



**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
December 15, 2014**

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

Agenda Item Number: 7
December 15, 2014

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 and Strategic Talent Management on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACKUP INFORMATION

Board Resolution
Personnel Actions Confirmation Report
Policy 34001–Changes in Employee Status

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSON

Ms. Porter

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

Resolution Number: **14-12-164**
Adopted on: **12/15/2014**

Agenda Item Number: 7
December 15, 2014

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 October 1, 2014, through October 31, 2014; 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 reports and confirms the actions of the president.

Attachments

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From October 1, 2014, through October 31, 2014

STAFF

STAFF EMPLOYMENTS

Effective

Date	Name	Position Title	Grade	Location
10/06/2014	Babcock, Ashley L	Learning Center Asst Manager	J	English and Reading Dean
10/20/2014	Gillis, James N	Plant Maintenance & Ops Mgr	L	Facilities Operations - RV
10/06/2014	Lawson, Janet	Building Services Worker	B	Facilities Operations - GT
10/06/2014	Merinsky, Melinda R	Instructional Lab Coordinator	I	Engineering/Computer Science Dean
10/20/2014	Merisier, Oxide	Building Services Worker	B	Facilities Operations - TP/SS
10/06/2014	Parker, Cris O	Safety & Security Officer	F	Facilities Security - TP/SS
10/06/2014	Rhoe, Angela M	Learning Center Manager	K	English and Reading Dean
10/20/2014	Williams, Tamekia C	Safety & Security Officer	F	Facilities Security - TP/SS

STAFF SEPARATIONS

Effective

Date	Name	Position Title	Grade	YOS	Location
10/17/2014	Brown, Orville M	Safety & Security Officer	F	4	Facilities Security - TP/SS
10/23/2014	Cunningham, Alicia	Accts Payable Technician	F	1	Business Services
10/03/2014	Milo, Andrea L	Actg Artic, Tran & Aca Svs Mgr	L	8	Sr VP for Academic Affairs
10/01/2014	Sandel, Natalie A	Assistant Controller	M	1	Business Services
10/17/2014	Thankamani, Jose	Instructional Associate	H	0	Biology and Chemistry Dean

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	2	3	0	0	0	5
Male	0	3	0	0	0	3
TOTAL	2	6	0	0	0	8

STAFF SEPARATIONS: Ethnicity and Gender

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

FACULTY

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS

Effective

Date	Name	Position Title	YOS	Location
10/01/2014	Cantwell, Michael G ¹	Professor	26	Fine Perform Visual Arts Dean
10/06/2014	Gleim, Thomas W	Associate Professor	8	Mathematics Dean

¹ Retirement

FACULTY SEPARATIONS: Ethnicity and Gender

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

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

Agenda Item Number: 8A
December 15, 2014

ADOPTION OF POLICY: 31001–SEXUAL MISCONDUCT

General Information

Policy Number:	31001
Contained in Chapter:	Chapter Three
Policy Title:	Sexual Misconduct
Policy Creation Date:	December 15, 2014

Reason for Policy

Montgomery College seeks to establish and maintain an environment in which all members of the Montgomery College community can work or participate in College education programs and activities free from all forms of sexual misconduct. The US Department of Education and the Office of Civil Rights Division of the US Department of Justice have mandated that all institutions of higher education develop and implement a policy to address all forms of sexual misconduct and provide a prompt, thorough, and impartial process to adjudicate complaints. At the same time, the Maryland Higher Education Commission is requiring that all colleges and universities in the state draft and submit a sexual misconduct policy that satisfies federal and state requirements. Following federal guidelines, the intent of this policy is to create a uniform approach to addressing all forms of sexual misconduct at the College, including but not limited to sexual harassment and sexual assault. The new 31001–Sexual Misconduct policy will replace the existing 31008–Sexual Harassment policy and the 31010–Sexual Assault policy.

Purpose of Each Policy Element

Section	Purpose
I.	Policy statement prohibiting sexual misconduct.
II.	Broad definitions of “sexual misconduct” for purposes of the policy with authorization granted to the president to develop additional definitions to implement procedures.
III.	Applicability statement detailing who is and which locations are covered by the policy.
IV.	Reporting requirements, including definitions of “responsible college employee,” the Title IX Coordinator contact information, and confidentiality statement.

V.	Authorizes the president to establish procedures that provide College aid to victims of sexual misconduct related to the policy.
VI.	Guarantee of a prompt, thorough, and impartial investigation of all reports of sexual misconduct.
VII.	Establishes College goal to investigate and resolve all complaints within sixty (60) days when appropriate.
VIII.	Outlines appropriate College grievance, resolution, and sanctioning processes that apply to violations of the policy.
IX.	Establishes evidentiary standard of preponderance of the evidence for investigations and discipline.
X.	Good faith reporting requirement that subjects knowingly false allegations to appropriate disciplinary action.
XI.	Prohibition of retaliation against complainants and other participants in proceedings undertaken as a result of filing a complaint pursuant to the policy.
XII.	Establishes expectation for the provision of education to increase awareness of and compliance with the policy.
XIII.	Statement authorizing the president to develop procedures to implement the policy.
Footnote 1	Authorizes the president to change the designation of the Title IX Coordinator and substitute new information without the need for further Board action.

RECOMMENDATION

It is recommended that the Board of Trustees adopt Policy 31001–Sexual Misconduct.

BACKUP INFORMATION

Resolution
Policy 31001–Sexual Misconduct

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Ms. Porter
Mr. Sorrell

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

Resolution Number: **14-12-165**
Adopted on: **12/15/2014**

Agenda Item Number: 8A
December 15, 2014

Subject: Adoption of Policy: 31001–Sexual Misconduct

WHEREAS, The president has identified the need for a policy to address sexual misconduct which constitutes discrimination, presents a direct threat to the safety of others, and creates a hostile work environment; and

WHEREAS, The issues related to sexual misconduct have been researched under the direction of the president; and

WHEREAS, A draft policy statement was reviewed by the appropriate College community stakeholders for their feedback; and

WHEREAS, The new policy statement will replace the existing 31008–Sexual Harassment and 31010–Sexual Assault policies; and

WHEREAS, The president recommends that the Board adopt the policy; now therefore be it

Resolved, That Policy 31001–Sexual Misconduct be adopted as indicated in the attachment and that Policy 31008–Sexual Harassment and Policy 31010–Sexual Assault be retired; and be it further

Resolved, That the president is authorized to implement this policy.

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

Agenda Item Number: 9A
December 15, 2014

**ESTABLISHMENT OF CONSULTANT CONTRACT LIST
FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES
FOR THREE CAMPUSES AND LEASED FACILITIES, BID 614-003**

BACKGROUND

Request:	Establishment of a consultant contract list for the provision of on-call, task-order based collegewide architectural and engineering design services to prepare drawings, specifications, and other associated activities to implement capital projects and correct building and site deficiencies on campus as well as at leased facilities.
Office/SVP Originating Request:	Vice President of Facilities and Security and Senior Vice President for Administrative and Fiscal Services
Award Type:	Request for Proposal
Bid Number:	614-003
Explanation of Request:	The FY15 capital and operating budgets include funds for various architectural and engineering design tasks related to the correction of building sites and deficiencies identified in the VFA Facilities Condition Assessment update conducted on all three campuses. Implementing these various projects requires professional architectural and engineering design activities that will (a) evaluate conditions, (b) prepare plans and specifications, and (c) provide construction administration and building commissioning services. Due to the ongoing nature of the anticipated design, engineering tasks, and the process required to implement solutions, it has been determined that on-call, task-order based architectural and engineering design services are the most efficient and cost effective method for providing the full range of necessary design services over the next several years.
Reason Being Brought to Board:	Board approval is required for awards valued over \$250,000.
Annual Dollar Amount:	\$4,000,000
Vendor Name and Address:	See Attachment A
Minority Status:	See Attachment A
Certification:	The director of procurement certifies that specifications were developed by appropriate College staff and the vice president of finance/chief finance officer certifies that funds are available in the appropriate capital funds

	budget.
Term of Contract:	One-year, with four one-year renewals anticipated, provided service is satisfactory, funding is available, and it is in the best interest of the College.

RECOMMENDATION

It is recommended that an award of contract for the establishment of a consultant contract list for architectural and engineering design services for three campuses and leased facilities be awarded to the 30 firms listed in Attachment A based on their design disciplines, from which the College may select a firm to provide professional services on an as-needed project basis for a one-year term beginning January 2015 for a not-to-exceed annual aggregate amount of \$4,000,000.

It is further recommended that these contracts be renewed for four one-year terms under same terms and conditions, provided service is satisfactory, funding is available, and is in the best interest of the College.

BACKUP INFORMATION

- Board Resolution
- Attachment A
- Bid Summary (Board Members Only)
- Bid Holders List (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

- Mr. Johnson
- Dr. Yeatts

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

Resolution Number: **14-12-166**
Adopted on: **12/15/2014**

Agenda Item Number: 9A
December 15, 2014

Subject: Establishment of Consultant Contract List for Architectural and Engineering Design Services for Three Campuses and Leased Facilities—Bid 614-003

WHEREAS, The vice president of facilities and security and the senior vice president for administrative and fiscal services requested a consultant contract list for the provision of on-call, task-order based collegewide architectural and engineering design services to prepare drawings, specifications, and other associated activities to implement capital projects and correct building and site deficiencies on the three campuses, as well as at leased facilities; and

WHEREAS, The director of procurement certifies that specifications were developed by appropriate College staff and the vice president of finance/chief financial officer certifies that funds have been requested in the FY15 capital and operating budgets; and

WHEREAS, A request for proposal for collegewide architectural and engineering design services was publicly advertised on May 28, 2014, in the *Washington Post* and the *Baltimore Sun* newspapers, and posted on the Montgomery College Procurement and eMaryland Marketplace websites; and

WHEREAS, 281 firms downloaded the request for proposal, 82 responses, including 3 no-bid responses, were received in the Office of Procurement and were publicly opened beginning at 3:00 p.m. local time on July 3, 2014; and

WHEREAS, In conformance with the College's selection process, all proposals were rated and ranked in the architectural and engineering discipline categories as outlined in the request for proposal and based upon the merits of each of the firms to provide these services, it was recommended that the 30 firms listed in Attachment A be awarded and included on the College's consultant contract list for architectural and engineering design services; and

WHEREAS, The College will negotiate individual on-call, task-order based architectural engineering and design services contracts with the firms listed in Attachment A for an initial one-year term and that the College has the option to annually reappoint any or all of the recommended firms, based upon their acceptable work effort, for up to four one-year terms for additional architectural and engineering design services; and

WHEREAS, Awards resulting from competitive proposals valued over \$250,000 require approval from the Board of Trustees; and

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

Resolved, That an award of contract for the establishment of a consultant contract list for architectural and engineering design services for three campuses as well as leased facilities be awarded to the 30 firms listed in Attachment A based on their design disciplines, from which the College may select a firm to provide professional services on an as-needed project basis for a one-year term beginning January 2015 for a not-to-exceed annual aggregate amount of \$4,000,000; and

Resolved, That the College may negotiate individual on-call, task-order based contracts with the firms listed in Attachment A for an initial one year term for a not-to-exceed annual aggregate amount of \$4,000,000 for the combined total of all anticipated multiple task order contracts that will be negotiated with the individual firms, and that the College has the option to annually reappoint any or all of the recommended firms, based upon their acceptable work effort, for up to four subsequent one-year terms for additional architectural and engineering design services.

ATTACHMENT A

Category A – Civil Engineering Consultants

A. Morton Thomas & Associates, Inc. (Rockville, MD)
Adtek, Inc (Fairfax, VA) (MBE)
Stantec (Laurel, MD)
Whitman, Requardt & Associates, LLP (Baltimore, MD)

Category B – Architecture and Interior Design Consultants

Cho Benn Holback + Associates (Baltimore, MD) (MBE)
Clark-Nexsen (Washington, DC)
Marshall Craft Associates (Baltimore, MD)
Stantec (Laurel, MD)

Category C – Mechanical, Electrical & Plumbing Engineering Consultants

Burdette, Koehler, Murphy & Associates (Baltimore, MD)
Greenman-Pederson, Inc. (Rockville, MD)
James Posey Associates (Baltimore, MD)
Mueller Associates, Inc. (Baltimore, MD)

Category D – Geotechnical Engineering Consultants

EBA Engineering, Inc. (Baltimore, MD) (MBE)
Froehling & Robertson (Jessup, MD) (MBE)
Geotech Engineers, Inc. (Beltsville, MD) (MBE)
Schnabel Engineering (Rockville, MD)

Category E – Building Enclosure Consultants

Gale Associates, Inc. (Towson, MD)
Simpson Gumperz & Heger (Washington, DC)
Wiss, Janney, Eistner Associates, Inc. (Fairfax, VA)

Category F – Landscape Architectural Consultants

Core Studio Design (Baltimore, MD) (MBE)
Floura Teeter Landscape Architects, Inc. (Baltimore, MD) (MBE)
Hord, Coplan, Macht, Inc. (Baltimore, MD)
Slater Associates, Inc. (Columbia, MD)

Category G – Building Commissioning Consultants

Facility Dynamics Engineering (Columbia, MD)
Horizon Engineering Associates, LLP (Hauppauge, NY)
Leach Wallace Associates, Inc. (Elkridge, MD)
Setty & Associates International, PLLC (Baltimore, MD) (MBE)

Category H – Roof Consultants

Gale Associates, Inc. (Towson, MD)
Simpson Gumpertz & Heger (Washington, DC)
Wiss, Janney, Eistner Associates, Inc. (Fairfax, VA);

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

Agenda Item Number: 9B
December 15, 2014

**AWARD OF CONTRACT,
TRADE ADJUSTMENT ASSISTANCE COMMUNITY COLLEGE AND CAREER TRAINING
(TAACCCT) GRANT PROGRAM EVALUATION SERVICES, RFP 915-008**

BACKGROUND

Request:	Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grant Program Evaluation Services
Office/SVP Originating Request:	Vice President and Provost of Workforce Development & Continuing Education, and the Senior Vice President for Academic Affairs
Award Type:	Competitive Sealed Proposal
Bid Number:	915-008
Explanation of Request:	Montgomery College was recently awarded the US Department of Labor's Employment and Training Administration's Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant award for the Cyber-Technology Pathways Across Maryland (CPAM) consortium. The total amount awarded to consortium is \$15 million, and as lead agency, the College's portion is \$5 million. As a result, Montgomery College is responsible for all implementation-related actions, including, but not limited to, the procurement of grant program evaluation services.
Reason Being Brought to Board:	Board approval is required for competitive sealed procurements valued over \$250,000.
Certification:	The director of procurement certifies that specifications were developed by appropriate College staff, and the vice president of finance/chief financial officer certifies that grant funds are available in the TAACCCT Grant budget.
Dollar Amount:	Year one total amount is \$102,000; years two and three total amount is \$161,000 in each year, and year four total amount is \$183,000. The overall not-to-exceed contractual amount for all four years is \$607,000.
Vendor Name:	Hezel Associates, LLC
Vendor Address:	731 James Street, Suite 410, Syracuse, New York 13203
Minority Status:	NA
Term of Contract:	Four years beginning in FY15 and running through FY18

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract for TAACCCT grant program evaluation services to Hezel Associates, LLC, of Syracuse, New York for a four-year term beginning January 2015 in the total amount of \$102,000 for year one, \$161,000 for years two through three and \$183,000 for year four. The overall not-to-exceed contractual amount for all four years is \$607,000.

BACKUP INFORMATION

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

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Dr. Rai
Mr. Payne
Mr. Greenfield
Mr. Johnson
Mr. Sorrell

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

Resolution Number: **14-12-167**
Adopted on: **12/15/2014**

Agenda Item Number: 9B
December 15, 2014

Subject: Award of Contract, TAACCCT Grant Program Evaluation, RFP #915-008

WHEREAS, The senior vice president for academic affairs and the vice president and provost of Workforce Development & Continuing Education have requested an award of contract for Training Administration's Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant program evaluation services; and

WHEREAS, Montgomery College was recently awarded the US Department of Labor's Employment and Training Administration's TAACCCT grant award for the Cyber-Technology Pathways Across Maryland (CPAM) consortium in the amount of \$15 million, with the College's portion being \$5 million;

WHEREAS, As the lead agency in the CPAM consortium, Montgomery College is responsible for all TAACCCT grant program implementation-related actions including, but not limited to, the procurement of grant program evaluation services; and

WHEREAS, The director of procurement certifies that specifications were developed by appropriate College staff, and the vice president of finance/chief financial officer certifies that grant funds are available in the TAACCCT grant budget; and

WHEREAS, Pursuant to Md. (Educ.) Code Ann. Sec. 16-311(c), a request for proposal was publicly advertised in a Montgomery County newspaper on October 31, 2014, and posted on the College Procurement, Montgomery County, and state of Maryland websites, and 52 bidders downloaded the request for proposal and seven responses were received and recorded in the office of procurement by 3:00 p.m. local time on November 18, 2014; and

WHEREAS, Upon evaluation it was determined that the proposal submitted by Hezel Associates, LLC, of Syracuse, New York, was the highest evaluated bidder, meeting College specifications; and

WHEREAS, Awards resulting from competitive sealed proposals valued above \$250,000 require approval of the Board of Trustees; and

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

Resolved, That the Board of Trustees approve an award of contract for TAACCCT grant program evaluation services to Hezel Associates, LLC, of Syracuse, New York, for a four-year term beginning January 2015 in the total amount of \$102,000 for year one; and be it further

Resolved, That the contract be renewed for three additional one-year terms in the amount of \$161,000 for year two, \$161,000 for year three, and \$183,000 in year four, provided that service is satisfactory, the need continues, funds are available, and it is in the best interest of the College; and be it further

Resolved, That the total amount of the four year contract does not exceed \$607,000.

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

Agenda Item Number: 10
December 15, 2014

**CHANGE ORDER APPROVAL FOR THE BIOSCIENCE EDUCATION CENTER
PHASE 2: BUILDING, GATEWAY SIGNAGE, AND ROADWAY CONSTRUCTION AT THE
GERMANTOWN CAMPUS**

BACKGROUND

Request:	Authorize a global settlement construction change order for the Bioscience Education Center with Clark Construction Group, LLC, of Bethesda, Maryland, and authorize the president to approve a change order in the amount of \$2,050,000 as a full and final settlement of all outstanding proposed changes to their contract.
Office/SVP Originating Request:	Vice President of Facilities and Security and Senior Vice President for Administrative and Fiscal Services
Approval Type:	Change Order
Explanation of Request:	<p>On June 11, 2012, a \$58,843,000 construction contract was awarded to the Clark Construction Group, LLC, of Bethesda, Maryland, for the Bioscience Education Center, Phase 2 Building, Gateway Signage and Roadway Construction project on the Germantown Campus. The Bioscience Education Center is a 145,139 gross square feet, three story "L" shaped building that is both a lab and academic building. Functions within the building include 25 wet labs, six classrooms, administrative and support spaces, and a Science Learning Center, and a conference center. On June 16, 2014, the Montgomery County Department of Permitting Services issued a use and occupancy permit for the building and on June 23, 2014, the architect issued a certificate of substantial completion. The College opened the Bioscience Education Center for the fall 2014 semester.</p> <p>During the course of construction, Clark Construction Group, LLC, and their subcontractors authored over 1,300 separate requests for information (RFIs). Responses to some of these RFIs resulted in proposed changes to the construction contract. Additionally, the College and the architectural/engineering team issued 109 bulletins in response to either field conditions in the</p>

	<p>construction or per the request of the users. All of these changes in the scope of the construction work were done to better meet the needs of faculty, staff, and students.</p> <p>To date, Clark Construction Group, LLC, has submitted 657 proposed change items for the construction project to the College. These change items were for either additional money or time to be added to their contract. The College and Clark Construction Group, LLC, have agreed to terms on 276 change items, which have been incorporated into 37 change orders to their construction contract. The total of these change orders to date is \$4,155,120.26. The College and Clark Construction Group, LLC, have mutually agreed to close 174 submitted change items at no cost to the College. The College has rejected 80 claims for additional compensation submitted by Clark Construction Group, LLC, as being without merit as the work was deemed to be included in the original scope of the contract documents. The College declined to have the work performed on 14 proposed change items.</p> <p>On December 5, 2014, the College's vice president of facilities and security and the director of project management met with the vice president of Clark Construction Group, LLC, and the senior project manager to discuss a global settlement of these remaining 113 proposed change items for the Bioscience Education Center project. It was agreed at the meeting that Clark Construction Group, LLC, would accept a single payment of \$2,050,000 as a lump sum final settlement of all outstanding change items, subject to the terms listed in the Global Settlement Offer Agreement dated December 5, 2014, attached to the change order.</p>
Reason Being Brought to Board:	Board approval is required for change orders valued over \$250,000.
Total Dollar Amount:	\$2,050,000
Certification:	The vice president of finance/chief finance officer certifies that funds are available in the appropriate capital funds budget.
Change Order:	A single lump sum payment of \$2,050,000 as a final settlement of all outstanding change items, subject to the terms listed in the Global Settlement Offer Agreement dated December 5, 2014, attached to the change order.

RECOMMENDATION

It is recommended that the Board of Trustees authorize a global settlement construction change order for the Bioscience Education Center with Clark Construction Group, LLC, of Bethesda, Maryland, and authorize the president to approve a change order in the amount of \$2,050,000 as a full and final settlement of all outstanding proposed changes to their contract.

BACKUP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Dr. Yeatts

Ms. Sherman

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

Resolution Number: **14-12-168**
Adopted on: **12/15/2014**

Agenda Item Number: 10
December 15, 2014

**Subject: Change Order Approval for the Bioscience Education Center Phase 2:
Building, Gateway Signage and Roadway Construction at the Germantown
Campus**

WHEREAS, The vice president of facilities and security and the senior vice president for administrative and fiscal services are requesting approval of a change order authorization for a global settlement to resolve change items pertaining to the construction of the Bioscience Education Center Phase 2 Building, Gateway Signage and Roadway Construction Project on the Germantown Campus; and

WHEREAS, On June 11, 2012, by resolution 12-06-038, the Board of Trustees awarded a construction contract valued at \$58,843,000 to the Clark Construction Group, LLC, of Bethesda, Maryland, for the Bioscience Education Center, Phase 2 Building, Gateway Signage and Roadway Construction Project; and

WHEREAS, On June 16, 2014, the Montgomery County Department of Permitting Services issued a use and occupancy permit for the building, on June 23, 2014, the architect issued a certificate of substantial completion and the College opened the Bioscience Education Center for the fall 2014 semester; and

WHEREAS, Clark Construction Group, LLC, of Bethesda, Maryland, submitted 657 proposed change items for the construction project to the College for either additional money or time to be added to their contract; and

WHEREAS, The College and Clark Construction Group, LLC, of Bethesda, Maryland, have agreed to terms on 276 change items which have been incorporated into 37 change orders to their construction contract totaling \$4,155,120.26; and

WHEREAS, The College and Clark Construction Group, LLC, of Bethesda, Maryland, have mutually agreed to close 174 submitted change items at no cost to the College, and that the College has rejected 80 claims for additional compensation as being without merit as the work was deemed to be included in the original scope of the contract documents and the College declined to have work performed on 14 proposed change items; and

WHEREAS, On December 5, 2014, the College's vice president of facilities and security and the director of project management met with the vice president and the senior project manager of Clark Construction Group, LLC, of Bethesda, Maryland, to discuss a global settlement of these remaining 113 proposed change items for the Bioscience Education Center project; and

WHEREAS, It was agreed at the meeting that Clark Construction Group, LLC, of Bethesda, Maryland, would accept a single payment of \$2,050,000 as a lump sum final settlement of all outstanding change items, subject to the terms listed in the Global Settlement Offer Agreement dated December 5, 2014, attached to the change order; and

WHEREAS, The vice president of finance/chief financial officer certifies that funds are available in the FY15 capital budget to enable the College to award the contract change order as recommended; and

WHEREAS, Change order authorization is required to settle all outstanding change items associated with the construction of the project; and

WHEREAS, Board approval is required for change orders valued above \$250,000; and

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

Resolved, That a change order, in the amount of \$2,050,000, per the terms and conditions set forth in the Global Settlement Agreement dated December 5, 2014, and attached to the change order for the Bioscience Education Center, Phase 2, Gateway Signage and Roadway Construction Project, Germantown Campus, be awarded to the Clark Construction Group, LLC, of Bethesda, Maryland; and be it further

Resolved, That the president is authorized to sign the change order on behalf of the Board of Trustees.

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

Agenda Item Number: 11
December 15, 2014

**ACCEPTANCE OF THE MONTGOMERY COLLEGE AUDITED FINANCIAL
STATEMENTS FOR JUNE 30, 2014, AND 2013**

BACKGROUND

Montgomery College is required to conduct an annual audit of the College's financial statements.

The audit of financial statements for June 30, 2014, and 2013 was conducted by CliftonLarsonAllen, LLP, Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president.

The annual audit report was presented to the Board's Audit Review Subcommittee and to the Board's Audit Committee for review and comment.

RECOMMENDATION

It is recommended that the Board of Trustees accept the audited financial statements for June 30, 2014, and 2013.

BACKUP INFORMATION

Board Resolution
Audited Financial Statements for June 30, 2014, and 2013 (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSON

Ms. Sherman

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

Resolution Number: **14-12-169**
Adopted on: **12/15/2014**

Agenda Item Number: 11
December 15, 2014

**Subject: Acceptance of the Montgomery College Audited Financial Statements for
June 30, 2014, and 2013**

WHEREAS, Montgomery College is required to conduct an annual audit of the College's financial statements; and

WHEREAS, The audit of financial statements for June 30, 2014, and 2013 was conducted by CliftonLarsonAllen, LLP, Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president; and

WHEREAS, The audit was conducted in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and

WHEREAS, The annual audit report was presented to the Board's Audit Review Subcommittee and to the Board's Audit Committee for review and comment; and

WHEREAS, The Board of Trustees was informed that the College's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses; and

WHEREAS, The president of the College recommends that the Board of Trustees accept the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the audited financial statements for June 30, 2014, and 2013.