

**BOARD OF TRUSTEES
FREDERICK COMMUNITY COLLEGE**

**August 21, 2019
Regular Meeting**

The Board of Trustees of Frederick Community College met in regular session on Wednesday, August 21, 2019 in the Chris T. Matthews Board Room (A201). In attendance: Trustees Dr. John Molesworth, Chair; Tom Lynch, Vice Chair; Ellis Barber; Nick Diaz; Gary Fearnow; and Carolyn Kimberlin. Former Trustee Debra S. Borden's position is currently vacant. Also in attendance: President Elizabeth Burmaster, Secretary/Treasurer of the Board; Education Liaison Janice Spiegel; Kari Melvin, Recording Secretary; Dr. Perry Wood, Chair, Faculty Association (FA); Pei Taverner, Vice Chair, FA; Brian Holt, Chair, Support Personnel Association (SPA); Administrative Staff Association (ASA) Executive Committee member Peter Lee; Mary Rolle, Chair, College Senate; Melissa Bard, Vice President (VP) for Human Resources; Jerry Boyd, Special Assistant (SA) to the President for Institutional Effectiveness; Dr. Nora Clark, VP for Learning Support; Dr. Tony Hawkins, Provost/Executive Vice President (EVP) for Academic Affairs, Continuing Education, and Workforce Development (AACEWD); Joseph McCormick, Chief Information Officer (CIO); Dana McDonald, VP for Finance; Elaine Marshall, Procurement Administrator; and other members of the College and staff.

CALL TO ORDER

The meeting was called to order by Board Chair Molesworth at 7:02 p.m. The Chair recognized the Affinity Group representatives and others present.

APPROVAL OF MINUTES

The Chair called for approval of the minutes of the June 11, 2019 special meeting.

On a motion made by Trustee Lynch and seconded by Trustee Kimberlin, the Board unanimously approved the minutes, as presented.

The Chair called for approval of the minutes of the June 19, 2019 board conversation and regular meeting of the board.

On a motion made by Trustee Lynch and seconded by Trustee Barber, the Board unanimously approved the minutes, as presented.

The Chair called for approval of the minutes of the July 20, 2019 board retreat.

On a motion made by Trustee Barber and seconded by Trustee Lynch, the Board unanimously approved the minutes, as presented.

PRESIDENT'S MONTHLY REPORT

President Burmaster welcomed Dr. Molesworth as the new Chair and Tom Lynch as Vice Chair. She also welcomed the new Vice President for Learning Support, Dr. Nora Clark.

President Burmaster then gave highlights from her written report, which the Board members received in their meeting packet. Also included in the President's written report was the CIP Construction Projects Update. She announced the six Annual Strategic Priorities for 2019-2020 established by the Board of Trustees:

- (A) Implement the goals and priorities of the AACEWD Master Plan with a focus on enhancing student success and retention through high impact practices in teaching and learning;
- (B) Enhance communication and employee relations through the implementation of recommendations from the 2018-2019 internal Task Force, external review report, ombudsman feasibility study, and climate survey;

- (C) Use a comprehensive, inclusive, and participatory process with representatives from the College and the Frederick County community to develop a new five-year Strategic Plan which will serve the College from July 1, 2020 through June 30, 2025;**
- (D) Increase student access through the implementation of best practices in recruitment, persistence, retention, advising, scheduling, and affordability;**
- (E) Create a safer and healthier workplace through the development and implementation of an Environmental & Health Safety Plan which ensures compliance with all state and federal regulatory bodies that oversee higher education. The plan will address ongoing training, education, employee development, compliance documentation, and record retention; and**
- (F) Research, analyze, communicate, and implement needed network infrastructure upgrades in order to provide improved services, resiliency, and availability for critical IT systems.**

She noted that the Maryland Occupational Safety and Health conducted a safety survey at the request of FCC, which was the first step in the work related to Annual Strategic Priority E. She also noted that prior Board Chair Debra S. Borden and prior Faculty Association Chair Dr. Aaron Clayton worked to set up the facilitated workshop on August 28, 2019 which will provide an opportunity for faculty and staff representing Affinity Groups and the College Senate, the Senior Leadership Team, Task Force Design Team and Workgroups, and Board members to affirm recommendations from the Personal Assessment of the College Environment (PACE) survey, Ombudsman Feasibility

Study, External Review Report from Dr. Roy Church, and Task Force Report for 2019-2020 implementation.

President Burmaster commented that the Learning Retreat this morning was a great success. It included a panel of FCC students who answered questions about why higher education matters, the best advice they can give to their instructors in supporting student learning and success, and their overall experience at FCC. She continued that Adjunct Nights were held earlier this week on Monday and Tuesday and the Partnership to Achieving Student Success (PASS) completion ceremony was held on August 16, 2019.

President Burmaster announced the creation of a \$6,000 a year scholarship from Battelle National Biodefense Institute which will be awarded to two students enrolled in cybersecurity, computer science, biology, biotechnology, math, chemistry or engineering (STEM). She then reminded everyone that Fall Convocation will be held tomorrow morning.

INFORMATION/DISCUSSION ITEMS

Quarterly Financial Report for the Period Ending June 30, 2019 – VP McDonald presented this item. She stated that the figures in the report are preliminary for the year ending June 30, 2019. The final audit will be available in October. VP McDonald reviewed the preliminary report with the Board. A copy of the report is available from the President's Office.

There was discussion regarding the cost of goods sold in Dining Services. Food costs came in higher and sales continued to decline. The vendors have been consolidated from 16 to four and inventory can be tracked in real time now.

This item was presented for information only – no action was taken or requested.

Board Chair Molesworth asked VP McDonald to explain the different procurement processes of piggyback, sole source, RFP, and RFB before considering the action items on the agenda this evening. VP McDonald overviewed the four types of procurement provided in the Code of Maryland Regulations (COMAR): Requests for Bids (RFBs), Requests for Proposals (RFPs), piggyback contracts, and sole source. COMAR only requires Board approval for procurements that are \$50,000 and above, but FCC decided to keep the threshold at \$25,000 for transparency and accountability. The criteria required for sole source contracts per COMAR are when only one source exists which meets the requirements; when the compatibility of equipment, accessories or replacement parts is the paramount consideration; when a sole vendor's item is needed for trial use of testing; when a sole vendor's items are to be procured for resale; and when certain public utility services are to be procured and only one source exists. RFPs are a method allowed by COMAR primarily related to services and are not based only on lowest price. The selection includes an evaluation of a technical proposal, an oral interview with vendors, and their price proposal. Awards are made based on the results of the overall combined scores. The award of RFBs are based on the lowest price and are usually for the purchase of equipment. There are no technical evaluations, but references are checked. Piggybacks have already gone through an RFP or RFB process. The College reviews the contract to see if there is a clause allowing other governmental entities to utilize the same contract prices subject to the same terms and conditions. They are desirable because they are usually based on economies of scale or a consortium type arrangement and the College is unable to find anything cheaper on its own. We have an internal process requiring a Cost Justification Worksheet to analyze the piggyback compared to other available pricing. Piggybacks are

not used just because they are easier, but because they have more favorable terms and are deeply discounted. Trustee Kimberlin asked if there is a time limit on a piggyback contract. VP McDonald answered that they are usually multi-year contracts and they have to be active for the period we are using them. Trustee Kimberlin asked if the piggybacks utilized use the same criteria that FCC uses. Procurement Administrator Elaine Marshall answered that yes, piggybacks are recognized by COMAR as a legitimate procurement strategy.

ACTION ITEMS

Approval of FCC Cultural Diversity Report – Annual Progress Report to the Maryland Higher Education Commission – Provost/EVP Hawkins presented this item. The College is required by law to submit a progress report regarding the implementation of the cultural diversity plan to MHEC by September 1 of each year. Provost/EVP Hawkins overviewed the report, which Trustees received in their meeting packet. The 2019 Maryland Higher Education Commission Cultural Diversity Report captures FCC diversity, equity, and inclusion goals and features some of the College-wide progress made on those goals. Several examples of our distinct diversity efforts and inclusion accomplishments can be found throughout the report. Most importantly, the report discusses that as part of Strategic Advisory Team Workgroup A over this past year, the College underwent a process of developing a five-year Diversity, Equity, and Inclusion (DEI) Strategic Plan that was approved by the Board of Trustees on June 19, 2019. This plan focuses our DEI efforts over the next five years toward four primary goals determined to be realistic, necessary, and in alignment with our values and aspirations as a College community. These goals include increasing access and success for traditionally

underrepresented students; increasing recruitment and retention of a diverse workforce; preparing students for an increasingly diverse community, workforce, and world; and ensuring a more welcoming and inclusive environment for students, faculty, staff, and visitors.

Provost/EVP Hawkins recommended approval of the FCC Cultural Diversity Report – Annual Progress Report to MHEC.

On a motion made by Trustee Lynch and seconded by Trustee Fearnow, the Board unanimously approved the report, as presented.

Approval of Sole Source Procurement: FY20 Contract with Comcast Spotlight Not to Exceed \$65,000 for Cable Television Advertising – SA Boyd presented this item. For the FY20 Marketing budget, up to \$65,000 has been identified to purchase advertising with Comcast Spotlight for cable television and streaming video ads. This includes advertisements for all areas of the College between July 2019 and May 2020. Comcast Spotlight is the sole provider of cable television for Frederick County, Maryland and offers unique benefits for television advertisers. Ads placed through Comcast Spotlight can be created for and targeted to viewers of specific channels and programs, and aired during peak viewing periods. Cable advertising also affords the opportunity to advertise in both English and Spanish languages, which supports College efforts to reach diverse and emerging audiences.

The FCC Credit Student Profile Report for spring 2019 identifies 91.5% of FCC students as Frederick County residents. With Comcast Spotlight, advertisements are placed only for viewers within a client-defined geography, such as Frederick County, thus

eliminating ad dollars spent on out-of-county residents. This helps provide FCC with the most efficient spending option by geography for television advertising.

Other television advertising options include streaming video like Netflix, Amazon, or Hulu, and network television like NBC, ABC, and CBS. The high entry cost of advertising on streaming video platforms disqualifies it from practical consideration. Network-specific advertising has a greater cost than cable, per advertisement, and its reach is limited to the viewership of one network. Additionally, network television advertising cannot be segmented by geography. By default, it extends beyond Frederick County to include the entire Designated Market Area (DMA) market of a station, such as the Baltimore DMA, or the Washington, DC DMA.

Funds for this procurement of up to \$65,000.00 are available in the FY20 Marketing Department budget.

SA Boyd recommended approval of the sole source procurement to Comcast Spotlight in an amount not to exceed \$65,000.00 for FY 2020.

On a motion made by Trustee Fearnow and seconded by Trustee Kimberlin, the Board unanimously approved the sole source procurement to Comcast Spotlight, as presented.

Approval of Sole Source Procurement: Bailey Pottery Equipment Corporation for a Bailey 18/C Soda Kiln in the amount of \$30,641.00 – Provost/EVP Hawkins presented this item. The Bailey 28/18 DLX gas reduction kiln currently in use for our ceramics/pottery courses was purchased in 2001 and was modified after its purchase to function as a soda kiln. The kiln has required continuous maintenance and repair to keep it operational for use by nearly 250 students, as well as the ceramics club. The use of a non-purpose built gas reduction kiln as a soda kiln leads to the accelerated decay of the kilns refractory

components ultimately causing the structural instability of the kiln walls and arch. The combination of heat and exposure to sodium, oxidizes and degrades the carbon steel components of a non-soda kiln, leading to premature failure. The cumulative effect of this deterioration yields inconsistent results, increases the risk of failed firings, and voids the manufacturer's warranty.

Bailey Pottery Equipment Corporation is the only manufacturer of an Edison Testing Laboratories (ETL) equipment safety certification soda kiln in the United States or Canada. These kilns can only be purchased directly from the manufacturer. After extensive research, Bailey is found to be the only manufacturer of ready-made soda kilns (ETL certified or otherwise). All other soda kilns are custom built on location and therefore would not have the opportunity to be reviewed for ETL certification. The Bailey 18/C soda kiln is purpose built. It is constructed using high alumina refractories designed to sustain repeated exposure to a combination of extreme heat and a sodium rich atmosphere. The design of the kiln insures an even distribution of sodium vapor glaze during the firing process and is equipped with stainless steel burner heads and exterior sheeting. The purposeful fabrication of the kiln ensures safety, and an extensive number of consistent firings for many years to come.

The quoted cost of the Bailey 18/C soda kiln is \$30,641.00. Existing funding has been identified for the kiln replacement from the facilities furniture and equipment budget.

Provost/EVP Hawkins recommended approval of the sole source procurement to Bailey Pottery Equipment Corporation in the amount of \$30,641.00.

On a motion made by Trustee Kimberlin and seconded by Trustee Lynch, the Board unanimously approved the sole source procurement to Bailey Pottery Equipment Corporation, as presented.

Approval of Award Recommendation – RFP #19-FP-20 for Moving Services to Hoffberger Moving Services, Inc. – VP McDonald presented this item in the absence of Chief of Operations (COO) Eric Shuler. The College recently solicited proposals from qualified contractors to provide as-needed moving services for office and classroom furniture, materials, and equipment typically found in a higher education setting. Moves may vary in scope and size and will primarily take place at the FCC main campus and at the Monroe Center. Moves may occur within these College locations, room-to-room, building-to-building, building-to-storage, main campus-to-Monroe, or from the College to a non-College site. It is estimated that the College will require moving services four to six times per year.

It is the intent of the College to award a two-year Indefinite Delivery/Indefinite Quantity (IDIQ) contract, with three one-year renewal options.

A formal request for proposals (RFP) was advertised on eMaryland Marketplace and posted to the College Bid Board. A pre-proposal conference was held to review the project scope of work and address questions. Seven firms attended the pre-proposal conference. An addendum to the RFP was posted on the College Bid Board. Technical proposals were received from five firms. The technical proposals were reviewed by the evaluation committee and three firms were short-listed and selected for an oral interview and to submit a price proposal. For the price proposals, firms were asked to submit pricing for a moving team for an eight-hour day. The moving team consists of one supervisor, one

installer, three movers, and one truck. Hoffberger Moving Services, Inc. was recommended for the award based on the results of the overall combined scores. Funds for this award are available in the Systemics/Miscellaneous Renovations CIP budget.

VP McDonald recommended approval to award RFP #19-FP-20 for Moving Services to Hoffberger Moving Services, Inc.

On a motion made by Trustee Barber and seconded by Trustee Kimberlin, the Board unanimously approved the award to Hoffberger Moving Services, Inc., as presented.

Approval of Piggyback Contract with Life Safety Solutions Integrators (LSSI) in the amount of \$455,512.31; Piggyback of the Fairfax County Public Schools Contract #4400007453 for Phase Three - Fire Alarm System Replacement for the Conference Center, Sweadner Hall, The Carl & Norma Miller Children's Center, and Plant Operations (Buildings E, S, M, and P) – VP McDonald presented this item in the absence of COO Shuler. The College is currently in the process of moving from a proprietary fire alarm system, to the Edwards EST3 system, which is non-proprietary, and will meet the current and future needs of the College. By moving to a non-proprietary system, our in-house Maintenance Technicians can be trained and system certified, which will result in faster, more responsive, and less expensive system repairs and maintenance.

This project was also included in the SAT Update (Strategic Priority B), presented to the Board in May 2017, as part of the College six-year Deferred Maintenance Plan, to address Life Safety needs.

Phase One of this project, which included replacement of the fire alarm systems in Buildings D, F, and L with backbone infrastructure in Buildings H and P, was awarded to LSSI (Life Safety Solutions Integrators) in August 2018, utilizing the Fairfax County

Public Schools contract #4400007453 (piggyback contract). Phase One has been completed. Phase Two (replacing the fire alarm systems in Buildings A, B, and C, including the sub-network to Buildings S and E) was awarded in April 2019, utilizing the same piggyback contract and contractor (LSSI). Phase Two is currently in progress. Facilities Planning would like to move forward to Phase Three (replacing the fire alarm systems in Buildings E, S, M, & P) utilizing the same piggyback contract and contractor (LSSI).

LSSI has provided a proposal for Phase Three, with a breakdown into sub-phases 3A and 3B, utilizing their pricing and services in the Fairfax County Public Schools contract #4400007453. Their proposal includes equipment, engineering, material, installation, labor, programming, testing, demolition of existing systems, performance and payment bonds, and permits for the complete installation of fully operational and code compliant voice evacuation fire alarm systems in Buildings E, S, M, and P.

The work associated with Phase 3A will be integrated into the construction schedule for the capital renovation project for the Conference Center and Sweadner Hall (Buildings E and S) and will require coordination by the Construction Manager overseeing that renovation project along with the Facilities Planning Project Manager overseeing the fire alarm replacement project. The cost breakdown for Phase 3A - Buildings E and S is \$281,353.29, plus a 5% contingency of \$14,067.66 to cover any potential unforeseen or hidden conditions, for a total proposed cost of \$295,420.95.

The work associated with Phase 3B will occur separately from Phase 3A and will be overseen by the Facilities Planning Project Manager for project scheduling and construction management oversight and coordination purposes. The cost breakdown for Phase 3B - The Carl & Norma Miller Children's Center and Plant Operations (Buildings

M and P) is \$174,159.02, plus a 5% contingency of \$8,707.95 to cover any potential unforeseen or hidden conditions, at a total proposed cost of \$182,866.97.

Funds for Phase Three of this project are available in the Systemics/Miscellaneous Renovations CIP budget.

VP McDonald recommended approval of the use of the Fairfax County Public Schools Contract #4400007453 with LSSI (Life Safety Solutions Integrators) for Phase Three - Fire Alarm System Replacement for the Conference Center, Sweadner Hall, The Carl & Norma Miller Children's Center, and Plant Operations (Buildings E, S, M, and P) in the amount of \$455,512.31, plus a 5% contingency of \$22,775.61 to cover any potential unforeseen or hidden conditions, at a total proposed project cost of \$478,287.92.

On a motion made by Trustee Lynch and seconded by Trustee Diaz, the Board unanimously approved the piggyback contract with LSSI, as presented.

Approval of Award Recommendation to Hezel and Associates, LLC in the amount of \$48,140.00 for Evaluation Services for the National Science Foundation Scholarships in Science, Technology, Engineering, and Mathematics (S-STEM) Grant Project – VP
McDonald presented this item. At the February 21, 2018 Board of Trustees meeting, the Board approved multiple non-monetary awards for RFP #18-FS-01, Evaluation Services for Grant Funded Programs. The awards provided for a short-list of six qualified firms who will have the opportunity to participate in future grant projects. This short list allows the College to respond to grant opportunities in a timely manner.

As requested by the Board of Trustees, when the College plans to award contracts for grant evaluation services in the amount of \$25,000 or more, the awards will be presented to the Board of Trustees for approval.

On March 8, 2019, in preparation for submission of an application for a National Science Foundation Scholarships in Science, Technology, Engineering, and Mathematics (S-STEM) grant, the College issued a Request for Quotes (RFQ) to the short-listed firms. This RFQ provided information regarding the grant application and the College requested proposals containing price and number of hours required to provide evaluation services for the grant. Hezel and Associates, LLC submitted the most responsive quote and the College selected them for this grant proposal.

As outlined in the original RFP, the selected firm is required to provide input or information for the grant proposal at no cost to FCC. Barring unusual or unexpected circumstances, FCC will contract with the firm to carry out the grant evaluation services only when the College receives the grant and only up to the amount approved in the grant for these services.

At no cost, Hezel and Associates prepared a draft evaluation plan and proposed budget of \$48,140.00 for the grant application. In addition, Hezel provided no cost revisions as requested by the National Science Foundation and the College. A breakdown of the proposed budget was provided in the meeting packet.

In June 2019, the National Science Foundation awarded Frederick Community College a grant in the amount of \$637,097.00 for the Frederick Community College STEM Scholars project, including \$48,140.00 to support evaluation of the project by Hezel and Associates, LLC.

VP McDonald recommended approval to award evaluation services for the National Science Foundation Scholarships in Science, Technology, Engineering, and Mathematics (S-STEM) grant project to Hezel and Associates, LLC in the amount of \$48,140.00.

On a motion made by Trustee Fearnow and seconded by Trustee Barber, the Board unanimously approved the award to Hezel and Associates, LLC, as presented.

Approval of Revision to Board of Trustees Bylaws – Chair Molesworth presented this item. The Board of Trustees annually reviews the Board Bylaws to ensure they reflect community values, beliefs, and needs. The Bylaws may be amended at any meeting of the Board, provided it was presented for review and discussion at a prior meeting. Amendment of the Bylaws requires approval by a majority of the appointed members of the Board.

The Board of Trustees Bylaws were reviewed as part of the annual review of all College Policies and Procedures. President Burmaster convened a review meeting with the representative assigned by Senate and the Executive Associate to the President and Board of Trustees. Proposed revisions were identified and include changing pronouns to be gender-neutral, updating the name of the Employee Handbook with Faculty Addendum, and renumbering the order of business for meetings to reflect current practice. These revisions were reviewed and accepted by the Board of Trustees at the July 20, 2019 Board Retreat.

Chair Molesworth called for approval of the revised Board of Trustees Bylaws, as presented.

On a motion made by Trustee Diaz and seconded by Trustee Barber, the Board unanimously approved the revised Board of Trustees Bylaws, as presented.

TRUSTEE COMMENTS

Trustee Lynch commented on the extraordinary presentation at his Rotary Club meeting earlier today by students from the Frederick County Public Schools Career and Technology Center. They provided a recap of their trip to Ethiopia to install a rocket stove

that provides potable water. Trustee Kimberlin recommended two books on the topic of lack of water: *The Boy Who Harnessed the Wind* and *A Long Walk to Water*. She added that she is amazed that access to clean water is still a problem.

President Burmaster congratulated Trustee Diaz and his wife, Marianne, on their recent 50th wedding anniversary.

ADJOURNMENT

The regular meeting adjourned at 7:55 p.m.

NEXT MEETING

The next regular meeting of the Board will be held on Wednesday, September 18, 2019 at 7:00 p.m. in the Chris T. Matthews Board Room (A201).

**Elizabeth Burmaster
Secretary/Treasurer**

Prepared by Kari Melvin
Office of the President
Frederick Community College