

**BOARD OF TRUSTEES
FREDERICK COMMUNITY COLLEGE**

**October 23, 2019
Regular Meeting**

The Board of Trustees of Frederick Community College met in regular session on Wednesday, October 23, 2019 in the Chris T. Matthews Board Room (A201). In attendance: Trustees Dr. John Molesworth, Chair; Ellis Barber; Gary Fearnow; and Carolyn Kimberlin. Former Trustee Debra S. Borden's position is currently vacant and Trustees Tom Lynch and Nick Diaz were not in attendance. Also in attendance: President Elizabeth Burmaster, Secretary/Treasurer of the Board; Janice Spiegel, Director of Education and Special Initiatives; Kari Melvin, Recording Secretary; Dr. Perry Wood, Chair, Faculty Association (FA); Brian Holt, Chair, Support Personnel Association (SPA); Administrative Staff Association (ASA) Executive Committee member Peter Lee; Mary Rolle, Chair, College Senate; Jassbeck Ramirez, President, Student Government Association (SGA); Melissa Bard, Vice President (VP) for Human Resources; Ray Barnes, Interim Chief of Operations; 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; John Anzinger, Director of Facilities Planning; and other members of the College and staff.

CALL TO ORDER

The meeting was called to order by Board Chair Molesworth at 7:00 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 September 18, 2019 joint meeting with the Frederick County Public Schools Board of Education and the September 18, 2019 regular meeting of the board.

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

PRESIDENT'S MONTHLY REPORT

President Burmaster commented on the great discussion during the Board Conversation regarding the overview of the strategic planning process. She then introduced Ray Barnes, who is serving as Interim Chief of Operations.

President Burmaster gave highlights from her written report, which the Board members received in their meeting packet. Also included in the President's written report were the CIP Construction Projects Update and Enrollment Update. She noted that SGA President Jassbeck Ramirez and SGA VP of Administration Emma Wachter attended the Frederick News-Post celebration on October 10, 2019 to accept the award for FCC being named the best college/university. She added that Vice Chair Tom Lynch was named best attorney. President Burmaster thanked everyone who was involved in planning the FCC Family Festival to celebrate the 25th Anniversary of The Carl & Norma Miller Children's Center. She announced that Foundation Directors and FCC staff will pair up with students and go out to visit individuals throughout the community for Visit Day this Friday.

President Burmaster reported that Trustee Kimberlin has been appointed the Board of Trustees liaison and non-voting member of the FCC Foundation and thanked her

for serving. She also thanked Chair Molesworth and Trustee Fearnow for serving as Board representatives on the Strategic Planning Steering Committee.

INFORMATION ITEMS

Review of Audited Annual Financial Statements for Period Ending June 30, 2019 – Graylin Smith, Engagement Partner, from the College auditors, SB & Company provided a presentation on the results of the audit of both FCC and the FCC Foundation. There were no findings and the College was issued an unmodified opinion on the financial statements. Additionally, the Annual Financial Report to the Maryland Higher Education Commission (CC-4 Report) was issued with no exceptions. There was an overall increase in net position of \$1,815,276. Assessments of the control environment, an evaluation of key processes, and financial statement highlights were included in the presentation. A copy of the presentation is available from the President's Office.

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

Single Audit Report for the Period Ending June 30, 2019 – Mr. Smith presented the results of the single audit. The Single Audit is conducted to assure that the College has complied with the requirements as described in the U.S. Office of Management and Budget (OMB) Compliance Supplement that could have a direct and material effect on each of the College major Federal Programs for the year ended June 30, 2019. The opinion of the auditor, SB & Company, is that Frederick Community College complied, in all material respects, with the requirements that are applicable to each of its major programs for the year ended June 30, 2019.

The Single Audit Report - Section III - Federal Awards Findings and Questioned Costs includes one finding, 2019-001, related to a draw down request in September 2018

that was more than the amount eligible for reimbursement due to a calculation error. The College corrected this overage by reducing the next draw down in October 2018. The College provided corrective action, included in the Single Audit Report, to exercise greater oversight in the calculation and review process for draw downs. This finding and corrective action was required to be disclosed in the Single Audit Report, but was deemed immaterial, and therefore, did not impact the opinion of the auditor as stated above.

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

Quarterly Financial Report for Period Ending September 30, 2019 – VP McDonald presented this item and went through the report in detail with the Board. She noted that a net loss of \$2,058 in Dining Services is recorded so far this fiscal year, which has significantly improved over last fiscal year. A copy of the report is available from the President's Office.

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

ACTION ITEMS

Approval of Guaranteed Maximum Price (GMP) for the Building E Renovation Project to Turner Construction Company in the amount of \$4,327,229 – Executive Director Anzinger presented this item. In February 2018, the College solicited proposals from firms interested in providing construction manager at risk (CMatR) services for the renovation of Building E (RFP 18-FP-16). The objective of the RFP was to select a CMatR firm to provide professional management services during the design and construction of the Building E Renovation project. The CMatR is a delivery method which entails a commitment by the Construction Manager (CM) to deliver the project within a Guaranteed Maximum Price (GMP) which is based on the construction documents and

specifications at the time of the GMP. The CMatR provides professional services and acts as a consultant to the owner in the design development and construction phases. In addition to acting in the owner's interest, the CMatR must manage and control construction costs to not exceed the GMP because contractually any costs exceeding the GMP that are not change orders, are the financial liability of the CMatR.

The CMatR contract is a cost-plus-a-fee contract with a guaranteed maximum. It is the sum of the CM's fee, the CM's contingency, the General Conditions construction, all the subcontracts, plus an estimate for unbid subcontracts. The fee is a fixed lump sum, but can also be a percentage. It is broken down into two parts, design and construction.

The CMatR process involves two funding approvals by the Board. The first approval is needed to award the management contract to the CM including the initial cost for pre-construction services. The second approval to the selected firm is to approve the GMP. This occurs just prior to the start of the construction phase.

The first approval was received when the Board approved the recommendation to award RFP# 18-FP-16 for CMatR services to Turner Construction Company at the April 2018 Board meeting. The design phase has been completed and the CM, Turner Construction Company, has obtained competitive pricing from the various trades for the schedule of values. This request is for approval of the GMP in the amount of \$4,327,229. The construction phase is scheduled to occur from December 2019 to August 2020.

The proposed award amount of \$4,327,229 includes CM and owner contingencies. The increase in construction costs, compared with prior estimates, has been offset by savings in design and furniture and equipment costs. If all contingencies are used, the total project costs (including design, construction and furniture and equipment costs) will exceed

the total project budget by \$11,000. If this occurs, the College has funds available in the Systemics CIP budget to cover these additional costs.

Executive Director Anzinger recommended approval of the Guaranteed Maximum Price (GMP) in the amount of \$4,327,229 to Turner Construction Company for the Building E Renovation project.

On a motion made by Trustee Barber and seconded by Trustee Fearnow, the Board unanimously approved the GMP to Turner Construction Company, as presented.

Approval of Sole Source Procurement: Maryland Correctional Enterprises (MCE) for Furniture for the Building E Renovation Project in the amount of \$310,547.00 –

Executive Director Anzinger presented this item. Under Section 14-103 of the Finance and Procurement Article, Annotated Code of Maryland, any time the College uses State funding for an approved capital improvement program (CIP) project, the College is required to utilize the services of Maryland Correctional Enterprises (MCE) to procure furniture for that project. The College will purchase furniture from MCE with State funds through the approved CIP budget for the Building E Renovation project. Any furniture that MCE cannot provide, the College can then procure through other sources.

The College Facilities Planning staff worked with the Building E program managers to develop a list of furniture for the Building E Renovation project. Over the past several months, they have worked with the MCE account representative to work out specifications and obtain pricing. The finalized list of furniture to be procured through MCE totals \$310,547.00. The lead time for the procurement of the furniture is approximately 12 weeks.

The proposed award amount of \$310,547.00 is within the College approved CIP budget for this project.

Executive Director Anzinger recommended approval of the sole source procurement from Maryland Correctional Enterprises (MCE) in the amount of \$310,547.00, as required by State law.

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

Approval of Piggyback Contract with Microsoft for State and Local Government – Premier Support Services in the amount of \$47,640.00; Piggyback of the Maryland Education Enterprise Consortium (MEEC) Contract #U8720739 – CIO McCormick presented this item. The Board approved the first annual service agreement with Microsoft last year to aid in ongoing support of our Microsoft Windows Server and Desktop operating systems, Microsoft security software systems, and Microsoft applications. The College has need to continue this service agreement with Microsoft to aid in ongoing support of all Microsoft environments. This service agreement provides the College with a dedicated Technical Account Manager or TAM contact within Microsoft and includes a single year of support. The TAM provides a streamlined mechanism for College IT to receive support assistance for technical issues and is able to escalate as appropriate within other teams at Microsoft. As part of the agreement the College will also receive 60 hours for Support Assistance, 60 hours for Problem Resolution, and three onsite visits.

This request is for a piggyback with Microsoft through the Maryland Education Enterprise Consortium (MEEC) contract # U8720739. The cost of this purchase is \$47,640.00 and funds are available in the CIP budget 85-800125-8000300.

CIO McCormick recommended approval of the use of the Maryland Education Enterprise Consortium (MEEC) Contract # U8720739, with Microsoft for Premier Support Services in the amount of \$47,640.00.

On a motion made by Trustee Barber and seconded by Trustee Kimberlin, the Board unanimously approved the piggyback contract with Microsoft, as presented.

Approval of Piggyback Contract with CenturyLink for Internet Services; Piggyback of the Michigan Collegiate Telecommunications Association (MiCTA) – National eRate Government Master Service Agreement Contract #178AN-TISA2018-0820 – CIO

McCormick presented this item. The College currently receives Internet and point-to-point circuit service from CenturyLink (formerly Level 3) through a piggyback with a GSA contract. This includes our 1Gbps Internet circuit and our 100Mbps circuit that connects the main campus to the Monroe Center.

This request is for approval of a piggyback with CenturyLink through the Michigan Collegiate Telecommunications Association (MiCTA) – National eRate Government Master Service Agreement contract for a period of three years with the option to extend an additional two years in one-year increments, which would be at the discretion of the Chief Information Officer. By piggybacking the MiCTA – National eRate Government Master Service agreement, the College will see a decrease of \$817 per month (~22%) for Internet and point-to-point circuits over the former piggyback agreement. Over the course of three years, the college will save \$29,442 (~22%). The new monthly recurring cost will be \$2,800.56 in addition to estimated various governmental taxes and surcharges of \$305.00.

Funds for Internet services are available in the IT operating budget 16-302251.

CIO McCormick recommended approval of the use of the MiCTA – National eRate Government Master Service Agreement #178AN-TISA2018-0820, with CenturyLink for Internet services for a period of three years with the option of extending an additional two years in one-year increments, which will be at the discretion of the Chief Information Officer.

On a motion made by Trustee Kimberlin and seconded by Trustee Barber, the Board unanimously approved the piggyback contract with CenturyLink, as presented.

TRUSTEE COMMENTS

Chair Molesworth stated that he is very much looking forward to participating on the Strategic Planning Steering Committee.

ADJOURNMENT

The regular meeting adjourned at 7:39 p.m.

NEXT MEETING

The next regular meeting of the Board will be held on Wednesday, November 20, 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**