

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
May 16, 2011**

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

Agenda Item Number: 7A
May 16, 2011

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: **11-05-057**
Adopted on: **5/16/2011**

Agenda Item Number: 7A
May 16, 2011

Subject: Personnel Actions Confirmation

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

WHEREAS, the attached summary indicates related personnel actions taken by the College during the period from and including April 1, 2011, to and including April 30, 2011; and

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

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

Attachment

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From and Including April 1, 2011 to and Including April 30, 2011

STAFF

STAFF EMPLOYMENTS

Effective

Date	Name	Position Title	Grade	Location
04/25/2011	Bare, Jeffery N	Construction Trades Worker	G	Facilities Construction - MKE
04/25/2011	Dawson, Angela M	Student Services Specialist	J	Student Development - GT
04/11/2011	Lapole, Brian D	Building Equipment Mechanic	H	Facilities Operations - GT

STAFF SEPARATIONS

04/28/2011	Brown, Ellamarie C	Human Resources Specialist	J	Human Resources Office
04/15/2011	Clark, Leslie D	Events & Bldg Services Coord	I	Office of Info Tech
04/18/2011	Tsytsikov, Vyacheslav N	Analyst/Programmer	K	Information Technology - RV

STAFF EMPLOYMENTS: Ethnicity and Gender

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

STAFF SEPARATIONS: Ethnicity and Gender

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

FACULTY

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS: None

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

Agenda Item Number: 7B
May 16, 2011

**RECOGNITION OF DR. DEBORAH STEARNS,
2010 MARYLAND PROFESSOR OF THE YEAR**

BACKGROUND

Dr. Deborah Stearns has been a dedicated member of the faculty in the Department of Psychology at the Rockville Campus for nine years. Dr. Stearns' contributions to the College include service on several collegewide committees, including the Women's Studies Steering Committee and the Writing Center Advisory Board. Dr. Stearns is the founder and organizer of the Psychology Brown Bag Series, a very popular discussion series in which students, faculty and staff come together to discuss a variety of topics in psychology, ranging from emotional intelligence and the predictors of college success to the cultural messages in hip-hop music and the mind of the serial killer. Through her work with student groups she provides support and mentorship to students and fosters their developing leadership efforts as well as creates an ongoing campus dialogue about issues of gender and sexuality. Dr. Stearns also works to support the professional development of her colleagues by providing workshops and individualized meetings to assist faculty with issues related to student writing. Her service to the College and students is evidenced by her active involvement in fundraising for student scholarships – she has helped raise thousands of dollars in scholarship funds. Dr. Stearns exemplifies excellence in teaching and service to the College and the community.

In April 2010, the College nominated Dr. Deborah Stearns for the 2010 United States Professor of the Year, sponsored by The Carnegie Foundation for the Advancement of Teaching and administered by the Council for Advancement and Support of Education. This national program recognizes excellent undergraduate instruction at two-year, four-year and graduate institutions. She was selected as the winner for the State of Maryland from all of the nominated undergraduate instructors at two-year institutions. The award was presented at a luncheon at the National Press Club on November 18, 2010.

RECOMMENDATION

This resolution will mark the Board's official recognition of this honor.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Ms. Paula D. Matuskey

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

Resolution Number: **11-05-058**
Adopted on: **5/16/2011**

Agenda Item Number: 7B
May 16, 2011

Subject: Recognition of Dr. Deborah Stearns, 2010 Maryland Professor of the Year

WHEREAS, Dr. Deborah Stearns, Department of Psychology, Rockville Campus, has served the College with dedication and distinction since 2002; and

WHEREAS, her skillful, enthusiastic, and innovative teaching, as attested to by her many students, has improved their lives; and

WHEREAS, Dr. Deborah Stearns through her teaching has encouraged curiosity and understanding and is contributing to the education of her students by developing mind and spirit and awareness of their place in a global community; and

WHEREAS, faculty colleagues and College administrators, in recognizing her outstanding ability and dedication to teaching and contributions to the College and the community, supported her nomination as Professor of the Year; and

WHEREAS, the United States Professor of the Year program, sponsored by The Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education, is the one national program designed to recognize excellent undergraduate teaching; and

WHEREAS, the criteria for selection include extraordinary dedication to undergraduate teaching, demonstrated by excellence and involvement with undergraduate students; scholarly approach to teaching and learning; contribution to undergraduate education in the institution, community, and profession; and support from colleagues, as well as current and former students; and

WHEREAS, Dr. Deborah Stearns, competing against an outstanding national pool of community college educators, has been named the 2010 Carnegie Foundation for the Advancement of Teaching Maryland Professor of the Year, and

WHEREAS, the President of the College recommends this public recognition of Dr. Deborah Stearns on occasion of her award; now therefore be it

Resolved, That the members of the Board of Trustees recognize and commend Dr. Deborah Stearns upon being named the 2010 Maryland Professor of the Year and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting and a copy be forwarded to Dr. Deborah Stearns.

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

Resolution Number: **11-05-059**
Adopted on: **5/16/2011**

Agenda Item Number: 7C
May 16, 2011

**Subject: Retirement Recognition and Award of Emeritus Status and Bronze
Medallion to Professor Joy Morgan-Thompson**

WHEREAS, Professor Joy Morgan-Thompson served Montgomery College with dedication and distinction for nineteen years and retired from the College as of October 29, 2010; and

WHEREAS, in her capacity as a counselor at the Germantown Campus she served students and contributed to the student development unit in a full-time capacity for nineteen years; and

WHEREAS, during that time, she primarily served international students through advising, counseling, and teaching Seminar for International Students, DS 104 course; and

WHEREAS, she helped establish the Center for International and Multicultural Students; and

WHEREAS, because new students need a great deal of information on how to use their placement scores and how to select classes, Professor Morgan-Thompson gave numerous IMAP sessions (International Montgomery Advising Sessions), which helped students transition into the College; and

WHEREAS, Professor Morgan-Thompson contributed to the College in numerous ways; her efforts on the Academic Appeals Committee and her participation on planning committees for the academic awards programs were especially important; and

WHEREAS, it is important to keep information current and the relationship between instruction and counseling strong, Professor Morgan-Thompson coordinated with the AELP (American English Language Program) faculty to provide the best advising and counseling possible; and

WHEREAS, Professor Morgan-Thompson valued professional development and the importance of staying current with issues related to international students, she regularly attended NAFSA (National Association of Foreign Student Affairs), the Fourteenth Leadership Development Institute, Maryland "Best Practices" Conference, and other related workshops and seminars; and

WHEREAS, Professor Morgan-Thompson knew the importance of reaching potential students early; she made countless visits to local high schools to talk to students and parents about Montgomery College; and

WHEREAS, Professor Morgan-Thompson was awarded a NISOD (National Institute for Staff and Organizational Development) Excellence Award in 1997 for her outstanding contributions as a Montgomery College faculty member; and

WHEREAS, she contributed to the unit, campus, and college in many ways; her contribution is best summarized by a peer report that states "Professor Morgan-Thompson is an experienced teacher whose enthusiasm for teaching and caring for students shines through"; and

WHEREAS, Professor Morgan-Thompson was held in high esteem by students and colleagues for her tireless work efforts, ethics, and student-focus; and

WHEREAS, the Vice President and Provost of the Germantown Campus, the Interim Senior Vice President for Academic and Student Services, and the President of the College recommend this public recognition of Professor Morgan-Thompson 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 Morgan-Thompson for her valuable contributions and service to the College, and also extend to her their best wishes for many happy and productive retirement years; and be it further

Resolved, That Professor Joy Morgan-Thompson is awarded the Bronze Medallion in recognition of her outstanding service to the College, and as an expression of gratitude of the College for her exemplary dedication and professional commitment to further the goals of the College; and be it further

Resolved, That Professor Joy Morgan-Thompson is granted the status of Professor Emeritus, 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 the resolution be presented to Professor Morgan-Thompson.

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

Agenda Item Number: 8A
May 16, 2011

**AWARD OF CONTRACT
COLLEGE-WIDE ROOF REPAIRS
BID NO. 611-003**

BACKGROUND

As a part of Facilities' ongoing roof maintenance, repair and replacement program, all College roofs are inspected annually by maintenance staff. Every three (3) years, an engineering survey of all roofs is performed by a roofing consultant. The surveys form the basis for funding requests to the County for roof repairs and roof replacements in the Capital Budget. This contract award covers the repairs identified for 19 College buildings in the latest survey.

Project contract documents, including drawings and specifications, were prepared by a roofing consultant and Facilities staff. The project was advertised for bid on March 11, 2011. Bids were opened on April 12, 2011; four (4) bids, including one (1) no bid, were received ranging from \$357,000 to \$437,832. The estimated cost of this project was \$500,000. In this market, bids have been coming in well under project estimates. The apparent low bid was submitted by J&K Contracting, Inc., Capitol Heights, Maryland. References were checked and positive responses were received. Sufficient funds are available in the FY2011 Capital Budget Fund. Board approval is required for competitive sealed bids valued above \$100,000.

RECOMMENDATION

It is recommended that an award of contract for \$357,000 be made to J&K Contracting, Inc., Capitol Heights, Maryland, as the recommended low bidder for collegewide roof repairs.

BACK-UP INFORMATION

Board Resolution
Summary of Bids (Board members only)
Bidders' List (Board members only)

RESOURCE PERSONS

Mr. Capp
Dr. Wormack
Mr. Sheeran

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

Resolution Number: **11-05-060**
Adopted on: **5/16/2011**

Agenda Item Number: 8A
May 16, 2011

Subject: Award of Contract, College-wide Roof Repairs, Bid No. 611-003

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

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

WHEREAS, pursuant to Md. (Educ.) Ann. Sec. 16-311, a request for bid was advertised on March 14, 2011, in the *Washington Post*, *Baltimore Sun*, and on March 11, 2011 posted on the Procurement Website, and eMaryland Marketplace, downloaded by sixty-four (64) vendors, four (4) responses, including one (1) no bid, were received, publicly opened, read aloud, and recorded beginning at 3:00 p.m. local time on April 13, 2011; and

WHEREAS, after analysis of the bids, it was determined that the low bid of \$357,000 submitted by J & K Contracting, Inc., Capitol Heights, Maryland, meets all College specifications and is therefore the lowest responsible bidder; and

WHEREAS, Board approval is required for competitive sealed bids valued above \$100,000; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2011 Capital Budget to enable the College to award the contract as recommended; and

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

Resolved, That a contract for providing all necessary materials, labor, equipment, and insurance for the collegewide roof repairs at each of the College's three campuses be awarded to J & K Contracting, Inc., Capitol Heights, Maryland, at the firm's low bid price of \$357,000; and be it further

Resolved, That the President is authorized to execute a contract with J & K Contracting, Inc., Capitol Heights, Maryland, on behalf of the Board of Trustees.

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

Agenda Item Number: 8B
May 16, 2011

**AWARD OF CONTRACT
CLAY TILE ROOF REPLACEMENT
SCIENCE AND APPLIED STUDIES BUILDING, GERMANTOWN CAMPUS
BID NO. 611-011**

BACKGROUND

This award is for the replacement of the 33-year old original clay tile roof on the Science and Applied Studies Building (SA) at the Germantown Campus. The clay tiles are on the steep slope portions of the roofs and are no longer manufactured. Maintenance and leaks have been a problem on these portions of the roof. The SA roof tiles will be replaced with ones made of recycled rubber and plastic. The new tiles are similar in appearance to the original tiles, but are not prone to the problems associated with clay tile. A similar project was undertaken in 2005 when the roof tiles on the Humanities and Social Sciences building were replaced.

Project contract documents, including drawings and specifications, were prepared by a roofing consultant and Facilities staff. The project was advertised for bid on March 11, 2011. Bids were opened on April 12, 2011; three (3) bids were received ranging from \$118,725 to \$229,320. The estimated cost of this project was \$200,000. In this market, bids have been coming in well under project estimates. The apparent low bid was submitted by CitiRoof Corporation, Columbia, Maryland. CitiRoof has previously done satisfactory roof work for the College. In addition, references were checked and positive responses were received. Sufficient funds are available in the FY2011 Capital Budget Roof Replacement Project. Board approval is required for competitive sealed bids valued above \$100,000.

RECOMMENDATION

It is recommended that an award of contract for \$118,725 be made to CitiRoof Corporation, Columbia, Maryland, as the recommended low bidder for the replacement of the clay tile roof on the Science and Applied Studies Building at the Germantown Campus.

BACK-UP INFORMATION

Board Resolution
Summary of Bids (Board members only)
Bidders' List (Board members only)

RESOURCE PERSON(S)

Mr. Capp
Dr. Wormack
Mr. Sheeran

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

Resolution Number: **11-05-061**
Adopted on: **5/16/2011**

Agenda Item Number: 8B
May 16, 2011

Subject: Award of Contract, Clay Tile Roof Replacement, Science and Applied Studies Building, Germantown Campus, Bid No. 611-011

WHEREAS, the Associate Vice President for College Facilities requests approval of a contract for replacing the original clay tile roof on the Science and Applied Studies Building at the Germantown Campus; and

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

WHEREAS, pursuant to Md. (Educ.) Ann. Sec. 16-311, a request for bid was advertised on March 14, 2011, in the *Washington Post*, *Baltimore Sun*, and on March 11, 2011 posted on the Procurement Website, and eMaryland Marketplace, downloaded by thirty-seven (37) vendors, three (3) responses were received, publicly opened, read aloud, and recorded beginning at 3:00 p.m. local time on April 12, 2011; and

WHEREAS, after analysis of the bids, it was determined that the low bid of \$118,725 submitted by CitiRoof Corporation, Columbia, Maryland, meets all College specifications and is therefore the lowest responsible bidder; and

WHEREAS, Board approval is required for competitive sealed bids valued above \$100,000; and

WHEREAS, the Chief Business Officer certifies that funds are available in the FY2011 Capital Budget to enable the College to award the contract as recommended; and

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

Resolved, That a contract for providing all necessary materials, labor, equipment, and insurance for the replacement of the original clay tile roof on the Science and Applied Studies Building at the Germantown Campus be awarded to CitiRoof Corporation, Columbia, Maryland, at the firm's low bid price of \$118,725; and be it further

Resolved, That the President is authorized to execute a contract with CitiRoof Corporation, Columbia, Maryland, on behalf of the Board of Trustees.

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

Agenda Item Number: 8C
May 16, 2011

**AWARD OF CONTRACT,
ARCHITECTURAL & ENGINEERING SERVICES
SCIENCE WEST BUILDING RENOVATION, ROCKVILLE CAMPUS,
BID NUMBER 606-004**

BACKGROUND

This contract award provides for architectural and engineering services for the Science West building renovation on the Rockville Campus. Science West will be reconfigured and renovated to support the Mathematics Department and the Math/Science Learning Center following the opening of the Science Center (summer 2011) and the completion of the Science East building renovation by FY2014. As the renovation of Science West is closely connected with the construction of the Science Center and the renovation of Science East, in June 2006 the Board of Trustees appointed Burt Hill, Inc. as project architect to provide design through construction administration services for all three of these new construction and renovation projects. At that time, the Board awarded a contract to Burt Hill for architectural and engineering design services for the Rockville Science Center. In March 2009, the Board awarded a contract to Burt Hill for design services for the Science East renovation. The firm has performed in an exemplary manner on both projects. The Science Center will be fully open for classes in fall 2011. The design for the renovation of Science East is nearly complete and it is anticipated that approval of a renovation contract will be brought before the Board in fall 2011.

The fee proposal requested of Burt Hill, Inc. for the Science West building renovation completes the three-part design process that started with the Science Center in FY2006, Science East in FY2009, and now Science West in FY2011. As part of the Science West renovation project, the College will ask the State to approve a modification of the original facilities program for the building renovation to include the addition of a third floor to provide much needed additional general purpose classroom space for the Campus. The cost of the design of this third-floor addition is included in this fee recommendation to the Board for the design contract award. The initial proposal from Burt Hill was subject to extensive review and negotiation with College staff and a final proposal of \$1,955,324 for design services for the Science West building renovation is submitted herewith and recommended for approval.

A separate contract for the construction administration phase of the Science East renovation is anticipated to come before the Board of Trustees in fall 2011. The architect will also have a construction administration contract for the Science West renovation project in the future.

Funding for design services for the Science West renovation is included in the approved FY2011 Capital Budget and the State will participate with its standard 50% share of this design contract. Sufficient funds are available in the Capital Budget for this contract award.

RECOMMENDATION

It is recommended that, contingent upon Maryland Department of General Services approval, a contract for architectural and engineering design services for the Science West building renovation be awarded to Burt Hill, Inc., Washington, District of Columbia., at a fee of \$1,955,324.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Mr. Capp
Mr. Sheeran
Dr. Wormack

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

Resolution Number: **11-05-062**
Adopted on: **5/16/2011**

Agenda Item Number: 8C
May 16, 2011

Subject: Award of Contract for Architectural and Engineering Services, Science West Building Renovation, Rockville Campus, Bid Number 606-004

WHEREAS, on June 19, 2006, by Resolution #08-08-063, the Board of Trustees appointed Burt Hill, Inc. as project architect for construction of the Rockville Campus Science Center and also for the renovations of the Science East and Science West buildings; and

WHEREAS, on March 17, 2009, by Resolution #09-03-025, the Board of Trustees awarded a contract for schematic design phase documents for the renovation of the Science West building in conjunction with a parallel contract for complete design services for the renovation of the Science East building on the Rockville Campus to Burt Hill, Inc.; and

WHEREAS, in accordance with the approved 2006-2016 Facilities Master Plan which outlines the space needs for the Rockville Campus, the Associate Vice President for College Facilities requests approval of architectural and engineering services contract for the Science West building renovation, including the addition of a third floor to provide needed classroom space on the Rockville Campus; and

WHEREAS, based upon the Board's prior appointment of Burt Hill, Inc., the Facilities Office requested a fee proposal from Burt Hill, Inc., and negotiated a final fee for architectural and engineering professional design services for the Science West building renovation; and

WHEREAS, the Chief Business Officer certifies that, contingent upon Maryland State Department of General Services approval, funds are available in the FY2011 Capital Budget to enable the College to award design services contract for the Science West building renovation as recommended; and

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

Resolved, That contingent upon Maryland State Department of General Services approval, a contract for architectural and engineering professional design services for the Science West building renovation on the Rockville Campus is awarded to Burt Hill, Inc., Washington, District of Columbia., at a fee of \$1,955,324; and be it further

Resolved, That the Board of Trustees respectfully requests of the Maryland State Department of General Services full State-eligible funding for this contract; and be it further

Resolved, That following State approval, the President is authorized to execute the contract with Burt Hill, Inc., Washington, District of Columbia, on behalf of the College for architectural and engineering professional design services for the Science West building renovation on the Rockville Campus.

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

Agenda Item Number: 8D
May 16, 2011

**AWARD OF CONTRACT, ADMINISTRATIVE DESKTOP BACKUP SYSTEM AND
RESTORATION SERVICES, BID NO. 511-019**

BACKGROUND

The Vice President for Instructional and Information Technology/Chief Information Officer has requested a contract award for the purchase of a replacement administrative desktop backup system and restoration services. As part of the collegewide budget reduction measures and the recommendations of the Budget Review Advisory Committee, the Office of Information Technology is reviewing all current information technology contracts to determine where efficiencies and cost savings can be achieved. As such, several information technology contracts are being recommended for non-renewal, re-bidding, or are being re-negotiated in order to achieve greater efficiencies and cost savings for the College. Previously in April 2007, the Board of Trustees awarded a contract for the purchase of an administrative desktop backup system and restoration services for an annual not-to-exceed amount of \$181,560. While the current contract can be renewed for one additional year, staff recommended that the contract be re-bid since current market research suggests that significant savings can be achieved at this time.

The College maintains desktop computers and associated data for over 3,000 employees across three campuses as well as off-site locations. An administrative desktop backup system and restoration service protects users in cases of emergency outages and disaster recovery backup and support services. Additionally, the administrative desktop backup service provides value to the College community and supports Business Continuity Planning.

On January 28, 2011, a solicitation was issued for the purchase of the replacement of an administrative desktop backup system and restoration services. Four (4) responses including one (1) no bid were received on February 16, 2011. A committee consisting of Information Technology staff reviewed and evaluated the proposals based on established criteria and, conducted product demonstrations with all three vendors. Iron Mountain, Southborough, Massachusetts, the current vendor, was the highest ranked responsible vendor meeting College requirements. References of the highest ranked vendor were affirmative. The total price for a three year term is \$137,000, which includes implementation and licensing fees and on-site training. A savings to the College will result in approximately \$150,000 per year. Board of Trustees approval is required for contract awards resulting from competitive sealed proposals valued above \$25,000. Funding for this project is available in the FY2011 Operating Budget.

RECOMMENDATION

It is recommended that the Board of Trustees award a contract for the purchase of an administrative desktop backup system and restoration services to Iron Mountain, Inc., Southborough, Massachusetts, for a three-year term, beginning May 17, 2011. The total price for the three-year term is \$137,000, which includes implementation and licensing fees and on-site training. It is also recommended that the contract be renewed for one additional two-year term provided that service is satisfactory, funds are available, and it is in the best interest of the College. The total five-year contract amount will not exceed \$174,000.

BACK-UP INFORMATION

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

RESOURCE PERSONS

Dr. Russell
Dr. Wormack

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

Resolution Number: **11-05-063**
Adopted on: **5/16/2011**

Agenda item Number: 8D
May 16, 2011

Subject: Award of Contract, Purchase of Administrative Desktop Backup System and Restoration Services, Bid No. 511-019

WHEREAS, The Vice President for Instructional and Information Technology/Chief Information Officer has requested a replacement contract for the purchase of the Administrative Desktop Backup System and Restoration Services; and

WHEREAS, the College maintains desktop computers and associated data for over 3,000 employees across three campuses as well as off-site locations; and administrative desktop backup system and restoration services protects users in cases of emergency outages and disaster recovery backup and support services; and

WHEREAS, consistent with the Budget Review Advisory Committee recommendations, IT decided to rebid the administrative desktop backup system and restoration services contract in order to achieve greater efficiencies and cost savings; 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 FY2011 Operating 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 January 28, 2011, posted to the Procurement and State of Maryland websites, downloaded by sixty-eight (68) vendors; three (3) responses and one (1) no bid were received, read aloud, and recorded, beginning at 3:00 p.m. on February 16, 2011; and

WHEREAS, upon evaluation it was determined that the proposal submitted by Iron Mountain, Inc., Southborough, Massachusetts, was the highest evaluated responsible vendor meeting College requirements; and

WHEREAS, awards resulting from competitive sealed proposals valued above \$25,000 require approval of the Board of Trustees; 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 administrative desktop backup system and restoration services to Iron Mountain, Inc. of Southborough, Massachusetts, for a three-year term, beginning May 17, 2011, for a total price of \$137,000 including implementation and licensing fees and on-site training; and be it further

Resolved, That the contract may be renewed for one additional two-year term, under the same terms and conditions, provided service is satisfactory and it is in the best interest of the College.

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

Agenda Item Number 8E
May 16, 2011

**AWARD OF CONTRACT, VENDOR MANAGED PAY-FOR-PRINT SOLUTION AND
SERVICES IN COLLEGE LIBRARIES, INSTRUCTIONAL LABORATORIES, AND LEARNING
CENTERS, BID NO. 511-018**

BACKGROUND

The Director of Auxiliary Services has requested a contract award for a vendor managed pay-for-print solution within the College's libraries, instructional laboratories, and learning centers. The College is seeking opportunities and actions that promote environmental sustainability and business eco-sensitive practices in an effort to lessen the College's carbon footprint and generate savings, where feasible. The current print management practices permit "free" printing by students and community patrons. After an assessment of the current printing practices, analysis of data in the libraries, laboratories, and learning centers, and a review of the vendor managed printing solutions available in higher education; staff determined that adopting a no cost to the College pay-for-print model would be in the best interest of the College. This solution contributes to reducing the College's carbon footprint, conserves and recovers costs associated with printing by patrons in the libraries, instructional laboratories and learning centers, and is consistent with cost savings recommendations suggested by the Budget Review Advisory Committee.

On January 19, 2011, a solicitation was issued for the purchase of a vendor managed pay-for-print solution. Eleven (11) responses including three (3) bids and eight (8) no bids were received on March 4, 2011. No bid responses cited that they did not offer a revenue sharing business model. A committee consisting of College representatives from Auxiliary Services, Libraries, Information Technology, Business Services, and the Lab and Learning Center managers group, reviewed and evaluated the proposals based on established criteria. WEPA, Inc., Birmingham, Alabama, was the highest ranked responsible vendor meeting College requirements. The total rebate to the College is 20% of the total volume and price per copy, or a rebate of up to \$100,000 in revenue per year, depending upon actual printing volumes. In addition to the rebate, savings in paper and paper supplies will be realized. The pay-for-print solution will be phased in beginning with summer session I. It is anticipated that the full implementation at all locations will begin in the Fall 2011. Board of Trustees approval is required for contract awards resulting from competitive sealed proposals valued above \$25,000. No College funding is required for this contract.

RECOMMENDATION

It is recommended that the Board of Trustees award a contract for a vendor managed pay-for-print solution in the College's libraries, instructional laboratories, and learning centers, to WEPA, Inc., Birmingham, Alabama, for a one (1) year term, beginning May 17, 2011. The total anticipated rebate to the College is 20% of the total volume and price per copy or a potential rebate up to \$100,000 in revenue per year, depending upon actual print volume. It is further recommended that the contract be renewed for two (2) additional one-year terms under the same terms and conditions, provided service is satisfactory, 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

Dr. Carey-Fletcher
Dr. Russell
Dr. Wormack

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

Resolution Number: **11-05-064**
Adopted on: **5/16/2011**

Agenda item Number: 8E
May 16, 2011

Subject: Award of Contract, Vendor Managed Pay-for-Print Solution and Services in College Libraries, Instructional Laboratories, and Learning Centers, Bid No. 511-018

WHEREAS, the Director of Auxiliary Services, has requested a vendor managed pay-for-print solution in the College's libraries, instructional laboratories, and learning centers; and

WHEREAS, the College is seeking opportunities and actions that promote environmental sustainability and business eco-sensitive practices to lessen the College's carbon footprint and to modify its current print practices that permit free printing by students and community patrons; and

WHEREAS, a vendor managed pay-for-print solution is in the best interest of the College; contributes toward reducing the College's carbon footprint; and conserves and recovers the costs associated with printing by patrons in the libraries, instructional laboratories and learning centers is anticipated to contribute a rebate up to \$100,000 in revenue per year, depending upon the actual print volume; and

WHEREAS, the Director of Procurement certifies that specifications were developed by appropriate College staff, and no funds are required for this award; and

WHEREAS, pursuant to Md. (Educ.) Code Ann. Sec. 16-311(c), a request for proposal was publicly advertised in a County newspaper on January 19, 2011, posted to the Procurement and State of Maryland websites, downloaded by one hundred and thirty-nine (139) vendors; eleven (11) responses including three (3) bids and eight (8) no bids were received, read aloud, and recorded, beginning at 3:00 p.m. on March 4, 2011; and

WHEREAS, upon evaluation it was determined that the proposal submitted by WEPA, Inc., Birmingham, Alabama, was the highest evaluated responsible vendor meeting College requirements and offering the highest rebate to the College; and

WHEREAS, awards resulting from competitive sealed proposals valued above \$25,000 require approval of the Board of Trustees; and

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

Resolved, That a contract be awarded for a vendor managed pay-for-print solution and services in College libraries, instructional laboratories, and learning centers to WEPA, Inc., Birmingham, Alabama, for a one (1) year term, beginning May 17, 2011. The total anticipated rebate to the College is 20% of the total volume and price per copy or a potential rebate up to \$100,000 in revenue per year, depending upon actual print volume; and be it further

Resolved, That the contract be renewed for two (2) additional one-year terms, under the same terms and conditions, provided services are satisfactory and it is in the best interest of the College.

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

Agenda Item Number: 9A
May 16, 2011

**SOLE SOURCE AWARD OF CONTRACT,
IN-THEATRE AND ONLINE ADVERTISING SERVICES**

BACKGROUND

The Vice President of Institutional Advancement has requested a contract for additional in-theatre advertising services, on a sole source basis, to heighten public awareness of the College; enhance the College's image and reputation; support the College's mission, goals, and objectives; and increase student enrollment. The College has traditionally awarded advertising contracts to multiple media sources such as national, regional, and local county newspapers and area radio stations. This year, the Office of Institutional Advancement has elected to pursue alternative methods of advertising due to budget limitations and increasing costs of advertising in newspaper and radio stations.

Previously in 2008, the College expanded its advertising efforts to include area theatres by contracting with Screenvision Direct, Rochester, New York, for onscreen advertising at the Majestic Theatre in Silver Spring and the Rio Cinemas in Gaithersburg. In-theatre advertising is ideal because of its relatively inexpensive ability to reach a large, diverse, and captive audience. Based on the success of this medium, the College desires to extend its reach to include theatres in the up county, mid county, and the Washington, DC areas by contracting with National CineMedia, LLC (NCM), headquartered in Centennial, Colorado. NCM is the sole provider of cinema advertising in the targeted theatres: Bethesda Cinemas, Maryland (10 screens); Germantown Commons Cinemas, Maryland (14 screens); Rio Cinemas, Gaithersburg, Maryland (18 screens); and Gallery Place, Washington, DC (14 screens). The College's contract with Screenvision will expire on June 30, 2011, and NCM will assume control of the Majestic Silver Spring, thereby enabling the College to continue advertising at the Majestic. NCM's interactive network, including big screen, in-lobby, online, and mobile advertising, offers far-reaching opportunities to meet College goals and objectives. The contract with NCM will also include a 10-week online advertising campaign with banner ads appearing on different news, ticketing, and movie review sites.

The total cost of the National CineMedia contract is available in the College's Operating Budget and is \$49,756 for 28 weeks of in-theatre and 10 weeks of online advertising during peak blockbuster times. Board approval is required for sole source procurements valued above \$25,000.

RECOMMENDATIONS

It is recommended that the Board of Trustees award a contract for in-theatre and online advertising services, to National CineMedia, LLC, Centennial, Colorado, for a total not to exceed amount of \$49,756, for a 28-week term, beginning in May 2011. It is further recommended that the contract be renewed for four years, one year at a time, at the sole option of the College, under the same terms and conditions, provided service is satisfactory, funding is available, and it is in the best interest of the College.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Sears

Dr. Wormack

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

Resolution Number: **11-05-065**
Adopted on: **5/16/2011**

Agenda Item Number: 9A
May 16, 2011

Subject: Sole Source Award of Contract, In-Theatre and Online Advertising Services

WHEREAS, the Vice President of Institutional Advancement has requested the purchase of in-theatre and online advertising services to advertise and promote College programs and initiatives, on a sole source basis; and

WHEREAS, the College desires to award a contract for 28 weeks of in-theatre advertising at 56 screen locations and online advertising on different news, ticketing, and movie review sites; and

WHEREAS, the Director of Procurement affirms that the sole source request is justified since National CineMedia, LLC is the sole provider of cinema advertising in the targeted theatres: in Maryland (Bethesda and Silver Spring Cinemas, Germantown Commons Cinemas, and Gaithersburg Rio Cinemas) and in Washington, DC at Gallery Place; and the Chief Business Officer certifies that funds are available in the FY2011 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 actions; now therefore be it

Resolved, That a contract be awarded for the purchase of in-theatre and online advertising services to National CineMedia, LLC, Centennial, Colorado, on a sole source basis, for a total amount of \$49,756, for 28 weeks, beginning in May 2011; and be it further

Resolved, That the contract be renewed for four years, one year at a time, at the sole option of the College, under the same terms and conditions, provided service is satisfactory, funding is available, and it is in the best interest of the College.

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

Agenda Item Number: 9B
May 16, 2011

**SOLE SOURCE AWARD OF CONTRACT, FIBERNET HIGH SPEED INTERNET AND
INTERCAMPUS DIGITAL DATA NETWORK SERVICES**

BACKGROUND

The Vice President for Instructional and Information Technology/Chief Information Officer has requested continuation of the current contract for high speed internet and intercampus digital data network services from Comcast, Inc., Rockville Maryland, on a sole source basis. The Board of Trustees previously awarded a contract for fibernet high speed internet services to Comcast in 2001, and subsequently approved an award of contract to upgrade the system services in 2005, on a sole source basis. The current contract expires in September 2011.

Comcast is an existing communications provider to Montgomery College with a seven-location intercampus WAN providing Ethernet services and connection to MAX/Internet2. MAX/Internet 2 is a consortium of 207 universities working with industry and government to promote network and research applications and technologies, with services being hosted through the University of Maryland. Comcast meets the College's need for secure, competitively priced MAX/Internet2 access, as well as reliable intercampus connectivity. Comcast provides video to campus locations; Public, Education and Government (PEG) channel distribution; advertising to the community; public affairs announcements; and joint training programs. Connectivity provided must accommodate both the present and future digital application needs. Through this service the College provides industry-level infrastructure to support and enhance educational and administrative activities at all sites with the flexibility and support to adjust to future needs and activities. These services will also satisfy capabilities requested by College students, faculty and staff.

Comcast owns and maintains a sizeable installed equipment infrastructure to support existing communications technology. It would be cost effective to continue to utilize Comcast for these services rather than pay equipment infrastructure build charges all over again with a new vendor. Also, towards the end of 2012, the College plans to have in place its own fiber optic network that will replace the related services offered by Comcast. Therefore, continuation of this contract is recommended until the College completes the replacement fiber optic network. Board of Trustees approval is required for sole source procurements valued above \$25,000.

RECOMMENDATION

It is recommended that the Board of Trustees approve a contract award for continuation of fibernet high speed internet and intercampus digital data network services to Comcast, Inc., Rockville Maryland, on a sole source basis, until September 30, 2012, for a not-to-exceed amount of \$450,000.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Dr. Russell Dr. Wormack

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

Resolution Number: **11-05-066**
Adopted on: **5/16/2011**

Agenda Item Number: 9B
May 16, 2011

Subject: Sole Source Award of Contract, Fibernet High Speed Internet and Intercampus Digital Data Network Services

WHEREAS, the Vice President for Instructional and Information Technology/Chief Information Officer has requested continuation of the contract award for fibernet high-speed internet access and intercampus digital data network services with Comcast, Inc., on a sole source basis; and

WHEREAS, the Board of Trustees previously awarded a contract for fibernet high speed digital data network services to Comcast in 2001; and subsequently approved an award of contract to upgrade the system services in 2005, on a sole source basis; and

WHEREAS, Comcast is an existing communications provider to Montgomery College; has served the College well with connectivity to several locations; provides the College with access to a high-capacity fiber network for eight locations, plus links to both the Internet and a consortium of 207 universities working with industry and government to promote network and research applications and technologies; and

WHEREAS, the College intends to install a new fibernet system within the next year which will replace the use of the services provided under the current Comcast agreement; and

WHEREAS, the Director of Procurement affirms that the sole source procurement is justified since Comcast, Inc., Rockville, Maryland, owns and maintains a sizeable installed equipment infrastructure to support the College's existing communications technology; and therefore, it would be cost effective to continue to utilize Comcast for these services and continue the contract until the College completes the installation of a new fibernet system; and the Chief Business Officer certifies that funds have been requested in the FY2012 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 the contract award is continued for fibernet high-speed internet and intercampus digital data network services to Comcast, Inc., Rockville, Maryland, until September 30, 2012, for a not-to-exceed amount of \$450,000.

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

Agenda Item Number: 9C
May 16, 2011

**MUTLIPLE SOLE SOURCE AWARDS OF CONTRACT,
BIOTECHNOLOGY SCIENTIFIC EQUIPMENT
FOR THE BIOTECHNOLOY PROGRAM AT THE GERMANTOWN CAMPUS**

BACKGROUND

The Instructional Dean, Business, Science, Math, and Technology, has requested multiple awards of contract for the purchase of biotechnology scientific equipment for the biotechnology program at the Germantown Campus, on a sole source basis. The Biotechnology Program at Montgomery College is designed to prepare students in two years or less for entry into the Biotechnology workforce. Since the year 2000 over 200 Montgomery College students have been employed in the industry. Both Human Genome Sciences and Bioreliance estimates that approximately 25% of their workforce has come through the Biotechnology program at Montgomery College. Additionally, companies such as MedImmune, Astra Zeneca, and Quiagen are also requesting students who are enrolled in the College's program. The Maryland Biotech workforce in Montgomery County is expected to grow by a minimum of 200-400 new employees per year over the next 4 to 5 years.

The College received grant funding from the Department of Health Resources and Services Administration (HRSA) to purchase biotechnology scientific equipment for the Biosciences Center bio-manufacturing laboratory for the expansion of the College's biotechnology program. The new equipment replaces the current biotechnology equipment, which is over ten years old and now obsolete. The purchase of new equipment provides additional capacity to the Biotechnology program both in terms of the number of students taught and more technologically advanced equipment. Equipment to be purchased includes: (1) a computerized spectrophotometer system and associated features, which is only manufactured by Bio-Rad; (2) two protein purifiers and the associated software, which are proprietary products, and are only manufactured and licensed by GE Healthcare; and (3) a BioFlo fermentor reactor system, which is manufactured and sold exclusively by Eppendorf North America. The specified products meet standards in the bio-manufacturing industry and no other product meets College needs. Additionally, the biotechnology equipment used in the program is relatively cost effective to maintain. The total purchase price for the specified equipment is \$511,766. The College anticipates using this equipment in a multidisciplinary approach for students in the Biology, Biotechnology, and some Chemistry courses. This equipment will also be used in partnership with the Germantown Campus' Incubator program. Board approval is required for sole source procurements valued above \$25,000.

RECOMMENDATION

It is recommended that the Board of Trustees approve multiple awards of contract for the purchase of biotechnology equipment at the Germantown Campus as noted above, on a sole source basis, to Bio-Rad Laboratories, Hercules, California, for a total price of \$129,355; to GE Healthcare, Piscataway, New Jersey, for a total price of \$200,495; and to Eppendorf North America, Hauppauge, New York, for a total price of \$181,916. These purchases total \$511,766.

RESOURCE PERSONS

Ms. Michaelian
Dr. Wormack

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

Resolution Number: **11-05-067**
Adopted on: **5/16/2011**

Agenda Item Number: 9C
May 16, 2011

Subject: Multiple Sole Source Awards of Contract, Biotechnology Scientific Equipment for the Biotechnology Program at the Germantown Campus

WHEREAS, the Instructional Dean, Business, Science, Math, and Technology, has requested multiple awards of contract for the purchase of biotechnology scientific equipment for the biotechnology program at the Germantown Campus, on a sole source basis; and

WHEREAS, the current biotechnology equipment was purchased over 10 years ago and is now obsolete; and the new biotechnology equipment will expand the program to allow students to build skills and proficiencies in biotechnology, biology and chemistry courses using industry standard biotechnology equipment; and

WHEREAS, the College was awarded a grant from the Department of Health Resources and Service Administration (HRSA) for the purchase of biotechnology scientific equipment which includes a spectrophotometer computerized system manufactured by Bio-Rad Laboratories; two protein purifiers and associated software manufactured by GE Healthcare; and a BioFlo fermentor reactor system manufactured by Eppendorf North America; and

WHEREAS, the Director of Procurement affirms that these sole source procurements are justified since the specified biotechnology scientific equipment is not available through any other source, and no other product will meet College needs; and the Chief Business Officer certifies that funds are available in the FY2011 Operating Budget; and

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

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

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

Resolved, That multiple awards of contract for the purchase of biotechnology scientific equipment as noted above be awarded, on a sole source basis, to Bio-Rad Laboratories, Hercules, California, for a total price of \$129,355; to GE Healthcare, Piscataway, New Jersey, for a total price of \$200,495; and to Eppendorf, Hauppauge, New York, for a total price of \$181,916.

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

Agenda Item Number: 10
May 16, 2011

BOARD OF TRUSTEES SCHEDULE OF MEETINGS FOR FY2012

BACKGROUND

The Maryland Open Meetings Act is based on the General Assembly's policy determination in favor of open decision-making by governmental bodies. It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances: (1) public business be performed in an open and public manner; and (2) citizens be allowed to observe the performance of public officials and the deliberations and decisions that the making of public policy involves. In addition, Montgomery College Board of Trustees Bylaws states that the Board shall give reasonable advance notice of its open meetings. The notice shall be in writing and shall include the date, time, and place of the meeting and shall be publicized by posting to the Board's website and any other method reasonably designed to give public notice.

RECOMMENDATION

It is recommended that the Board adopt the attached schedule of meetings for FY2012.

BACK-UP INFORMATION

Board Resolution
Montgomery College Board of Trustees Schedule of Meetings for FY2012

RESOURCE PERSON

Ms. Graham

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

Resolution Number: **11-05-068**
Adopted on: **5/16/2011**

Agenda Item Number:
May 16, 2011

Subject: Board of Trustees Schedule of Meetings for FY2012

WHEREAS, the Maryland Open Meetings Act is based on the General Assembly's policy determination in favor of open decision-making by governmental bodies. It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances: (1) public business be performed in an open and public manner; and (2) citizens be allowed to observe the performance of public officials and the deliberations and decisions that the making of public policy involves; and

WHEREAS, Montgomery College Board of Trustees Bylaws states that the Board shall give reasonable advance notice of its open meetings; and

WHEREAS, the notice shall be in writing and shall include the date, time, and place of the meeting and shall be publicized by posting to the Board's website and any other method reasonably designed to give public notice; and

WHEREAS, attached to this resolution is a Schedule of Meetings for FY2012 that includes meetings with various constituent groups of the College, and those meetings may be changed based on availability; and

WHEREAS, the public will be notified of any change in meeting dates in accordance with the Board of Trustees Bylaws and the Maryland Open Meetings Act; 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 adopts the attached Schedule of Meetings for FY2012.

Attachment

**Montgomery College
Board of Trustees
2011 - 2012 Calendar of Events**

Date	Time	Event	Location
September 12	6 p.m.	Constituent Conversation with Staff Senate	Trustee Board Room
	7 p.m.	Executive Session	MK 318
September 16-17 (Friday-Saturday)	TBD	Board Retreat	TBD
September 19	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room
October 17	6 p.m.	Constituent Conversation with Faculty Governance	Trustee Board Room
	7 p.m.	Executive Session	MK 318
October 24	6 p.m.	Board Briefing	TBD
	7 p.m.	Public Session	Rockville Campus
November 14	6 p.m.	Biannual Constituent Conversation with Student Governance	Trustee Board Room
	7 p.m.	Executive Session	MK 318
November 21	4:30 p.m.	Retiree Reception	TBD
	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room
December 5	6 p.m.	Constituent Conversation with Foundation Board	Trustee Board Room
	7 p.m.	Executive Session	MK 318
December 12	6 p.m.	Board Briefing	TBD
	7 p.m.	Public Session	Takoma Park/Silver Spring Campus
January 9	6 p.m.	Executive Session	MK 318
January 30	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room
February 6	6 p.m.	MC/ MCPS Biennial Meeting	Trustee Board Room
	7 p.m.	Executive Session	MK 318
February 27	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room

March 5	6 p.m.	Constituent Conversation with Alumni Board	Trustee Board Room
	7 p.m.	Executive Session	MK 318
March 19	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room (WD&CE Annual Report)
April 2	6 p.m.	Biannual Constituent Conversation with Student Governance	Trustee Board Room
	7 p.m.	Executive Session	MK 318
April 16	4:30 p.m.	Retiree Reception	TBD
	6 p.m.	Board Briefing	TBD
	7 p.m.	Public Session	Germantown Campus
May 7	6 p.m.	Executive Session	MK 318
May 14	6 p.m.	Board Briefing	MK 318
	7 p.m.	Public Session	Trustee Board Room
May 18	8 a.m.	Commencement	Rockville Campus
June 11	6 p.m.	Executive Session	MK 318
June 18	6 p.m.	Board Briefing	MK 318
		Public Session	Trustee Board Room

Notes:

In accordance with the Maryland Opens Meetings Act, Executive Sessions, Public Sessions, and Board Retreats are considered Official Board functions. These functions are noted in red.

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

Agenda Item Number: 11
May 16, 2011

**APPROVAL OF TRANSACTIONS FOR THE ACQUISITION AND
LEASING OF ALL OR A PORTION OF A BUILDING LOCATED AT
20271 GOLDENROD LANE, GERMANTOWN, MARYLAND 20874**

BACKGROUND

Montgomery College (the “College”) has undertaken to purchase, adjacent to its Germantown Campus in Germantown, Maryland, a building that currently houses College offices and classrooms and the Germantown Innovation Center (collectively, the “Project”). The Project will be financed by the Montgomery College Foundation, Inc. (the “Foundation”) through a lease financing transaction. To fund the Project purchase cost, the Montgomery County Revenue Authority (the “Issuer”) will issue its revenue bonds in one or more series (the “Bonds”) in the aggregate amount not to exceed \$16,500,000 and loan the Bond proceeds to the Foundation. 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 resolution of the College to provide for approval of the various agreements made in connection with the lease financing transaction and specifically authorize use of funds derived from the annual budget of the College as approved by the County Council of Montgomery County (the “County”) and other sources of revenue deemed as appropriate funds to be 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 market.

This omnibus resolution:

- Authorizes the purchase of the Project.
- Authorizes the lease arrangement and related agreements to be executed by the College.
- Specifically authorizes the use of funds derived from the annual budget of the College, or other sources of revenue as the sources of payment for the lease obligations.
- Approves the Bond-related documents and agreements to which the College will be a party.
- Authorizes the President of the College, 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. Moore
Mr. Sears
Mr. Sorrell

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

Resolution Number: **11-05-069**
Adopted on: **5/16/2011**

Agenda Item Number: 11
May 16, 2011

Subject: Approval of Transactions for the Acquisition and Leasing of all or a portion of a Building located at 20271 Goldenrod Lane, Germantown, Maryland 20874

WHEREAS, Montgomery College (the "College"), a State instrumentality and a body corporate of the State of Maryland, currently leases an office building located at 20271 Goldenrod Lane, Germantown, Maryland 20874 (the "Facility"), pursuant to the Lease and Purchase Agreement, dated November 8, 2006 (the "Lease and Purchase Agreement"), between Germantown Technology Center I, L.L.C. and the College; and

WHEREAS, Montgomery College Foundation, Inc. (the "Foundation"), a Maryland nonprofit, charitable corporation, desires to assist the College by purchasing the Facility pursuant to the purchase option under the Lease and Purchase Agreement, and to pay all or a portion of the purchase price in an amount not to exceed \$16,500,000 from the proceeds of tax-exempt or taxable revenue bonds, loans, mortgages, leases, installment sale agreements, conditional purchase agreements or any other financing arrangements (the "Bonds") issued by the Montgomery County Revenue Authority (the "Authority") or other appropriate entity, if any, from time to time in one or more series, and made available to the Foundation pursuant to a loan agreement between the Authority and the Foundation, together with other funds made available to the Foundation, to pay all other costs incurred by the Foundation with respect to purchasing the Facility and the Bonds; and

WHEREAS, the Foundation desires to lease all or a portion of the Facility to the College, Montgomery County, Maryland (the "County") and such other lessees as determined by the Foundation, in accordance with one or more lease agreements, and such lessees will make lease payments thereunder in such amounts necessary and sufficient to pay the debt service on the Bonds; and

WHEREAS, in order to facilitate the Foundation's purchase of the Facility, the College may be required to transfer all or a portion of its rights under the Lease and Purchase Agreement to the Foundation pursuant to assignment and transfer documents ("Transfer Documents") as may be reasonable and necessary to accomplish such purpose;

WHEREAS, in order to lease all or a portion of the Facility, the College shall enter into a lease agreement with the Foundation (the "Lease Agreement"), as more particularly described herein, pursuant to which the College will lease all or a portion of the Facility; and

WHEREAS, as security for the issuance of the Bonds, the Foundation may collaterally assign to the Bond trustee (the "Trustee") its interests under the Lease Agreement (the "Lease Assignment") and may provide the Trustee additional security in the form of a Deed of Trust encumbering the Facility (the "Deed of Trust"); and

WHEREAS, the College may 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 Facility from any future owners of the Facility; and

WHEREAS, in connection with the issuance of the Bonds, the College may 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 Transfer Documents, the Lease Agreement, County Sublease (defined below) and the Nondisturbance Agreement, the “College Documents”); and

WHEREAS, in connection with the issuance of the Bonds, certain information, as more particularly described herein, concerning the College may be published in a Preliminary Official Statement and an Official Statement to be distributed to potential purchasers of 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 enter into the Transfer Documents pursuant to which it will assign its rights under the Lease and Purchase Agreement to the Foundation for the purpose of exercising the purchase option thereunder; and be it further

Resolved, That the College is hereby authorized to participate in the lease of the Facility for College purposes from the Foundation pursuant to the terms of the Lease Agreement. The Lease Agreement shall be for a term of up to 35 years 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 President or designee in order to meet all requirements of the Bonds. The Lease may permit the College to sublease all or part of the Facility to the County under a sublease (the “County Sublease”). The base rentals will be made payable solely from funds provided for in the annual budget of the College as approved by the County Council of the County and such other sources as the Authorized Officers (as defined below) designate, including payments under the County Sublease. The Lease rentals may be secured by payments under the County Sublease and the College’s rights under the County Sublease may be pledged and assigned to the Foundation and further pledged and assigned to the Trustee. In order to effectuate such a transaction, the Board of Trustees of the College (the “Board”) hereby authorizes, directs and empowers the President, Dr. DeRionne Pollard, or her designee, or the Chair of the Board or designee (each an “Authorized Officer”) to execute and deliver the Lease Agreement on behalf of the College; and be it further

Resolved, That the College is hereby authorized to enter into any agreements or amendments to agreements with the County (including the County Sublease) which may be required by the purchase and leasing activities or the issuance of the Bonds and such authority and agreements are hereby authorized, adopted, specified, accepted, approved, and confirmed by the College; 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 Facility under the Lease Agreement in the event the Trustee exercises or enforces any of its rights under the Lease Assignment or the Deed of Trust, (ii) the College will agree to continue to lease the Facility from any future owners of the Facility, including the Trustee, in the event ownership of the Facility changes, and (iii) the College will provide its consent to the Lease 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 Municipal Securities Rulemaking Board as a requirement of the issuance of the Bonds; and be it further

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

Resolved, That all agreements, documents, and contracts of the College to be entered into in connection with the leasing activities or the execution and delivery of the College Documents (the "Related Documents") as an Authorized Officer of the College 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 leasing of the Facility, (iii) any assignments of or security interests in the County Sublease, the amounts payable under the County Sublease or other income from the Facility and any financing statements or other instruments required to effect a security interest in the College's interests in the income, interests in subleases including the County Sublease pledged to secure its lease obligations under the Lease Agreement, (iv) any agreements with the underwriter for the Bonds including a bond purchase agreement and letter of representation, and (v) any agreements with the Authority relating to the Authority's involvement in the issuance of the Bonds 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 College Documents and the Related Documents, including, without limitation, (a) the expenditure of funds, (b) the selection, appointment, and employment of engineers, consultants, and advisors for the leasing activities, (c) the filing of any applications for any regulatory approvals or permits, and (d) 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 (a) 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, 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, (b) 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 or amendments to agreements, and the Related Documents herein identified and referred to and to execute and deliver any such documents, and (c) authorizes the President and the other 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 the Authorized Officers' 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.