**APPROVAL OF CHANGE ORDER
COLLEGEWIDE ELEVATOR MODERNIZATION PHASE I**

BACKGROUND

On April 17, 2006, the Board of Trustees awarded Quality Elevator Company, Inc., Bladensburg, Maryland, a \$1,316,519 contract for elevator improvements in seven (7) elevators in six (6) buildings at the Rockville and Takoma Park/Silver Spring campuses. The scope of this deferred maintenance project included upgrading various mechanical and operational components of each elevator to bring them up to existing codes and standards. Subsequent to the award it was determined that the two main elevators at Macklin Tower should be provided with the option to use the emergency electrical power from the building's emergency generator to allow either elevator to be operated by emergency personnel as may be required. The work involved the purchase and installation of an additional transfer switch and significant time and material expense in installing supporting electrical infrastructure.

The two Takoma Park/Silver Spring elevators being renovated (Science South and the East parking Garage) were cited for lack of elevator recall devices at the State's final inspection for certification. The Maryland State Elevator Inspector mandated that the College install elevator recall devices. These devices are required by the State on elevators that are in structures that do not have a fire alarm system. The work was accomplished and the elevators were subsequently certified.

Quality Elevator took a considerable amount of time to submit pricing for this work, after repeated requests by the College over the last six months. The final price of \$62,215 was reviewed by College staff and consultants and is appropriate for the amount of work involved. Board of Trustees approval is required for all construction change orders over \$25,000. Sufficient funds are available in the FY2009 Capital Budget Elevator Modernization Project.

RECOMMENDATION

It is recommended that a change order with Quality Elevator Company, Inc., in the amount of \$62,215 be approved for the provision of emergency power to the Macklin Tower elevators, the installation of the elevator recall system components, and additional code required/maintenance items in the College-Wide Elevator Modernization project.

BACK-UP INFORMATION: Board Resolution

RESOURCE PERSONS: Mr. Capp, Mr. Sheeran

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

Resolution Number: **09-01-003**
Adopted on: **1/22/09**

Agenda Item Number: 8A
January 22, 2009

Subject: Approval of Change Order for Collegewide Elevator Modernization Phase I

WHEREAS, on April 17, 2006, by Board Resolution #06-04-034, the Board of Trustees awarded a contract for \$1,316,519 to Quality Elevator Company Inc. (Contract 450), for elevator modernization work in six (6) buildings, for seven (7) elevators at the Rockville and Takoma Park/Silver Spring Campuses; and

WHEREAS, College staff determined that the Macklin Tower elevators should be placed on emergency power for the use of life safety/emergency services personnel, and to meet the Maryland State Elevator Inspector's mandated standards and to address additional differing site condition issues; and

WHEREAS, Quality Elevator Company, Inc. submitted a price proposal and College staff and consultants have reviewed the options and pricing; and

WHEREAS, the Chief Facilities Officer recommends approval of a change order totaling \$62,215 for meeting mandated standards and providing for increased life safety margins; and

WHEREAS, the Chief Business Officer certifies that sufficient funds are available in the FY2009 Capital Budget Elevator Modernization project for this change order; and

WHEREAS, College policy on the Capital Budget requires approval by the Board of Trustees of all change order requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

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

Resolved, That the Board of Trustees approves a change order to the contract with Quality Elevator Company, Inc., Bladensburg, Maryland, (Contract 450) for meeting mandated standards and providing for increased life safety margins in the amount of \$62,215; and be it further

Resolved, That the President is authorized to sign the change order with Quality Elevator Company, Inc. on behalf of the Board of Trustees.

BKJ:abg

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

Agenda Item Number: 8B
January 22, 2009

**APPROVAL OF CHANGE ORDER
CIVIL ENGINEERING AND LANDSCAPE PERMIT REQUIREMENTS
COMMONS BUILDING RENOVATION
TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

On March 17, 2008, the Board of Trustees awarded Konover Construction Corporation, Columbia, MD a \$5,955,899 contract for the Commons Building Renovation at the Takoma Park/Silver Spring Campus. Subsequent to contract award, a number of changes to civil engineering and landscaping elements of the work, notably revisions to storm drain systems and water line alignment, and additional tree protection and additional landscape materials were required in response to comments received from the Montgomery County Department of Permitting Services and the Takoma Park City Arborist.

The Construction Manager's job site team, in-house mechanical estimators, and the College met with Konover Construction to review the scope of work and negotiated the change from an initial proposal of \$113,653 and a three (3) day time extension to a final request of \$50,730 and no time extension.

Board of Trustees approval is required for all construction change orders over \$25,000. The contractor's price for the work, \$50,730, was reviewed by College staff and the Construction Manager, and is acceptable for the amount of work involved. No time extension is associated with this change order. Sufficient funds are available in the FY2009 Capital Budget Commons Renovation project for this additional work.

RECOMMENDATION

It is recommended that, a change order be approved for Contract #518 with Konover Construction Corporation, Columbia, Maryland, in the amount of \$50,730 for completing Civil Engineering and Landscape Permit Requirements at the Commons Building Renovation, Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS:

Mr. Capp
Mr. Sheeran

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

Resolution Number: **09-01-004**
Adopted on: **1/22/09**

Agenda Item Number: 8B
January 22, 2009

Subject: Approval of Change Order for Civil Engineering and Landscape Permit Requirements, Commons Building Renovation, Takoma Park/Silver Spring Campus

WHEREAS, on March 17, 2008, by Board Resolution # 08-03-025, the Board of Trustees awarded a contract for \$5,955,899 to Konover Construction Corporation, Contract #518, for the Commons Building Renovation at the Takoma Park/Silver Spring Campus; and

WHEREAS, at the College's request, Konover Construction Corporation has submitted a change order proposal for civil engineering and landscape permit requirements and associated work; and

WHEREAS, College staff and consultants have reviewed the submitted change order proposals and have undertaken negotiations with Konover Construction Corporation with regard to the fees for the work; and

WHEREAS, the Associate Vice President for College Facilities recommends approval of a change order totaling \$50,730 and no time extension for the requested work; and

WHEREAS, the Chief Business Officer certifies that sufficient funds are available in the FY2009 Capital Budget for this change order; and

WHEREAS, College policy on the Capital Budget requires approval by the Board of Trustees of all change requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

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

Resolved, that a change order be approved to the construction contract with Konover Construction Corporation, Columbia, Maryland, Contract #518, Takoma Park/Silver Spring Campus, Commons Building Renovation in the amount of \$50,730 and no time extension for the Civil Engineering and Landscape Permit Requirements; and be it further

Resolved, that the President is authorized to sign this change order with Konover Construction Corporation, on behalf of the Board of Trustees.

BKJ:abg

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

Agenda Item Number: 8C
January 22, 2009

**APPROVAL OF CHANGE ORDER FOR WSSC SYSTEM DEVELOPMENT CHARGE
COMMONS BUILDING RENOVATION
TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

On March 17, 2008, the Board of Trustees awarded Konover Construction Corporation, Columbia, MD a \$5,955,899 contract for the Commons Building Renovation at the Takoma Park/Silver Spring Campus. The Washington Suburban Sanitary Commission (WSSC) required payment of a System Development Charge for WSSC fees associated with water and sewer connections and inspections required for the work. Payment for utility fees of this nature is the responsibility of the College. Konover Construction Corporation paid the fee on behalf of the College so as to minimize potential adverse impact on the project schedule. This change order request provides for reimbursement to Konover of WSSC's required System Development Charge.

The Construction Manager's job site team and the College met with Konover Construction Corporation and validated that the payment of \$26,443 to WSSC was merited. Board of Trustees approval is required for all construction change orders over \$25,000. No time extension is associated with this change order. Sufficient funds are available in the FY2009 Capital Budget Commons Renovation account for this additional work.

RECOMMENDATION

It is recommended that a change order be approved for Contract #518 with Konover Construction Corporation, Columbia, MD, in the amount of \$26,443, for the WSSC System Development Charge for the Commons Building Renovation project, Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS:

Mr. Capp
Mr. Sheeran

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

Resolution Number: **09-01-005**
Adopted on: **1/22/09**

Agenda Item Number: 8C
January 22, 2009

Subject: Approval of Change Order for WSSC System Development Charge, Commons Building Renovation, Takoma Park/Silver Spring Campus

WHEREAS, on March 17, 2008, by Board Resolution # 08-03-025, the Board of Trustees awarded a contract for \$5,955,899 to Konover Construction Corporation, Contract #518, for the Commons Building Renovation at the Takoma Park/Silver Spring; and

WHEREAS, at the College's request, Konover Construction Corporation has submitted a change order proposal for a WSSC System Development Charge reimbursement; and

WHEREAS, College staff and consultants have reviewed the submitted change order proposal and have undertaken negotiations with Konover Construction Corporation with regard to the fees for the work; and

WHEREAS, the Associate Vice President for College Facilities recommends approval of a change order totaling \$26,443 for the requested work; and

WHEREAS, the Chief Business Officer certifies that sufficient funds are available in the FY2009 Capital Budget for this change order; and

WHEREAS, College policy on the Capital Budget requires approval by the Board of Trustees of all change requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

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

Resolved, that a change order be approved to the construction contract with Konover Construction Corporation, Columbia, MD, Contract #518, Takoma Park/Silver Spring Campus, Commons Building Renovation in the amount of \$26,443 for the WSSC System Development Charge; and be it further

Resolved, that the President is authorized to sign this change order with Konover Construction Corporation, on behalf of the Board of Trustees.

BKJ:abg

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

Agenda Item Number: 9
January 22, 2009

**MODIFICATION TO AWARD OF CONTRACT
E-LEARNING COURSEWARE LICENSE
BID 508-021**

BACKGROUND

At its December 15, 2008 meeting, the Board of Trustees approved amending the original contract award for the purchase of an unlimited license of the Elluminate Learning Suite products (Resolution no. 08-12-140). Elluminate's e-learning software is a real-time, web-based, interactive software suite that provides a "virtual" desktop classroom for students to access from any computer with internet access. Faculty recommended expanding the use of the courseware into additional courses. The original purchase was awarded on a pilot for 50 licenses. An unlimited license includes hosting the entire product suite and support. In addition, this product will not replace the current WebCT (Blackboard) software used by students requiring access at their own time rather than interactive courses. The two products allow faculty to choose the proper mode of instructional tools. The Elluminate program is used in instructional programs at the Universities of Maryland, College Park, UMUC, Frostburg State, University of Baltimore, Morgan State University, and other private colleges within the state.

This action is to recommend modification of the award price of \$95,000 for a three-year term to \$228,000 for a three-year term. This amount is modified from the previous award due to a calculation error in the three-year contract term purchase price for the unlimited license products. This pricing includes an additional 20% discount off the three-year term pricing agreement. Without the discount the total three-year price would be \$285,000.

RECOMMENDATION

It is recommended that the Board of Trustees modify the contract award for the purchase of an unlimited concurrent license of the Elluminate e-learning software suite and related services, to Elluminate USA, Fort Lauderdale, Florida, for a three-year period, for a total amount of \$228,000.

RESOURCE PERSONS

Mr. Leurig
Mr. Sheeran
Dr. Wormack

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

Resolution Number: **09-01-006**
Adopted on: **1/22/09**

Agenda Item Number: 9
January 22, 2009

**Subject: Modification to Award of Contract, E-Learning Courseware License,
Bid No. 508-021**

WHEREAS, in December 2008, the Board of Trustees approved amending the contract award for the purchase of unlimited licenses for a three-year period for the e-learning courseware product suite for use in online learning instruction to *Elluminate USA*, Fort Lauderdale, Florida; and

WHEREAS, the award for the purchase of a three-year unlimited concurrent license of the Elluminate product suite was approved for a total price of \$95,000 for a three-year term and requires modification; and

WHEREAS, the Director of Procurement recommends modifying the price for the concurrent unlimited license for a three-year term to \$228,000; and the Chief Business Officer certifies that the funds are available in the FY2009 Capital Budget; and

WHEREAS, Board approval is required for modification of contracts valued above \$50,000; and

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

Resolved, That the contract award be amended for the purchase of an unlimited concurrent license to Elluminate USA, Fort Lauderdale, Florida, for a three-year period, beginning January 22, 2008, for a total amount of \$228,000; and be it further

Resolved, That Resolution #08-12-140 is hereby modified as recommended; and be it further

Resolved, That all other terms and conditions of Resolution #08-12-140 remain unchanged.

BKJ:abg

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

Agenda Item Number: 10
January 22, 2009

**DELEGATION OF AUTHORITY FOR CONSTRUCTION CHANGE ORDER PROCESS
AND AUTHORIZATION OF CONSTRUCTION CONTINGENCY FOR THE
ROCKVILLE CAMPUS SCIENCE CENTER PROJECT**

BACKGROUND

The Board of Trustees awarded a contract for \$51,809,000 for the construction of the Rockville Campus Science Center on November 19, 2008, contingent upon State of Maryland approval. This is the largest building in cost and size (140,700 gross square feet) that the College has ever undertaken. The overall budget that the Board of Trustees approved for this project in November, as a part of the adoption of the FY 09-14 Capital Budget, is \$73,924,000. This budget covers all of the expenses for this project including design, construction, construction management, furniture and equipment, and contingency expenses for all of those items. Contingency expenses for design services include, but are not limited to, supplemental design services, specialty consultant services, reimbursable expenses authorized by the contracts, plan reproduction expenses, specialty inspection and testing services, permit fees, renderings, and similar items. Contingencies for construction include, but are not limited to, utility fees, insurance, LEED commissioning certification and building commissioning requirements, and construction change orders for unforeseen and/or additional work or credits for deleted work.

On State-assisted projects, the State approves additional funds for construction contingencies and for construction inspection and testing services (CITS). For this size project, the State has authorized a total contingency of \$3,730,248 based on a 5% construction contingency and a 2.2% CITS allowance applied to the construction contract award amount of \$51,809,000. Sufficient funds are available in the project budget to cover the total authorized contingency.

The approval limits currently in College Policies and Procedures for construction change orders require Board of Trustees approval for individual change orders of \$25,000 or over 15% of the contract value, whichever is less. The President is currently authorized to approve change orders between \$7,500 and \$24,999. Changes under \$7,500 are approved by the President's designee (Sr. VP AFS \$4,000-\$7,499 and Assoc. VP College Facilities under \$4,000). In recent years, Board members may have noticed an increase in the number of change orders on the meeting agendas for approval as overall construction costs have risen. Current Board policy on Capital Budget construction change orders (P&P 61001 IV.C.) was developed at a time when construction projects were typically \$5,000,000 or less and there were fewer construction projects.

Discussions among the Facilities Office, Business Services, and the Senior Vice President for Administrative and Fiscal Services have centered on improving effectiveness in contracting including the change order approval process. The Science Center, as a large stand alone project, would be a good test case for a change in the process and would provide guidance for modifying the Board Policies related to contracting processes including change order approval. To increase efficiencies in completing the project, a different (modified) change order approval

process is recommended for the Rockville Science Center. An improved and more streamlined change order process will save time for project completion, and decrease internal administrative processes.

The consensus recommendation is that at the present time, and only for the Rockville Science Center project, the Board of Trustees delegate authority to the President and his designee(s) to approve construction change orders and construction inspection and testing expenses that fall within the contingency authorized by the State for this project, as long as the change orders do not change the original scope of the project. Changes in project scope require Board of Trustees approval. As construction progresses, if it becomes apparent that costs will exceed the State contingency authorization, additional Board of Trustees approval will be required.

A recent survey of other community colleges in Maryland showed that a number of the colleges have construction change order and other contingency expenses approved by the President and/or sub-delegated to the Vice President level. The rationale is that their Boards have already authorized the overall capital project budget. Some of the smaller colleges, however, do have their boards approve change orders, generally for \$25,000 or more.

RECOMMENDATION

It is recommended that, solely for the Rockville Science Center project, that the Board of Trustees authorize the President or his designee, to approve construction change orders and construction inspection and testing services (CITS) up to the amount authorized by the State of Maryland for this project, namely \$3,730,248 based on a 5% construction contingency and a 2.2% CITS allowance. Additional Board approval will be required if it appears that items will exceed this amount or if there is a change in project scope. This authorization is intended to be on a temporary basis until the administration can bring a recommendation to revise College Policies and Procedures on the Capital Budget (P&P 61001 IV. C.) to the Board for review and consideration. Information will be provided at that time on how the temporary change order procedures have been working.

BACK-UP INFORMATION

Board Resolution

Summary of Survey of Maryland Community Colleges (Board members only)

RESOURCE PERSON(S):

Mr. Capp
Mr. Moore
Mr. Sheeran
Mr. Sorrell
Dr. Wormack

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

Resolution Number: **09-01-007**
Adopted on: **1/22/09**

Agenda Item Number: 10
January 22, 2009

Subject: Delegation of Authority for Construction Change Order Process and Authorization of Construction Contingency for the Rockville Science Center Project

WHEREAS, the Senior Vice President for Administrative and Fiscal Services requests a modified change in the existing construction change order approval process for the construction of a Science Center on the Rockville Campus due to the size and scope of this project; and

WHEREAS, this modification will contribute to improving administrative and project efficiencies without loss of oversight and fiscal control in the approval and authorization process; and

WHEREAS, the existing change order approval process which requires Board of Trustees approval of Capital Budget construction change orders of \$25,000 or more was developed at a time when projects were much smaller and less complex and the \$25,000 value was considered exceptionally high; and

WHEREAS, the number of construction change orders requiring Board of Trustees approval has risen over the years due to the increased cost of materials and labor nationwide adding to the time it takes to process change orders and release funds to the contractors; and

WHEREAS, since the Board of Trustees has approved the overall budget for the Rockville Campus Science Center project (\$73,924,000) as a part of the FY 09-14 Capital Budget with the understanding that the funds are to be used for all appropriate expenses related to constructing and furnishing the building; and

WHEREAS, as a part of the State approval process, the State authorized a total project contingency of \$3,730,248 (based on a 5% construction contingency allowance and 2.2% construction inspection and testing services allowance on the \$51,809,000 construction contract award amount); and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2009 Capital Budget Science Center project for the State approved contingency of \$3,730,248; and

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

Resolved, That solely for the Rockville Science Center project, that the Board of Trustees authorizes the President or his designee, to approve construction change orders and construction inspection and testing services (CITS) up to the total contingency amount authorized by the State of Maryland for this project, namely \$3,730,248 which is based on a 5% construction contingency allowance and a 2.2% CITS allowance; and be it further

Resolved, That this approval is given with the understanding that additional Board approval will be required if it appears that items will exceed the State authorized contingency of \$3,730,248 or if there is a change in project scope; and be it further

Resolved, That this authorization is intended for the Rockville Science Center project only while the administration develops a recommendation to modify the entire College Policies and Procedures section on the Capital Budget (P&P 61001 IV. C.) and brings it to the Board for review and consideration and that information will be provided to the Board at that time on how the temporary change order procedures have been working.

BKJ:abg

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

Agenda Item Number: 11
January 22, 2009

**APPROVAL OF THE THIRD AMENDATORY DECLARATION AND THIRD
SUPPLEMENTARY PLAT OF THE MONTGOMERY COLLEGE CONDOMINIUM**

BACKGROUND

With the assistance of Montgomery County and the Montgomery College Foundation, Inc. (the "Foundation"), Montgomery College (the "College") purchased the Giant Bakery building site (the "Site") located on the Takoma Park/Silver Spring Campus in Silver Spring, Maryland. The Site was subjected to a condominium regime by the Foundation and the College known as the Montgomery College Condominium (the "Condominium") in order to facilitate bond financing of the renovated Bakery structure on the site, now known as the Cafritz Foundation Arts Center. This Condominium was divided two units, Unit I, owned by the Foundation, and Unit II, owned by the College, with certain portions identified as common elements.

After the original Condominium was established, certain adjustments were necessary to lines defining the Units in order to accommodate physical relationships and financing requirements between the Health Sciences Center, the Cafritz Foundation Arts Center and the recently authorized Parking Garage project currently under construction. These changes were made through an Amendatory Declaration and a Second Amendatory Declaration, together with associated first and second supplementary plats of the Condominium.

Now, with the construction of the Performing Arts Center (previously called the Cultural Arts Center) at the Takoma Park/Silver Spring Campus, it is necessary to once again adjust the lines of the condominium units in order to accommodate an increased footprint of the Performing Arts Center into a portion of the area that was previously the parking lot of the Giant Bakery site. In order to accomplish this, the parking lot area which was previously Unit I of the Condominium is being divided into Unit IA and Unit IB through a "Third Amendatory Declaration of the Montgomery College Condominium" and the associated "Third Supplementary Plat of Montgomery College Condominium." A copy of the plat is attached to show the new proposed line dividing Unit IA from Unit IB.

Once created, Unit IA will be utilized by the College in conjunction with the adjacent Parcel 7 for the construction and operation of the Performing Arts Center at the corner of Georgia Avenue and Burlington Avenue.

RECOMMENDATION

It is recommended that the Board of Trustees approve and authorize the execution of the Third Amendatory Declaration of the Montgomery College Condominium and the associated Third Supplementary Plat of Montgomery College Condominium in order to create a new Unit IA and Unit IB from the former Unit I in the Condominium, as shown on attached proposed plat, as well as authorize the execution of any other agreements, documents or certificates associated with this change in the Montgomery College Condominium.

BACK-UP INFORMATION

Board Resolution

Third Supplementary Plat of Montgomery College Condominium (Board members only)

RESOURCE PERSONS

Mr. Sorrell

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

Resolution Number: **09-01-008**
Adopted on: **1/22/09**

Agenda Item Number: 11
January 22, 2009

**Subject: Approval of the Third Amendatory Declaration and Third Supplementary
Plat of the Montgomery College Condominium**

WHEREAS, Montgomery College (the "College") desires to construct a Performing Arts Center (previously called the Cultural Arts Center) at the Takoma Park/Silver Spring Campus in Silver Spring, Maryland (the "Project"); and

WHEREAS, the Project will require land that is part of the Montgomery College Condominium (the "Condominium") as well as land owned by the College; and

WHEREAS, the Montgomery College Foundation, Inc. (the "Foundation"), a non-stock, nonprofit corporation that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as an organization described under Section 501(c)(3) of the Code, and the College, are the owners of the Condominium; further the Foundation is the current owner of Unit I and desires to assist the College in the construction and operation of the Performing Arts Center by making a part of Unit I available for the construction and operation of the Project; and

WHEREAS, in order to facilitate the use of a portion of Unit I for the Project, the College must authorize the execution of certain condominium documents to amend the Declaration of the Condominium and to revise the Plat of the Condominium, so as to create a Unit IA and a Unit IB from the existing Unit I of the Condominium; and

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

Resolved, that the College is hereby authorized to amend the underlying condominium documents and plats to create a new Unit IA and Unit IB from former Unit I of the Montgomery College Condominium, in substantially the same form as depicted on the attached Third Supplementary Plat of Montgomery College Condominium, in order to accommodate the construction and operation needs of the Performing Arts Center at the Takoma Park/Silver Spring Campus in Silver Spring, Maryland; and it is further

Resolved, that in order to effectuate the transaction described herein, the Board hereby authorizes, directs and empowers the President, Dr. Brian K. Johnson, or his designee, or the Chair of the Board of Trustees or designee (each an "Authorized Officer") to execute and deliver the Third Amendatory Declaration of the Montgomery College Condominium, the Third Supplementary Plat of the Montgomery College Condominium, and such other documents as are required to create Units IA and Units IB of the Condominium as described herein, 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 these documents as well as the underlying Condominium declarations and plats, are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed as executed by the College; and it is 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 or 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.

BKJ:abg

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

Agenda Item Number: 12
January 22, 2009

**CAPITAL BUDGET FUND TRANSFER
TAKOMA PARK CAMPUS EXPANSION PROJECT**

BACKGROUND

In accordance with County fiscal procedures, the Board is authorized to transfer funds among College projects within the Capital Budget. Additional construction contingency funds are needed in the FY2009 Takoma Park Campus Expansion project for the completion of the new Performing Arts Center. When bids for this facility came in significantly higher than anticipated in 2007, it was understood that the contingency was very tight and additional funds would likely be needed. Funds are available for this purpose in the recently completed Takoma Park Central Plant project. A balance of just under \$120,000 is available for transfer. Both the Central Plant project and the Takoma Park Campus Expansion project are State-funded and the State considers them one project for their purposes. The funding sources are the same for both projects (GO Bonds and State Aid). The transfer of funds from one to the other is compatible.

According to County regulations, no more than 10% of the total appropriation can be moved from a capital project. The amount to be moved, \$118,793, is within that parameter. Board of Trustees approval is required for all fund transfers between capital projects.

RECOMMENDATION

It is recommended that the Board of Trustees approve a transfer of funds for \$118,793 from the Takoma Park Central Plant project to the Takoma Park Campus Expansion project in order to provide sufficient funds for final construction-related expenses for the new Performing Arts Center at the Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Mr. Capp
Mr. Sheeran
Mr. Sorrell

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

Resolution Number: **09-01-009**
Adopted on: **1/22/09**

Agenda Item Number: 12
January 22, 2009

Subject: Capital Budget Fund Transfer, Takoma Park Campus Expansion Project

WHEREAS, in accordance with College policy on the Capital Budget, a movement of funds between projects authorized in the Capital Budget must be consistent with County fiscal procedures authorizing such transactions, and the County has indicated that the Board is authorized to transfer a maximum of 10% from any one College project to projects within the College's Capital Budget; and

WHEREAS, additional funds are needed in the Takoma Park Campus Expansion project for construction-related expenses for the completion of the Performing Arts Center (formerly called the Cultural Arts Center) currently under construction on this Campus; and

WHEREAS, funds totaling \$118,793 are available in the FY2009 Capital Budget Takoma Park Central Plant project that can be used for this purpose; and

WHEREAS, the Chief Business Officer certifies that the funds are available in the FY2009 Capital Budget for this transfer and also certifies that the amount to be transferred, \$118,793, is within the 10% limit; and

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

Resolved, That \$118,793 is transferred from the Takoma Park Central Plant project in the FY2009 Capital Budget to the Takoma Park Campus Expansion project in order to provide sufficient funds for the completion of the Performing Arts Center currently under construction on the Takoma Park/Silver Spring Campus; and be it further

Resolved, That the County Executive and the County Council be notified of this action.

BKJ:abg

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

Agenda Item Number: 13
January 22, 2009

**AFFIRMATION OF POLL, ACCEPTANCE OF PROPOSAL FOR NAMING
THE PAUL PECK ACADEMIC AND INNOVATION BUILDING
ON THE GERMANTOWN CAMPUS**

BACKGROUND

Mr. Paul L. Peck made a year-end gift of \$1,000,000 designated for the Paul Peck Academic and Innovation Building and the Paul Peck Center for Applied Science and Technology.

Specifically, \$500,000 has been received by the Foundation on December 30, 2008, in cash and a \$500,000 Charitable Remainder Unitrust with an irrevocable designation of the Montgomery College Foundation, Inc. as the sole remainder beneficiary of the unitrust has been established prior to January 1, 2009.

The impact of this gift on the Capital Campaign is significant and brings the total amount donated above \$22 million of the \$25 million campaign goal. This gift will also serve as inspiration for donors and prospects during this challenging economic period to make their own seven-figure gifts to the Foundation.

RECOMMENDATION

A poll of the Trustees was taken on December 20, 2008 and the Board approved the proposal to rename the Goldenrod Academic Center on the Germantown Campus, the Paul Peck Academic and Innovation Building or other appropriate name to be mutually agreed upon by the parties, at such time as the ownership of the Goldenrod building is transferred to either the Montgomery College Foundation Inc. or Montgomery College, whichever comes first.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON

Mr. Berman

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

Resolution Number: **09-01-010**
Adopted on: **1/22/09**

Agenda Item Number:13
January 22, 2009

Subject: Affirmation of Poll, Acceptance of Proposal for Naming the Paul Peck Academic and Innovation Building on the Germantown Campus

WHEREAS, in accordance with Montgomery College Policy 74001, the Board of Trustees shall approve the naming of rooms, areas within and outside of buildings, Institutes, Centers, and special programs; and

WHEREAS, upon approval by the Board of Trustees, these areas may also be named for individuals, businesses, foundations, or families who have had a significant impact on the College; and

WHEREAS, in carrying out such a policy the Board of Trustees shall take into account the level of contributions of the individual to the College; and

WHEREAS, Mr. Paul Peck has made a gift of \$1 million to the Montgomery College Foundation; and

WHEREAS, Mr. Peck has contributed personally for many years and in many ways to the development of the College; and

WHEREAS, Mr. Peck has expressed interest in naming the Goldenrod Academic Center located on the Germantown Campus; and

WHEREAS, a poll of the Trustees was taken on December 20, 2008 and the Board approved the proposal to rename the Goldenrod Academic Center on the Germantown Campus the Paul Peck Academic and Innovation Building; and

WHEREAS, the President of the College, the Executive Vice President, the Vice President and Provost of the Germantown Campus, and the Vice President of Institutional Advancement have carefully considered the implications of the gift and support this recommendation; now therefore be it

Resolved, That the members of the Board of Trustees approve renaming the Goldenrod Academic Center located on the Germantown Campus, the Paul Peck Academic and Innovation Building, or other appropriate name to be mutually agreed upon by the parties, at such time as the ownership of the Goldenrod building is transferred to either the Montgomery College Foundation Inc. or Montgomery College, whichever comes first.

BKJ:abg