

**MINUTES OF THE ANCHORAGE SCHOOL BOARD
REGULAR MEETING OF FEBRUARY 9, 2004**

The Anchorage School Board met in Regular Session on Monday, February 9, 2004 at 6:30 p.m. in the Board Room at the Anchorage School District Administration Building. President Jake Metcalfe presided.

A. CALL TO ORDER, ROLL CALL, FLAG SALUTE

Board Members Present: Mary Marks, Crystal Kennedy, Tim Steele, Jake Metcalfe, Jeff Friedman, John Steiner, and Macon Roberts

Others Present: Carol Comeau, Jan Christensen, Mike Henry, Jerry Sjolander, Enid Hunter, Patricia McRae, Gail Opalinski, Pam Chenier, Debbie Bogart, Steve Kalmes, Ray Amsden, Alden Thern, Janet Stokesbary, Eric Tollefsen, Stan Syta, Mark Mew, Mary Kay Sambo, the press, and other interested people.

B. ANNOUNCEMENTS

Macon Roberts noted that both he and Superintendent Comeau attended the 20/20 Conference.

Mary Marks announced that the 11th Bilingual Conference is scheduled for February 11-13. She reminded the public that Benchmark testing will occur next week and encouraged parents to have their children fed and well rested for the testing.

Tim Steele commented that Superintendent Comeau will be attending the Conference of Alaskans next week in Fairbanks and wished her well.

Macon Roberts announced that several School Board members testified before the Anchorage Caucus this past week on legislative funding.

Carol Comeau passed out a new page to ASD Memorandum #172 - Award of Contract: Chugach Optional Elementary School Renovation and Addition and noted the error.

Superintendent Comeau noted in regards to the recent newspaper article on the bullying issue at Central Middle School that it is important for the public to understand that she definitely feels constrained on what she believes to be a confidential issue. She is unable to comment on the article

and it is not her intent to hide anything from the public until the court allows her to speak.

C. MUSICAL PERFORMANCE

The Alaska Native Heritage Dancers performed for the audience and the Board members.

D. APPROVAL OF AGENDA

The agenda was unanimously approved.

E. AWARDS/RECOGNITION/PRESENTATIONS

1. ASD Memorandum #194 – Spirit of Youth Awards

The Spirit of Youth Campaign was created to recognize Alaska teens for their dedication to positive community service projects. Each year middle and senior high students are awarded for finding creative ways to impact the lives of others in their community. Congratulations to the following Anchorage School District 2004 Spirit of Youth award winners:

Kevin Arnold, for his many volunteer hours at the Serendipity Adult Skill Center where he provided kindness, care, respect and cheerfulness to nurture and connect with all the residents;

Steffan Bernard, for being a strong and effective advocate for youth with political savvy and service as parliamentarian for the Alaska Association of Student Government;

Jesse Bauman, for overcoming significant physical and personal challenges to earn his Eagle Scout rank and be an inspirational role model for his peers;

Debra Dommek, for her work as President of the native culture club at Bartlett High School which promotes understanding and appreciation of Alaska Native and other cultures;

Genevieve Gisler, for organizing a pledge drive to collect money to purchase a wig for a child who suffered hair loss due to an illness;

Amanda Kerr, for her outstanding talent as a violist; placing 5th place in a national fiddler's competition and for teaching children the importance and value of music in their lives;

Wesley March, Zachary Miller, and Paul Morrison, for heroically pulling two Alaskan tourists from the rapids of Eagle River, treated them for hypothermic conditions and ultimately saved their lives;

Kathryn Renee Petros, for creating the "Harp for Hearts" program at the Providence Children's Hospital in Anchorage;

East High School-Within-A-School Student Body Members, for their commitment through the organization of fundraisers to help feed those in need;

Jasmin Smith, for her volunteer work at the Veteran's Affairs Clinic and as a participant in the Rose Urban Exchange Student Program; and

Andrew Zaragoza, for his role as organizer, director and fund raiser of a volunteer force which built a bridge at the Eagle River Nature Center.

It is requested the School Board recognize these Spirit of Youth Award winners whose innovation, compassion, and dedication to others led to this recognition.

2. ASD Memorandum #186 – Milken Educator Award Recipients

In late October, Scott Batchelder, science and technology teacher at Mirror Lake Middle School, and Mike Woods, natural resources teacher at King Career Center, were awarded a 2003 Milken Family Foundation National Educator Award.

The Milken Family Foundation created the award to celebrate the efforts of some of the nation's most outstanding teachers, principals and specialists in K-12 education. Along with this prestigious honor, Mr. Batchelder and Mr. Woods each received a financial award of \$25,000.

Mr. Batchelder teaches science and multimedia technology at Mirror Lake Middle School. He uses innovative lesson plans to draw parents, staff and community professionals into his

classroom. His academic team colleagues describe him as an “energetic, knowledgeable, and dedicated teacher who inspires not only his students to achieve academic excellence, but his peers as well.” Students and parents at MLMS eagerly anticipate the 8th grade year so they can participate in his unique and exciting projects.

Mr. Woods provides a variety of experiences at KCC so that his students can put their natural resource classroom knowledge to work. He partners with state, federal and local land management agencies to enrich his curriculum. His students not only learn natural resource management, but they also learn that they have a responsibility to the community. Beyond the classroom, he has established business partnerships to co-sponsor employment training programs, including the Natural Resources Summer Internship and the Alaska Railroad Tour Guide Program.

It is requested that the School Board recognize Scott Batchelder and Mike Woods for earning a 2003 Outstanding Milken Educator Award. They are credits to their profession, this community and the Anchorage School District.

3. Update on Alaska Studies

Steve Ex and Edna Lamabull thanked the School Board and the Superintendent for the opportunity to provide a brief update on Alaska Studies. A video clip of a program about Elizabeth Peratrovich, produced by Channel 14, was shown for the public.

Steve Ex explained that nine teachers from seven secondary schools taught Alaska Studies during the fall semester using the new curriculum. Teachers met on a regular basis via a three credit course taught by the curriculum writers to learn about the new curriculum and to provide feedback based on classroom experiences . A one credit course with the same participants followed in order to provide pilot teachers a structure for processing the overall course experience while completing the pilot. Dr. Tom Straugh has conducted a student survey and completed the preliminary analysis, has talked with all pilot teachers and both curriculum writers, will analyze results of students’ pre and post-assessments, and will prepare a report of results and recommendations. In mid-February, the report will inform the decisions relative to curriculum revisions, materials, and

professional development. Dr. Patricia Partnow and Mr. Terry Jorgensen will take until early May to complete those revisions. Substantial efforts will be made relative to producing a teacher-friendly curriculum guide with well-organized materials in time for training opportunities and district-wide implementation this fall. Scheduling and staffing issues are also complex given the fact that an estimated 3,800 ASD students will be juniors this fall. This is the first class that must successfully complete Alaska Studies to graduate.

A critical key to the successful implementation of the Alaska Studies curriculum is the teacher-training component since much of the material is new to teachers. The District will utilize a variety of methods to provide this teacher training. At the Anchorage School District Teacher Academy (ASDTA) scheduled for June 7-17, five different courses will be offered: a two credit course on the curriculum and three one credit courses on the content (Introduction to Alaska History, Introduction to Alaska Natives and Alaska Political Economy). Educators are also encouraged to participate in the Rose Urban Rural Exchange. Additional training will be offered in August for those teachers who have not yet received any training. A series of seminars and or classes on various parts of the curriculum will also be offered during the upcoming school year. These trainings will include both content and teaching strategies. Another type of teacher support will be utilizing the expertise and experiences of those teachers who have received the training this year and who have taught the course. This mentorship is part of the continuing professional development educators consistently point to as instrumental for success.

Superintendent Comeau applauded the work of the curriculum writers and the teachers and noted that this course will evolve over time once we learn what works and doesn't work and by incorporating new issues. She also noted that the Administration will bring a formal recommendation to the School Board later this spring with a recommended list of required materials.

Tim Steele asked if there is a trained teacher for the new high school. Steve Ex responded that he is not sure who is transferring to the new high school, but will certainly train all teachers who will be responsible for teaching the course. Edna Lamebull commented that two of the nine trained teachers have been involved with the Urban Rose Rural Exchange.

F. SPECIAL ADVISORY REPORTS

1. Student Advisory

Lorett Nabong thanked Romig Middle School for hosting the last Student Advisory Board meeting and thanked Jake Metcalfe and Carol Comeau for attending. Mr. Nabong noted that the students were disappointed with the proposed budget, but after discussion with Mr. Metcalfe and Ms. Comeau, students left with the meeting feeling more informed and positive. He noted that he will be traveling to Juneau with the School Board on February 22-24 to lobby legislators for additional funding and to attend the Youth Leadership Institute sponsored by the Alaska Association of School Boards. The next SAB meeting is scheduled for February 10.

2. Military Delegate

LTC Michelle Holtery encouraged the public and the schools to contact Lori Patten at Ursa Minor Elementary School or Brian Griggs for more information on the sponsorship of the soldiers who are deployed overseas. LTC Holtery stated that they are anticipating 24 new students arriving in February for Fort Richardson; another four will be coming, but may not be residing on Fort Richardson. Approximately 20 additional students will be coming in March, but their residence is also unknown at this time.

3. MECC

William Johnson noted the next MECC meeting is scheduled for February 19 at 12 noon in Room 320/Administration Building and is open to the public.

G. PUBLIC TESTIMONY

1. Public Testimony Regarding Upcoming Negotiations: Anchorage Principals Association

Carol Comeau stated that state law requires that before negotiations begin there must be an opportunity to allow public testimony on the contract.

Theresa Obermeyer stated that she doesn't know the principals and when she was on the School Board, she was not allowed to meet with principals. Ms. Obermeyer noted that she believes there are about 500 principals covered under the APA agreement. Carol Comeau responded that there are a total of 131 principals in the bargaining group. Ms. Obermeyer commends the principals for a job well done.

Karen Reeve spoke on behalf of APA and noted that they have enjoyed a positive relationship with the School Board and the Superintendent. She stated that the Association wants an amicable and swift resolution of the negotiations. Ed Scherer is the lead person on the negotiating team and salary and benefits issues are the most important item for discussion. Ms. Reeve noted that 13 experienced principals are retiring at the end of the 2003-2004 school year. She encouraged the Board to keep salaries competitive and to respect the job that the principals do.

H. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

John McKay stated that he represents the Anchorage Daily News tonight. Mr. McKay is appealing to the Board for information regarding the confidential settlement issue on the "bullying" case. His position is that the information should be made public. Mr. McKay has the utmost respect for the Board and Ms. Comeau for the job they do, but believes they are wrong in withholding this information from the public.

Carol Comeau responded and stated that while she appreciates Mr. McKay's comments, the District will seek clarification from the courts on this matter.

Jacqueline Liebach is a member of the Special Education Advisory Council and a parent of a student in the District. She noted that she spoke with the Anchorage Caucus this past week about changing the law on the High School Graduation Qualifying Exit Exam and asked if the District supported the proposed changes to the exit exam. Carol Comeau noted that the District has expressed their concerns publicly about the high stakes nature of the test, but increased accountability of students is good. Ms. Comeau emphasized that she would like all students to stay in the Anchorage School District and not transfer to private schools so they can receive a high school diploma. She would like to see all students receive a diploma; those students who have not passed the exit exam could possibly have a note attached to the diploma indicating the parts of the exit exam that the student has passed.

Tim Steele stated that he personally had a discussion with Senator Guess on the generalities of the issues, but is very concerned over a certain segment of the population that should have some accommodations; the waiver area is very narrow. He further stated that the School Board has not taken any specific position on the legislation, but are generally concerned. Ms. Liebach asked if the Board would take a position. Jake Metcalfe responded that the Board will review the legislation and see how it progresses. He also noted that the Board will be traveling to Juneau in late February to discuss funding and pending legislation and the impact on education.

Tim Steele stated that he is also on the Board of Directors for the Alaska Association of School Boards and they do have a resolution concerning the exit exam. He further stated that neither the Board nor AASB has taken a stand on any specific legislation. Mr. Steele commented that the Board as a group as decided their main priority is funding, but will continue to track the legislation relating to the exit exam.

Jackie Liebach asked if the District will grant waivers. Carol Comeau responded that regulations state the Board will grant waivers after an administrative recommendation. She further stated that the Administration will work with the state to be in compliance with regulations. Ms. Comeau commented that if the District does not grant a waiver, it will go onto the state for their decision.

Ms. Liebach stated that she wants a position on this subject taken by the Board to protect the students in 2004.

John Steiner noted a concern about stories he is hearing where students are dropping out of public school and entering private school to receive a diploma. He is concerned that we have a system that allows this to be done. He further noted that colleges may figure out what the students are doing once they realize that Alaska has a graduation qualifying exam.

Theresa Obermeyer expressed her concern about John McKay and the Daily New and what they have done to her family. She commends Ms. Liebach for bringing up the topic of the graduation exam.

I. CONSENT AGENDA

Consent Agenda attached. All attachments referred to in memoranda recommendations are on file in the Superintendent's Office.

John Steiner asked that ASD Memorandum #195 - Resolution Designating February 2004 as School Board Recognition Month in the Anchorage School District be moved to the Awards & Presentations section. President Metcalfe so ordered without a vote.

Tim Steele noted that he wants this recognition to be awarded to all school board members who have served before the current board. John Steiner commented that a large number of individuals in the nation serve as members of local school boards. Macon Roberts commented that he appreciates this recognition and feels that it is an honor to serve on the Board and represent the students, staff, and taxpayers. Jake Metcalfe stated that he is proud to be a member of the Board and appreciates the recognition. He commented that we are doing good things for kids and that it is often a difficult job to make the hard decisions.

1. Approval of Minutes:

- a. Special Meeting December 8, 2003 4:30 p.m.
- b. Regular Meeting December 8, 2003 6:30 p.m.
- c. Special Meeting December 15, 2003 9:00 a.m.

2. ASD Memorandum #179 - Bond Information Program

It is the Administration's recommendation that the School Board authorize the Superintendent to expend up to \$47,000 for the 2004 Bond Information Campaign.

3. ASD Memorandum #180 - Resolution Honoring Elizabeth Peratrovich Day February 16, 2004

It is the Administration's recommendation that the School Board approve a resolution recognizing February 16, 2004, as Elizabeth Peratrovich Day.

4. ASD Memorandum #195 - Resolution Designating February 2004 as School Board Recognition Month in the Anchorage School District

It is the Administration's recommendation that the School Board adopt the attached resolution designating February 2004 as School Board Recognition Month in the Anchorage School District.

5. ASD Memorandum #181 - Approval of Partial Waiver for Rentals Fees YMCA

It is the Administration's recommendation that the School Board approve the request for a partial waiver of the Youth Activity Rentals Fee in Policy 855.4(c) for the YMCA in the amount of \$17,460. The District would like to do this in recognition of the YMCA's provision of direct services and benefits to the Adult Community Transition Services program at their facility, and to Clark Middle School students through the Youth Community Connection Program at the Nine Star Enterprises Annex Building. This partial waiver would be in effect for the remainder of the 2003-04 school year, and annually thereafter, subject to review and approval by both the Anchorage School Board and the YMCA Board of Directors.

6. ASD Memorandum #190 - iSafe Internet Safety Pilot Program

It is the Administration's recommendation that the School Board authorize the Superintendent to approve the iSafe Internet Safety Pilot program to be implemented starting this spring in grades five through eight. There is no cost to the District for this program.

7. ASD Memorandum #152 - Approval of Change Order No. 7: Wendler Middle School Renovation - Phase 2

It is the Administration's recommendation that the School Board approve change order number seven in the amount of \$1,642,918 to the Alcan General, Inc. contract for the Wendler Middle School Renovation Phase 2 project. It is also the recommendation of the Administration that the School Board authorize an increase of \$1,100,000 in the project funding.

8. ASD Memorandum #172 - Award of Contract: Chugach Optional Elementary School Renovation and Addition

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for Chugach Optional Elementary School Renovation and Addition to the low bidder, Janssen Contracting Company, Inc., for the Base Bid in the amount of \$5,707,000 and to accept Alternates 1-8 in the amount of \$571,051, and unit prices A-K and M-Q, for a total award of \$6,278,051 (including Allowance Assignment of \$189,641), and

that the School Board authorize an increase of \$300,000 in the project funding.

9. ASD Memorandum #187 - Award of Contract: Mears Middle School Direct Digital Controls

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a sole source contract for the 2004 Mears Middle School Direct Digital Controls Upgrade to Siemens Building Technologies, Inc. for the Base Bid in the amount of \$254,096.

10. ASD Memorandum #192 - Award of Contract: Chugiak High School Phase 3 Deferred - Performing Arts Renovation

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Chugiak High School Phase 3 Deferred - Performing Arts Renovation to the lowest responsive bidder, Consolidated Enterprises, Inc. for the Base Bid, Allowance and Alternate 2 in the amount of \$2,878,400, and to accept Unit Prices 1-3, 6, 9-10, 13 & 15.

11. ASD Memorandum #191 - Conditional Award for Administrative and Training Facility

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to conditionally award a contract for an Administrative and Training Facility to Neeser Construction/Rodeo Place J/V, LLC, the recommended proposer, for the lump sum amount of \$27,450,400.

12. ASD Memorandum #176 - Personnel Report

It is the Administration's recommendation that the School Board approve the attached Personnel Report.

The following items were removed from the Consent Agenda: Minutes from the Regular Meeting of December 8, 2003; ASD Memorandums #179; #180; #195; #190; and #191.

ACTION:

Moved by John Steiner
seconded Jeff Friedman

To approve minutes from the Special Meeting of December 8, 2003 - 4:30 p.m.; Special Meeting of December 15, 2003 - 9:00 a.m.;
Memorandum #181;
Memorandum #152;
Memorandum #172;
Memorandum #187;
Memorandum #192; and
Memorandum #176;

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,
Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

Approval of Minutes:

Regular Meeting December 8, 2003 6:30 p.m.

ACTION:

Moved by Tim Steele
seconded Jeff Friedman

To approve the minutes from the Regular Meeting of December 8, 2003 - 6:30 p.m. as amended.

Tim Steele noted that the comments on the bottom of page 6 were not clear. He wanted a memorandum from the Administration to the School Board requesting support for the Nationally Certified Board teachers as highly qualified under No Child Left Behind. The minutes will be amended for December 8, 2004.

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,
Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

ASD Memorandum #179 – Bond Information Program

It is the Administration's recommendation that the School Board authorize the Superintendent to expend up to \$47,000 for the 2004 Bond Information Campaign.

ACTION:

Moved by Jeff Friedman to approve Memorandum #179.
seconded John Steiner

Carol Comeau noted that the funds requested in this memorandum are required to develop the bond information program.

Theresa Obermeyer stated that she goes to the assembly meetings to see what they are doing. She was upset that the Assembly introduced 28 items and copies were not available to the public. Ms. Obermeyer stated that she feels bond indebtedness is another scam and we live in the wealthiest state in the union. She would like to see all Assembly documents included in the School Board packet.

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,
Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

ASD Memorandum #180 – Resolution Honoring Elizabeth Peratrovich Day
February 16, 2004

It is the Administration's recommendation that the School Board approve a resolution recognizing February 16, 2004, as Elizabeth Peratrovich Day.

ACTION:

Moved by Mary Marks to approve Memorandum #180.
seconded Jeff Friedman

Mary Marks stated that it is important for students to recognize our dignitaries who currently work and have worked hard on their behalf. She further stated that it is a real privilege to honor this important woman.

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,

Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

Mary Marks read the resolution after the School Board voted to approve the motion.

ASD Memorandum #190 – iSafe Internet Safety Pilot Program

It is the Administration's recommendation that the School Board authorize the Superintendent to approve the iSafe Internet Safety Pilot program to be implemented starting this spring in grades five through eight. There is no cost to the District for this program.

ACTION:

Moved by Macon Roberts to approve Memorandum #190.
seconded by Tim Steele

Macon Roberts stated that this is a good program for children using the internet. He also stated that while volunteering at his son's school, he found the librarian and the library assistant were very devoted to safety for students using the computers. Mr. Roberts wants the community to know that the public can feel safe with their children at school using computers because of the many safeguards provided by the District.

Jan Christensen stated that both she and Enid Hunter met with iSafe on several occasions regarding the K-12 program and noted that it is currently being piloted in grades 5-8. Dr. Hunter thanked Gail Opalinski for her help with the middle schools as well as Patricia McRae; over 60 middle school people are being trained and nearly 100 percent of the elementary librarians are being trained. The School Resource Officers are also participating in the program.

Mary Marks asked if this program would be introduced into the alternative programs and charter schools. Enid Hunter responded that all schools with grades 5-8 have been invited to participate. Dr. Hunter stated that the program will be offered to other grades next year.

Tim Steele noted a concern about the irony of training these individuals, especially the library aides, when their jobs will be eliminated from the 2004-2005 budget. Mr. Steele stated that the mix in the library will be very different without these important people and hopes that the District can keep the people they have trained.

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,
Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

ASD Memorandum #191 - Conditional Award for Administrative and Training Facility

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to conditionally award a contract for an Administrative and Training Facility to Neeser Construction/Rodeo Place J/V, LLC, the recommended proposer, for the lump sum amount of \$27,450,400.

ACTION:

Moved by John Steiner to approve Memorandum #191.
seconded Tim Steele

Carol Comeau stated that there has been a formal appeal from the second low bidder on the Conditional Award for the Administrative and Training Facility. According to School Board policy, we have hired an independent review of the bid award.

David B. Ruskin, Independent Reviewer, stated that he was contacted by the District on Friday, February 6, 2003 to conduct a review of the Award of Contract in RFP #04-021 and the protest of that award filed February 6, 2004. The project involves the proposed Anchorage School District Administration and Training Facility. The recipient of the Notification of Intent to Award is Neeser Construction Rodeo Place JV, LLC ("Neeser"). The protesting offeror is JL-Davis LLC ("JL-Davis").

Mr. Ruskin stated that he worked over the weekend, reviewed the many documents, specifications, RFP, and various project documents along with a copy of the protest filed by JL-Davis. He also contacted Mike Price, Project Manager, who provided additional information, and received the response from Neeser, which addressed all of the points. Based on all the information received, he feels confident preparing the report for the Board today.

Mr. Ruskin noted that he has been an attorney, who has practiced law, including construction law, in Alaska for more than 40 years. The past five years have been limited to arbitration, mediation, and discovery master

services. Mr. Ruskin stated that he has not represented Neeser or JL-Davis or any of the individual principals in those organizations at any time.

Mr. Ruskin stated that JL-Davis' protest of February 6, 2004 raised five specific issues:

1. Existing Mezzanine - The protest alleges that 14,127 square feet of the existing mezzanine is intended to be occupied but contrary to the design criterion an unstated portion of the ceiling height is less than eight feet.

Neeser's Response: Only 4,079 square feet (2.4 percent of the total) of the existing mezzanine is less than eight feet. This is not occupied space but back office space some of which is storage space. Occupied office areas which are back of house can be accommodated along the mezzanine perimeter.

2. New Mezzanine - The proposed new mezzanine is adjacent to the existing mezzanine and would have less than an eight feet ceiling height.

Neeser's Response: The new mezzanine expansion area can be built to conform to the height required and Neeser is not stuck with existing building dimensions.

3. Gross to Net - The protest alleges that Neeser's space proposal allows only a 15 percent allocation from gross square footage (168,000) to net (129,738) which is unrealistic. In Davis' experience, this percentage is 25 percent and perhaps higher (29 percent or 30 percent).

Neeser's Response: Neeser proposed gross square footage of 167,375 of which 129,783 square feet is program space plus an additional 37,592 square feet for circulation and other area excluded from the RFP definition of program space. Neeser challenges JL-Davis' 15 percent contention and states that non-program space is approximately 15 percent of the area for circulation and other non-program space.

4. Existing Roof - Neeser's existing roof is 10 years old, does not meet specifications and will require additional expense.

Neeser's Response: The roof proposed by Neeser satisfies the RFP which under Sec. 1.00C4(5) permits exceptions. Neeser's proposal excepted this

portion of the roof criteria. Neeser's disclosure satisfied the RFP and the exception was presumably considered by the evaluation team.

5. Existing HVAC – Neeser's existing roof-top air handling units are ten years old, do not meet specifications, and will require additional expense.

Neeser's Response: Same response to HVAC as under Existing Roof.

Mr. Ruskins stated that he feels their issues are without merit. His conclusions regarding the last four of the issues are summarized briefly as follows:

New Mezzanine – The protest is without merit. It cannot be assumed that the new mezzanine would be built at the level of the existing mezzanine. It is possible to transition the proposed addition and Neeser acknowledges that this expansion can easily be built to comply. Neeser is bound to meet the requirements of its existing contract with the School District, but is not stuck with existing building dimensions. Neeser's proposal conforms to the RFP.

Gross to Net – JL-Davis' protest is without merit. JL-Davis contends that circulation and non-program use is in the 25 percent – 30 percent range and Neeser's proposal meets this criteria.

Existing Roof – Neeser's proposal excepts the roof condition and this comports to the terms of the RFP. One would expect that Neeser's proposal would be negatively scored in this regard but the scoring is not an issue in this protest.

Existing HVAC – Same response to HVAC as above.

Mr. Ruskin stated that there is one issue raised by JL-Davis that needs to be discussed. The existing mezzanine issue involves an interpretation of the design criteria. It is clear that the existing mezzanine in some areas will be slightly less than eight feet in height. It is Mr. Price's view that this has some effect on flexibility of planning space but that the existing mezzanine is functional for its intended use as back office space. Back office space is not semi-public space and is not necessarily occupied space. He further commented that not all program space is occupied. Mr. Ruskin stated that any area that is occupied must comply with the eight foot minimum.

Mr. Ruskin stated that his overall conclusion is that the protest raises no issue that would justify rejection of the award to Neeser. He further stated

if time permitted, it would be useful to discuss the various standards used by courts in evaluating bid protests but in the end, it is his independent opinion that the points raised on the protest by JL-Davis lack merit.

Tim Steele asked Mr. Ruskin if it is his opinion that Neeser was a responsive proposal. Mr. Ruskin responded that he believes that to be the case and there is no basis to stay the award of contract.

Jeff Friedman noted that a family member has been hired as a carpenter by JL-Davis.

Steve Williams, Attorney for JL-Davis, appeared along with Kyle Randich, President of JL-Davis. Mr. Randich explained that he was the project director of K-Mart when it was originally built. He noted that there are two issues: roof and HVAC. Mr. Randich stated that the roof does not meet the standards in the RFP and HVAC has specific standards. He also asked if value is accurately reflected in the bid document. Mr. Randich requested a reevaluation of the bids in light of his concerns and reviewed the proposal submitted by Neeser.

Macon Roberts asked Mr. Randich about his previous experience with K-Mart. Mr. Randich responded that he had the original contract for K-Mart and did the renovations in 2001.

Jim Sarafin, attorney for Neeser, stated the RFP allows for exceptions and that Mr. Ruskin is accurate in his recommendation. JL-Davis wishes that the evaluation committee had been different in their judgment. Mr. Sarafin noted that if the decision has a reasonable basis, it will be upheld under the law of the state. He stated there are no grounds for this protest.

John Blomfield is a local developer and feels that K-Mart would be a great addition for renovation. He noted that the bid was put together to allow maximum flexibility and that they will meet or exceed all requirements of the RFP, which they are bound to do.

Jeff Barnes, architect of record, stated that he has not reviewed the protest. He noted that he will only respond to specific questions from the Board regarding the K-Mart building. Mr. Barnes gave a brief presentation on the interior of the building explaining the walls, noise factor, air circulation, HVAC system, exterior wall materials, windows, and interior lighting. Mr. Barnes stated that Mr. Randich built a very nice building when he built K-Mart.

Mike Stephenson stated that he had no presentation, but will speak to any issues raised by the Board. He noted from a legal perspective, after review and consultation with Facilities, he agrees with Mr. Ruskin's independent review.

Jeff Friedman asked for an explanation on the wide difference in the price points. Mike Price responded that the criteria was based on the cost per square feet of program space provided. They looked at total cost divided by square footage. Neeser - \$211 per square foot and JL-Davis - \$258 per square foot. Neeser is providing 129,783 square feet and JL-Davis is providing 106,391 square feet.

Jake Metcalfe asked about the roof. Ray Amsden responded that the roof is good quality and we will have years of service with it; it was a trade-off for additional square footage.

John Steiner noted that he is impressed with the RFP. He understands the concerns of the protestor; the evaluation was reasonable and no abusive discretion of the judgment was made. He noted that value can be looked at two different ways; the issue of space is of more value. Mr. Steiner feels that this will be a decent work environment. He does not see a basis for staying the bid award and will support the Superintendent's recommendation.

Tim Steele stated that the protest points have not been made. We are not getting a facility that we would like to have, but the voters have spoken. Mr. Steele feels that this is a very responsible alternative. He wants a comfortable environment for the employees and has faith in the Administration that they will work diligently with the contractor to make this space exactly with we want. Mr. Steele feels that this is a good location and good value for the dollar.

Macon Roberts stated that he would rather have a new building, but will take an existing building to increase the chance of having the bond approved by the voters for the Administrative Training Facility. He is concerned with the lighting and would like it looked at; the age of the roof gave him some concern, but feels the bond will be passed if we use the K-Mart building.

Mary Marks stated that after reviewing the facts, she will support the administrative recommendation, but is concerned about the lighting in the building.

Jake Metcalfe stated that he prefers a new building, but the grounds of the protest have not been met. He feels we can work on the K-Mart building to make it a better place. Mr. Metcalfe feels we are getting more for our money. He will support the administrative recommendation.

VOTE:

Ayes: Marks, Kennedy, Steele, Metcalfe,
Friedman, Steiner, Roberts

Nays: None

MOTION PASSED

J. SUPERINTENDENT'S REPORT

1. ASD Memorandum #177 - Conflict of Interest - Second Quarter Report FY 2003-2004

The attached listing of employee Conflict of Interest Waiver and Disclosure actions is forwarded in accordance with School Board Policy Section 725.44. This information is provided as the second quarter report for the FY 2003-2004 school year.

Attachment A lists, by employee, Requests for Waiver approved between October 1, 2003 and December 31, 2003. Form B lists, by employee, employees that either perform work as a tutor, sells or receives royalties on books, or other material for which they author. All Disclosure Statements and Requests for Waiver for the year 2002-2003 expired on June 30, 2003.

2. ASD Memorandum #178 - Project Status Report

This is a report of activities and project status changes in Major Capital Projects during the period of January 13, 2004 through January 29, 2004.

Tim Steele asked if Wendler Middle School is on target for completion. Ray Amsden responded yes, it is scheduled to be open for next fall. He also commented that the bid for the demolition of old Dimond High School is out for bid.

K. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

L. COMMUNICATIONS & SCHOOL BOARD COMMENTS

Mary Marks reminded the School Board about the Joint School Board/Assembly meeting scheduled for 10 a.m. on Friday, February 13. Three items are on the agenda: bonds; budget; and site selection.

John Steiner stated that the Audit Subcommittee needs to have a brief meeting and suggested one be held following the joint meeting on Friday, February 13.

Jake Metcalfe encouraged the Board to attend the next Student Advisory Board meeting.

M. EXECUTIVE SESSION - (PERSONNEL/FINANCE/NEGOTIATIONS/LITIGATION)

N. ADJOURNMENT

The School Board meeting of February 9, 2004 was unanimously adjourned at 9:55 p.m.

Jake Metcalfe, President

Mary Marks, Clerk

Mary Kay Sambo

Date