

1-16-1986

Board of Trustees Minutes, January 16, 1986

Eastern Washington University

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Agenda

Board of Trustees
Eastern Washington University

January 16, 1986
9:00 a.m., Pence Union Building, Commuter Lounge

- I. Call to Order
- II. Quorum Call
- III. Approval of Minutes (Attachment III)
- IV. Board of Trustees
 - A. Chair
 - B. Trustees
- V. President
- VI. Academic Affairs
 - A. Vice President
 - ✓ 1. Summer Session Fees (Attachment VI.A.1)
 - ✓ 2. Tri-Cities University Agreement (Attachment VI.A.2)
 - 3. Update on Gallery
 - B. Faculty Organization President
- VII. Business & Finance
 - A. Vice President
 - ✓ 1. A/E Consultant Selection for the Water Storage/Distribution System (Attachment VII.A.1)
 - ✓ 2. Public Works Contract Award over \$17,500 for Science Building Emergency Showers (Attachment VII.A.2)
 - ✓ 3. Acceptance of Public Works Contract less than \$17,500 for Tawanka Commons HVAC Renovation, Task II (Attachment VII.A.3)

✓ 4. University Risk Management and
Board of Trustees Liability
Protection

(Attachment VII.A.4)

VIII. Extended Programs

A. Vice President

1. Uplink

(Attachment VIII.A.1)

IX. Additional Business

X. Executive Session

An executive session will be called
for the purpose of discussing personnel
and legal matters as appropriate. The
session will last approximately one hour.

✓ XI. Personnel Actions

(Attachment XI.)

Minutes

Eastern Washington University

Board of Trustees
January 16, 1986

The Board of Trustees of Eastern Washington University held its regular meeting on January 16, 1986, at 9:00 a.m., in the Commuter Lounge of the Pence Union Building on the Cheney campus of Eastern Washington University.

BOARD MEMBERS PRESENT

Mrs. Jean L. Beschel, Chair
Ms. Kathryn Bannai
Mrs. Eleanor Chase
Mr. Jack Geraghty
Mr. Joe Jackson
Mr. Bert Shaber

BOARD MEMBERS ABSENT

Mr. Michael Ormsby, Vice Chair

STAFF PRESENT

Dr. H. George Frederickson, President, EWU
Mr. Kenneth R. Dolan, Secretary, Board of Trustees
Mr. Owen Clarke, Senior Assistant Attorney General
Dr. Frank Borelli, Vice President, Student Services
Ms. Nancy Sharp, Executive Secretary to the President
Dr. Gordon Martinen, Vice President, Extended Programs
Dr. Russell Hartman, Vice President, Business & Finance
Dr. Duane Thompson, Vice President, Academic Affairs
Ms. Mary Rubright, Director, Women's Athletics
Mr. Lee Graese, Director, Campus Services
Mr. Dick Clark, Architect Supervisor
Dr. William Slater, Dean, School of Fine Arts
Dr. William Katz, Dean, School of Human Learning & Dev.
Mr. Gene Spooner, Locksmith, Physical Plant
Mr. Robert Graham, Director of Facilities Planning
Dr. Niel Zimmerman, Dean, Public Affairs
Dr. Jerald Tunheim, Dean, Mathematical Sciences & Technology

STUDENTS PRESENT

Mr. Patrick Davidson, President, Associated Students

FACULTY PRESENT

Dr. Robert Gibbs, President, Faculty Organization

Mr. Jack Swan, Vice President, Faculty Organization

GUESTS PRESENT

Mr. Jim Reinbold, City of Cheney

MEDIA PRESENT

Mr. Jim Sparks, Spokesman Review-Chronicle
Mr. Robert Siler, Cheney Free Press
Ms. Molly Anselmo, The Easterner
Ms. Susan Howard, KREM TV
Mr. Dennis Dwan, KREM TV
Mr. Jeff Olson, KHQ TV
Mr. Kevin Egeland, KHQ TV

BUSINESS MEETING

Jean Beschel, Chair, EWU Board of Trustees, declared a quorum and called the business meeting to order at 9:03 a.m.

MINUTES OF THE REGULAR BOARD OF TRUSTEES MEETING OF
DECEMBER 2, 1985, Agenda Item III.

Motion #01-1-85: "I move that the minutes of the December 2, 1985 Board of Trustees Meeting be approved."

Motion by Mrs. Chase, seconded by Mr. Jackson, approved unanimously.

BOARD OF TRUSTEES REPORT, Agenda Item IV.

Mrs. Beschel noted that the AUB Orientation had included many state officials including Orin Smith, State Budget Director and Governor Booth Gardner. Both expressed concern over the lack of funding for state services.

The Reid School Task Force continues to explore funding sources which will allow the campus school to continue. Efforts include, seeking legislation authorizing the use of local school funds and seeking grants.

Dr. Robert Gibbs, President of the Faculty Organization, in the absence of Trustee Mike Ormsby, reported on the progress being made by the EWU 2000 Preliminary Planning Committee. The preliminary planning document should be complete by the next Board meeting on February 20.

PRESIDENT'S REPORT, Agenda Item V.

President George Frederickson presented service pins to the following individuals: 20 year pins to Gordon Martinen, Vice President, Extended Programs and to Duane Thompson, Vice President, Academic Affairs; 15 year pin to Steve

Christopher, Vice Provost for Academic Affairs; and 5 year service pin to Nancy Sharp, Executive Secretary to the President.

The governing board members for the Spokane Incubation Center, sponsored by the city of Spokane, the County of Spokane and EWU were recently appointed. Merwin Cederblom and Peter Kerwien are the appointees of EWU, Bob Robideaux and Gordon Budke are the county's appointees and Martha Schwab and Frederick Schunter are the city's appointees.

On December 6, a teleconference on corporate merger and acquisition, sponsored jointly by E.F. Hutton and the University and originating from the Council Chambers at the City Hall, will be broadcast via satellite to fifty sites with 1200 individuals participating in the conference.

The Cheney Chamber is holding its Annual Installation Dinner this evening in the Pence Union Building.

The University has received a gift, valued at \$2500, from Keytronics Inc. of six keyboard terminals.

The Speaker for the ABC Series for 1986 have been selected. They are; Gunther Schuller, March 12 & 13, Dr. Francis Crick, April 14 & 15, and Mr. Thomas Wolfe, May 19 & 20.

The 1986 legislative session begins on January 13. EWU's priorities include, faculty and staff salary increases and summer school funding.

SUMMER SESSION FEES, Agenda Item VI.A.1

Motion #01-02-86: "I move that the proposed summer session fee schedule be approved".

Motion by Mr. Jackson, seconded by Mrs. Chase, approved unanimously.

Dr. Thompson stated that his office was continuing to refine the schedule and might wish to make some modifications in the plan. Mrs. Beschel assured him that such fine tuning was acceptable.

TRI-CITIES UNIVERSITY AGREEMENT, Agenda Item VI.A.2

At the December meeting the Board had approved the Tri-Cities University Agreement, subject to certain changes in the document. All the changes requested by the Board have been made and agreed to by the participants.

EWU GALLERIES PROGRAM, Agenda Item VI.A.3

The decision to eliminate the Gallery Program Director position resulted in expressions of concern by faculty and

students that the Galleries Program had been discontinued. To address these concerns, the former Gallery Director, Mr. Richard Twedt, has been hired on a consulting basis, at a much reduced salary. A permanent solution is expected by the beginning of Academic year 1986-87.

FACULTY ORGANIZATION PRESIDENT, Agenda Item VI.B.

Dr. Robert Gibbs, Faculty Organization President reported that the Halley's Comet viewing program, offered in cooperation with the Spokane Astronomical Society, KREM Television, School District #81, and EWU, held three nights of viewing at the Mullen Road School. Eileen Starr, Director of the EWU Science Center, presented a slide show in the school building while others of the estimated 4,000 people who attended, viewed the comet through the facilities provided.

See Appendix I for the remainder of the Faculty Organization President's report.

SELECTION OF THE CONSULTING ENGINEERS FOR THE WATER STORAGE DISTRIBUTION SYSTEM, Agenda Item VII.A.1

Motion #01-03-86: "I move that the Engineering Consulting contract for the project entitled, Water Storage/Distribution System, be awarded to the firm of Century West Engineering Corporation."

Motion by Mr. Geraghty, seconded by Mrs. Chase. Voting yes; Mrs. Chase, Mrs. Beschel, Mr. Geraghty. Voting no; Ms. Bannai, and Mr. Jackson. Abstaining, Mr. Shaber.

This matter was first before the Board at the October meeting. Because of questions about Century West's minority employment record, the administration had recommended that the contract be awarded to Michael Kennedy Consulting Engineers. The Board delayed action at the October meeting and directed the administration to review Century West's minority employment record.

At the December meeting, following the review, and after determining that Century West was in compliance with EWU affirmative action requirements, the administration changed its position and recommended that the contract be awarded to Century West. However, the Board could not reach a decision on the award of the contract, and requested that it be placed on the January meeting agenda.

SCIENCE BUILDING EMERGENCY SHOWERS, Agenda Item VII.A.2

Motion #01-04-86: "I move that the remodeling contract for emergency showers in Science Hall be awarded to CarBoz Construction Company of Spokane".

Motion by Mr. Jackson, seconded by Mrs. Chase, approved unanimously.

TAWANKA COMMONS HVAC RENOVATION, Agenda Item VII.A.3

The HVAC Renovation Task II in Tawanka Commons, contract #FP-84-20, has been 100% satisfactorily completed. Final payment will be made to the contractor.

UNIVERSITY RISK MANAGEMENT PROGRAM/LIABILITY COVERAGE, Agenda Item VII.A.4

In response to several members of the Board who have requested information on the University's Insurance Program, Vice President Hartman reported that EWU is essentially self-insured and does not carry liability insurance.

State statute provides for claims against any employee or Trustee to be defended by the Attorney General's office. Any judgments against the University or university officials are paid by the Office of Fiscal Management from the Tort Claims Fund. OFM would probably request legislative funding for very large claims.

UPLINK, Agenda Item VIII.A.1

Vice President Martinen described the proposed Uplink Project. He has discussed this proposal with members of the Undergraduate Affairs Council, the Faculty Affairs Council, and the Academic Senate. Faculty members are generally enthusiastic. Dr. Gibbs stated that he had discussed the project with the Rules Committee and the Legislative Committee. Both bodies reacted favorably. In the Senate the project was presented by Dr. Ray Barnes, member of the Department of Radio and Television. The Senate is interested, but has mixed reactions. Several questions relating to budget and programming were raised.

Mr. Geraghty recommended that the other universities be kept informed of this project. It should be made clear that the Uplink will be self-supporting.

President Frederickson stated that other area institutions are fully appraised and that we have no interest in duplicating any services. It will not be possible for one institution to monopolize this technology, and all must work together to develop general policy guidelines. The University has been in contact with other schools as far back as February, 1985.

The financial plan will be completed in a few weeks and submitted to the HEC Board for review as well as being forwarded to members of the Board.

FOUNDATION/ALUMNI, Agenda Item VIII.B.

The Alumni Association will sponsor its annual Casino Night and will host the Spring Board meeting in February. The Football Appreciation Dinner on January 18 is being sponsored in cooperation with EWU Athletic Department, EWU Foundation and the Alumni Association.

ASEWU PRESIDENT, Agenda Item IX.B.

See Appendix II.

ADDITIONAL BUSINESS, Agenda Item X.

Mr. Geraghty announced that Future Spokane's Heartbeat Spokane, a day long forum, will be conducted on February 12 at Cavanaugh's Inn at the Park.

EXECUTIVE SESSION, Agenda Item XI.

The Chair called an executive session at 11:25 a.m., and announced that the session would last approximately one hour and was being called for the purpose of discussing personnel and legal matters.

The meeting was called back into session at 12:30 p.m.

PERSONNEL ACTIONS, Agenda Item XII.

Motion #01-05-86: "I move that the personnel actions as submitted be approved".

Motion by Mr. Shaber, seconded by Mr. Jackson, approved unanimously.


As part of the personnel actions the Board extended the contract of Dr. H. George Frederickson, President of EWU, through December 31, 1986.

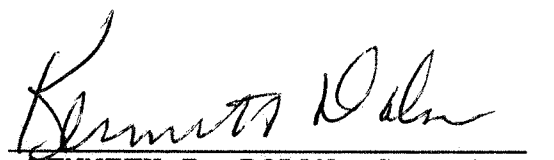
NEXT MEETING DATE

The next regular meeting date of the Board of Trustees will be on February 20, 1986, at 9:00 a.m. at the Spokane Center.

ADJOURNMENT

The meeting was adjourned at 12:35 p.m.


JEAN L. BESCHEL, Chair
Board of Trustees


KENNETH R. DOLAN, Secretary
Board of Trustees

EWU

Memorandum

To: H. George Frederickson, President

From: Duane G. Thompson, Vice President and Provost for Academic Affairs

Date: January 7, 1986 *DGT*

Subject: 1986 Summer Session

Attached is the fee schedule recommended for implementation under the self-supporting summer session for 1986. The proposed fee schedule is the result of many weeks of deliberations and has been reviewed by the Council of Academic Deans, the Business Affairs Council of the Faculty Organization, and the Faculty Senate, and was also discussed at a faculty forum on January 15.

The requirement for operating a self-sustaining summer session dictates implementing new policies in order to generate the necessary revenue. First, students will pay for every credit for which they enroll. In the normal academic year, students pay full tuition at ten credits and are not charged for any additional credits taken. Second, post-baccalaureate students who previously have paid the undergraduate fee rate will be charged the graduate fee rate. Third, all tuition and fee waivers and/or differentials will be rescinded. Normally, the University is allowed to waive a portion of the total fee for a maximum of 4 percent of the students enrolled, and Southeast Asia veterans are given a tuition reduction. Neither practice would be in effect under this proposal.

The proposed schedule reduces the charge per credit as the load increases. Current tuition levels for the academic year are \$40 per credit for undergraduate students and \$57 per credit for graduate students to a maximum of ten credits in each case. The schedule proposed would charge \$50 and \$67 respectively for undergraduate and graduate students enrolling in one to five credits. If they enroll for six to nine credits, the per credit charge for all of the work taken drops to \$47 and \$64 respectively. Finally, if they take ten or more credits, the per credit charge is \$40 for undergraduates and \$57 for post-baccalaureates and graduates. Consequently, there is some inducement to enroll for more credits in order to make the per credit charge drop. The label "self-sustaining" is misleading in that the normal overhead costs within the University will be maintained under state appropriations. Self-sustaining in this instance means that salaries and benefits for faculty in direct instruction, the costs of publishing the summer bulletin, and a portion of one salary for administration of the summer program will be charged to the revenue generated through enrollments.

Eastern has never implemented a summer session without state support. Consequently, the projections for revenue generation are based on

H. George Frederickson, President
January 7, 1986
Page Two

the best estimates available at this time. The degree of success for the venture will be known next August.

Consequences for the approach mandated by legislative action may be significant. Where public universities are normally subsidized in order to provide low cost education for the citizens of the state, the action shifts the major burden to the student during one quarter of the calendar year. That situation places the University in the position of attempting to balance student fees against faculty salaries. Given the lack of salary increases for faculty, it is extremely difficult to expect faculty to provide their services for a substantially reduced amount in the summer. On the other hand, asking students to pay the full cost of direct instruction is counter to the public policy which has prevailed in the State of Washington for many decades.

All faculty scheduled to teach during the summer will be given contingent contracts. That is, contracts will be binding only if minimum class sizes are attained, and, if the overall enrollment in a particular School or College is below the level established, appropriate adjustments will be made, such as providing for all faculty members in that unit to take a reduction in salary. These conditions have been discussed within the faculty, and all faculty are aware of the conditions for employment for summer session 1986.


I recommend the adoption of the attached fee schedule.

DGT:v

	Fees (\$/Credit)	
	Undergrad	Postbac/Grad
1-5 credits	\$50.00	\$67.00
6-9 credits	\$47.00	\$64.00
>9 credits	\$40.00	\$57.00

# of Credits	Undergrad Fee	Postbac/Grad Fee
1	\$50.00	\$67.00
2	\$100.00	\$134.00
3	\$150.00	\$201.00
4	\$200.00	\$268.00
5	\$250.00	\$335.00
6	\$282.00	\$384.00
7	\$329.00	\$448.00
8	\$376.00	\$512.00
9	\$423.00	\$576.00
10	\$400.00	\$570.00
11	\$440.00	\$627.00
12	\$480.00	\$684.00
13	\$520.00	\$741.00
14	\$560.00	\$798.00
15	\$600.00	\$855.00
16	\$640.00	\$912.00
17	\$680.00	\$969.00
18	\$720.00	\$1026.00
19	\$760.00	\$1083.00
20	\$800.00	\$1140.00
21	\$840.00	\$1197.00
22	\$880.00	\$1254.00
23	\$920.00	\$1311.00
24	\$960.00	\$1368.00
25	\$1000.00	\$1425.00

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President
FROM: Russ Hartman, V.P., Business and Finance 
DATE: January 7, 1986
SUBJECT: Summer Quarter Fee Schedule

Ordinarily, all recommendations for changes in student fees come from my office. In the case of the proposed change in summer quarter 1986 to a self-supporting basis, with the attendant revision in the student fee structure, I am supporting Dr. Thompson's recommendations so that he can make a complete presentation to the Board of Trustees this month. Duane and his staff appear to have done very well with a very bad situation. The mandate from the Legislature to convert to self-supporting status this summer simply is not a very good idea, either from the point of view of Eastern's academic program or in terms of the needs and the abilities of the students who are going to be affected. We can probably expect the following outcomes if the idea to put summer quarter on self-supporting status is not reversed in this session of the Legislature:

1. Obviously, student fees are increased significantly. A student who elects to enroll for a 15-hour credit load in the summer will see his/her fees increased from \$404 to \$600. The model we have chosen eliminates all special fee provisions for needy student waivers, University staff enrollments, and the like.
2. In addition to having a serious financial impact on those students who choose to enroll for summer quarter, some students will just not be able to afford the change -- thus extending the overall time that they will stay in college and probably increasing the ultimate cost of their education to the state.
3. As summer quarter enrollment drops, our ability to utilize fixed resources and capital facilities in an effective manner is reduced correspondingly. Again, the real bottom line cost of educating the students who depend on Eastern will increase.
4. If the enrollment is not there, the income drops and we are able to offer employment to fewer and fewer faculty. This means that the real average compensation for a

faculty member at Eastern Washington University will be decreased -- probably to a significant degree over the longer term. That is an amazingly counterproductive step to take in these days when everyone is trying to find ways to make faculty compensation more competitive and attractive.

5. In spite of the best efforts of the academic administrators, planning for the summer quarter program is going to be a nightmare. In the end, the fate of each course (and its faculty member) within each program is going to be determined by very unpredictable student enrollment decisions. In many instances, a faculty member will not know until the first day of class whether the class will "make" or whether the only option he/she might have will be to go ahead and teach the course at a reduced rate of pay.
6. As a result of all of these factors, I am convinced that the experiment will fail over the longer term and that it is only a matter of time before State support will have to flow back into the summer program. Meanwhile, the students and the faculty (and the administration) must bear the brunt of the negative effects that will result from an illogical, ill conceived and inadequately scrutinized idea that erupted virtually without discussion during the final throes of the 1985 legislative session.

After all those negative thoughts, I want to emphasize once again that I support Dr. Thompson's recommendation regarding the major change that is mandated for the 1986 summer session. He and his staff faced an impossible task, but they have worked on the project for several months and consulted regularly with people in the financial area so that I am convinced that they have come up with the best overall model that can be applied. I sincerely hope that the 1986 Legislature will heed our request for a return of State support for the summer quarter program at Eastern Washington University.

cc: Vice Presidents
Wm. J. Shaw

B&F:2
SUMERFEE

EWU

Memorandum

To: H. George Frederickson, President

From: Duane G. Thompson, Vice President and Provost for Academic Affairs

Date: January 7, 1986 *DGT*

Subject: Tri-Cities University Center Agreement


The suggestions for changes in the Tri-Cities University Center Agreement have been discussed and have been agreed to. Specifically, in Paragraph B.2., the reference to "research universities" will be changed to "the University of Washington and Washington State University." In the same paragraph, Fall 1986 will be changed to Fall 1987. In Paragraph B.4., the University of Washington is designated as fiscal agent for the 1987-89 biennium. The responsibility for fiscal agency will be reconsidered later with the possibility of a shift to another institution or to rotate among the member institutions. In Paragraph C.1., the Administrative Board will "develop policy," while the following paragraph refers to "policy making." The two references will be parallel and will relate to policy development rather than policy making.

In addition to the above changes, the request for a periodic review and update is noted, and a full report will be made to the Trustees at the appropriate time.

DGT:v

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President

FROM: Russ Hartman, V.P., Business and Finance 

DATE: January 7, 1986

SUBJECT: Architect/Engineering Consultant Selection --
Water Storage and Distribution System

The attached information is intended to provide background material for the Board of Trustees on the selection of an engineering consulting firm for the capital project entitled "Water Storage and Distribution System." The attached materials include:

1. Copy of a memo dated January 7, 1986, from me to Dr. Frederickson providing general background material on the selection process.
2. Copy of the project summary and the evaluation summary sheets, both of which reflect the outcome of the work of the evaluation committee on the project.
3. Copy of the yearly employment report for each of the firms under consideration, indicating the extent of minority employment for each firm during the 12-month period preceding the original submission of the proposals on the project.
4. Copy of my memo of October 15, 1985, to Dr. Frederickson, outlining the rationale for my original recommendation that the firm of Century West Engineering be bypassed and that the contract be awarded to Michael Kennedy Consulting Engineers.
5. Copy of the minutes of the October, 1985, Board of Trustees meeting, at which the Board of Trustees deferred action on the contract award and directed the administration to work with Century West in clarifying their minority employment record. This action was taken after some discussion at the Board meeting and after a personal appearance by Bill Wright of Century West who stated to the Board that he felt there was a problem with the firm's reporting structure and that he was sure there was at least one and possibly two positions in the firm that were about to be filled by minorities.

6. Copy of a letter dated November 15, 1985, from Bill Wright of Century West Engineering to me outlining the progress that the company had made in its minority hiring record.
7. Copy of a letter dated November 30, 1985, from Michael Kennedy Engineers to Jean Beschel outlining that firm's position on the selection process.
8. My memo of November 19, 1985, to Dr. Frederickson outlining my reaction to the new Century West position and revising my recommendation to provide for contract award to the firm of Century West Engineering.
9. Copy of the minutes of the December, 1985, Board of Trustees meeting at which the motion to award the contract to Century West failed and the Board delayed contract award until the January, 1986, meeting.
10. Copy of a letter dated January 3, 1986, from Bill Wright of Century West Engineering to Jean Beschel outlining that firm's position on the selection process and the contract award at that time.

I hope it is clear that changing my recommendation on this project does not reflect any ambivalence on my part as to the appropriate course for the Board to take. When the original recommendation to bypass Century West was made, it was based on the reports and the information we had available to us at that time. When the Board deferred action at the November meeting and gave us an opportunity to work further with the company to determine its actual minority employment record, it became just as clear that the firm does indeed meet the University's affirmative action requirements. The Board's legal counsel has raised no objection to the November deferral or the Board's decision to allow Century West to correct its record. The Board has acted judiciously and with utmost consideration in an attempt to assure that this contract would be awarded to the most qualified firm, considering an appropriate minority employment record to be a fundamental qualification for contract award.

I recommend that the engineering consulting contract for the project entitled "Water Storage and Distribution System" be awarded to the firm of Century West Engineering Corporation.

B&F:2
ARCHENGR

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President
FROM: Russ Hartman, V.P., Business and Finance *Russ*
DATE: January 7, 1986
SUBJECT: Architect/Engineering Consultant Selection Process

This memo is intended to provide a brief description of the process used at EWU for recommending award of Architectural/Engineering contracts.

The regular procedure for preparing recommendations for contract awards of this kind is straightforward. The first step, of course, is to call for proposals from interested firms. The project is advertised and we have never had any trouble getting good proposals from an appropriate number of well qualified companies.

In every case, we set up an internal evaluation committee to review the proposals. If the fee is estimated to be over \$17,500, the committee also will conduct interviews with each of the interested firms. The evaluation committee will include representatives of the University's own Architectural/Engineering staff and a representative of the department(s) that would be involved primarily in the project. In any case, the job of this committee is to put some objectivity into what is really a subjective decision. We have a structured evaluation process that assigns points for various factors that we think are important (see attached). The factors in the evaluation process are discussed with each firm, and everyone is well aware of the process that is taking place. One of the things that is made clear during the evaluation process is that the final outcome of the committee's work is a rank ordering of the firms, not a decision. All of the firms are aware of the fact that the rank ordering goes to the president or one of his vice presidents for consideration and then to the Board of Trustees for final action. It is also well understood that the rank ordering may not be the sole determining factor in the final award.

The committee specifically does not consider the issues of minority employment or MWBE status of the competing firms. Perhaps my life would be easier if I built that into the process, but I have always felt that these are broad University considerations that tend to effect far more than just an individual capital project or program. To be honest, I have

been concerned that if these factors were put into the objective evaluation, we would end up awarding contracts on a straight numerical percentage basis rather than following the more flexible and constructive approach that the Board of Trustees has mandated in the past. Following on with what I have perceived to be the intent of the Board of Trustees in this area, I will usually go along with the rank ordering by the evaluation committee unless both of the following circumstances occur:

1. The firm ranked first in the evaluation process has submitted no evidence that it was active in minority employment during the reporting period that is covered in the proposal. A letter of intent has not been considered sufficient in the past. A similar condition may exist in the area of the MWBE requirements of the State with the top-ranked firm showing zero MWBE participation.
2. There is a small or insignificant difference in the ratings between the firm ranked first and a follow-up firm that has demonstrated progress or activity in the area of concern.

As you can imagine, this approach is not etched in stone and can certainly be modified at your discretion or that of the Board of Trustees. In the award of this kind of contract, we have wide latitude in setting the procedures and parameters on which to base the contract award. The bottom line continues to be hiring the best qualified firm.

B&F:2
CONSELEC

ARCHITECT / ENGINEER SELECTION (PHASE I - SCORING SHEET)

Project No.: _____ Committee Member: _____
(Please Print)

Project : _____ Date Of Evaluation: _____

INSTRUCTIONS: Please fill in the name blank above and signature below and complete the form as follows:
 RAW SCORE: Under each criteria heading rate each firm using the following ratings : 1-Unacceptable; 2-Below Standard; 3-Standard; 4-Above Standard; 5-Excellent
 WTD SCORE: Multiply each raw score entry by the indicated weight percent factor and enter the result, i.e. raw score - 3 times weight of 5% - WTD score of 15
 TOTAL SCORE: Sum up all WTD scores and enter a total for each firm.
 RANK ORDER: Give an order of rank number i.e., 1, 2, 3, correlating to the total weighted scores.
 COMMENTS: Include any comments relevant to a particular firm and/or score if appropriate.

NAME OF FIRM	CRITERIA ->	Key Personnel Qualifications		Relevant Experience		Previous Performance		Expressed Interest		Local Availability		TOTAL WEIGHTED SCORE	RANK
	WEIGHT ->												
	SCORE ->	RAW	WTD	RAW	WTD	RAW	WTD	RAW	WTD	RAW	WTD		

Comments : _____

Signature : _____ Date : _____

ARCHITECT / ENGINEER SELECTION (Phase II - Scoring Sheet)

Project No.: _____ Committee Member: _____

Project: _____ Evaluation Date: _____

Firm: _____

Instructions:

- Raw Score: Under each criteria heading rate the firm as follows:
 1-Unacceptable; 2-Below Standard; 3-Standard; 4-Above Standard; 5-Excellent
- WTD Score: Multiply each raw score entry by the WTG factor; i.e. a raw score of 3 times a weight of 5% equals a WTG score of 15
- Total WTD Score: Sum up all WTD scores and enter a total value
- Rank Order: Give an order of rank number i.e., 1, 2, 3, correlating to the Total WTD scores for each firm.
- Comments: Include any relevant comments.

Criteria	WTG	Raw Score	WTG Score	Comments
ORGANIZATION				
Management Plan				
Capabilities -- Size of Firm, Workload, Production Methods				
Project Scheduling				
Cost Accountability				
DESIGN				
Project Approach				
Qualification of Design Team Members				
EXPERIENCE				
Relevant Projects				
Design Standards				
SPECIAL FACTORS				
Presentation				
TOTAL WTD SCORE				
RANK ORDER				

ARCHITECTURAL/ENGINEERING SELECTION

PROJECT: Water Storage/Distribution System

PROJECT NO. FP-85-03

DESCRIPTION: This project will provide a 1.03 million gallon reservoir and related distribution piping throughout the campus for the purpose of upgrading the existing water system.

FUNDING: Funding is provided from the 1985-87 Capital Projects account.

EVALUATION COMMITTEE MEMBERS:

Richard Clark, Committee Chairman, EWU Architectural & Engineering Services
 Steve Bloom, EWU Architectural & Engineering Services
 Bob Graham, EWU Facilities Planning
 Don Rettig, EWU Physical Plant

FIRMS EVALUATED FOR FINAL SELECTION	Committee Ranking	MWBE PARTICIPATION		Total Staff	MINORITY EMPLOYMENT			
		MBE %	WBE %		Total Minority	Percent Minority	Total Women	Percent Women
Century West	1	10.1	6	116	0	0	30	25.8
Michael Kennedy Engr.	2	10.1	8	8	1	12.5	1	12.5
Bovay Engineers	3	10.6	6	37	2	5.4	2	18.9
CH2M Hill	4	15.0	6	6	1	16.6	1	16.6
R.W. Engineering	5	0	0	19	1	5.2	6	31.5

Project No.: FP-85-03

Project: Water Storage/Distribution System

ARCHITECT/ENGINEER PHASE II EVALUATION
Summary Sheet

Name of Firm In Rank Order	Member I.D.	MP	CAP	Criteria Weighted Scores						SF	Total Weighted Scores	Rank Order Scores	Total of Rank Scores
				PS	CA	PA	QUAL	RP	DS				
Century West	A	3.00	14.00	12.00	12.00	9.00	20.00	22.50	10.50	6.40	109.40	2	7
	B	4.00	16.00	16.00	16.00	13.50	20.00	20.00	12.00	10.00	127.50	1	
	C	5.00	17.60	18.00	16.00	13.50	22.50	20.00	9.00	10.00	131.60	1	
	D	4.00	12.00	16.00	12.00	9.00	15.00	15.00	12.00	6.00	101.00	3	
Michael Kennedy	A	3.20	12.00	12.80	12.00	12.00	20.00	23.00	9.60	7.00	111.60	1	10
	B	3.00	16.00	18.00	12.00	13.50	22.50	22.50	12.00	7.00	126.50	2	
	C	5.00	18.00	18.00	18.00	12.00	17.50	22.50	13.50	7.00	131.50	2	
	D	3.00	16.00	12.00	12.00	9.00	15.00	15.00	9.00	4.00	95.00	5	
Bovay Engineers	A	3.00	12.00	12.00	12.00	9.00	20.00	22.50	9.00	6.00	105.50	4	12
	B	3.00	18.00	12.00	14.00	12.00	22.50	20.00	9.00	9.00	119.50	4	
	C	4.00	16.00	16.00	17.20	12.00	22.50	20.00	13.50	9.00	130.20	3	
	D	3.00	16.00	16.00	12.00	9.00	15.00	20.00	9.00	6.00	106.00	1	
CH2 M Hill	A	3.00	12.00	12.00	14.00	9.60	20.00	23.00	9.60	6.00	109.20	3	14
	B	3.00	14.00	16.00	16.00	12.00	20.00	20.00	12.00	8.00	121.00	3	
	C	4.10	16.00	16.80	16.00	12.30	19.50	20.00	12.00	8.00	124.70	4	
	D	3.00	12.00	16.00	12.00	9.00	15.00	15.00	9.00	6.00	97.00	4	
R.W. Engr.	A	3.00	12.00	10.00	12.00	9.00	17.50	20.00	10.50	7.00	101.00	5	17
	B	3.00	16.00	16.00	18.00	12.00	20.00	17.50	9.00	7.00	118.50	5	
	C	3.70	16.00	17.20	16.00	11.40	19.00	18.50	12.00	7.60	121.40	5	
	D	3.00	12.00	16.00	14.00	9.00	20.00	15.00	9.00	6.00	104.00	2	

YEARLY EMPLOYMENT REPORT

FIRM Century West Engineering Corporation DATE SUBMITTED 8/6/85

SIGNATURE OF REPORTING OFFICIAL *William [Signature]*

TITLE Vice President, Spokane Operations

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
August	1984	48	14					
September	1984	48	15					
October	1984	49	17					
November	1984	51	17					
December	1984	51	16					
January	1985	54	16					
February	1985	57	18					
March	1985	65	20					
April	1985	74	24			1		
May	1985	79	27					
June	1985	86	30					
July	1985	86	30					
Current Month-Year								

INSTRUCTIONS: A Yearly Employment Report shall be submitted with the Proposal. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the payroll during the month.

YEARLY EMPLOYMENT REPORT

FIRM MICHAEL KENNEDY CONSULTING ENGINEERS DATE SUBMITTED Aug. 9, 1985

SIGNATURE OF REPORTING OFFICIAL

Michael A. Kennedy

TITLE

Pres.

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
<u>August</u>	<u>84</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>September</u>	<u>84</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>October</u>	<u>84</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>November</u>	<u>84</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>December</u>	<u>84</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>January</u>	<u>85</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>February</u>	<u>85</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>March</u>	<u>85</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>April</u>	<u>85</u>	<u>8</u>	<u>1</u>		<u>1</u>			
<u>May</u>	<u>85</u>	<u>7</u>	<u>1</u>		<u>1</u>			
<u>June</u>	<u>85</u>	<u>7</u>	<u>1</u>		<u>1</u>			
<u>July</u>	<u>85</u>	<u>7</u>	<u>1</u>		<u>1</u>			
<u>Current Month-Year</u>								

INSTRUCTIONS: A Yearly Employment Report shall be submitted with the Proposal. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the payroll during the month.

YEARLY EMPLOYMENT REPORT

FIRM Bovay Engineers, Inc. DATE SUBMITTED August 9, 1985

SIGNATURE OF REPORTING OFFICIAL *Fancy L. Bugg*

TITLE Associate

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
AUG	1984	31	5			1	1	
SEPT	1984	31	6			1	1	
OCT.	1984	33	6			1	1	
NOV	1984	32	6			1	1	
DEC	1984	32	6			1	1	
JAN	1985	32	7			1	1	
FEB	1985	30	7			1	1	
MAR	1985	27	7			1	1	
APR	1985	26	7			1	1	
MAY	1985	26	7			1	1	
JUNE	1985	26	7			1	1	
JULY	1985	30	7			1	1	
Current Month-Year								

INSTRUCTIONS: A Yearly Employment Report shall be submitted with the Proposal. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the payroll during the month.

YEARLY EMPLOYMENT REPORT

FIRM CH2M HILL--Spokane Area Office DATE SUBMITTED 8/9/85

SIGNATURE OF REPORTING OFFICIAL James S. Correll

TITLE Spokane Area Manager

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
<u>July</u>	<u>1984</u>	3	1					
<u>August</u>	<u>1984</u>	3	1					
<u>September</u>	<u>1984</u>	3	1					
<u>October</u>	<u>1984</u>	4	1		1			
<u>November</u>	<u>1984</u>	4	1		1			
<u>December</u>	<u>1984</u>	4	1		1			
<u>January</u>	<u>1985</u>	5	1		1			
<u>February</u>	<u>1985</u>	5	2		1			
<u>March</u>	<u>1985</u>	5	2		1			
<u>April</u>	<u>1985</u>	4	2		1			
<u>May</u>	<u>1985</u>	4	1		1			
<u>June</u>	<u>1985</u>	5	1		1			
<u>Current Month-Year</u>								

INSTRUCTIONS: A Yearly Employment Report shall be submitted with the Proposal. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the payroll during the month.

YEARLY EMPLOYMENT REPORT

FIRM R W Engineering, Inc.

DATE SUBMITTED Aug. 7, 1985

SIGNATURE OF REPORTING OFFICIAL D Richard Wyatt

TITLE Principle-In-Charge

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
September	1984	13	7		1			
October	1984	13	10		1			
November	1984	13	8		1			
December	1984	12	7		1			
January	1985	11	7		1			
February	1985	12	7		1			
March	1985	12	6		1			
April	1985	14	6		1			
May	1985	13	6		1			
June	1985	13	6		1			
July	1985	13	6		1			
August	1986	13	6		1			
Current Month-Year								

INSTRUCTIONS:
 Proposal. The
 ending with t
 who was on th


Yearly Employment Report shall be submitted with the
 reporting period shall include twelve consecutive months
 current month. The report shall include each individual
 roll during the month.



EWU

Memorandum

To: Dr. H. George Frederickson, President

From: Russ Hartman, Vice President for Business and Finance 

Date: October 15, 1985

Subject: Architect/Engineering Consultant Selection, Water Storage and Distribution Systems

The attached information summarizes the results of the evaluation process for selection of the engineering consultant on the Water Storage and Distribution System that is funded in our 1985-87 Capital Budget.

The firm that was ranked number one by the Evaluation Committee appears to have a very unsatisfactory minority employment record. We are working with them to determine whether there is some error in their report or whether there are extenuating circumstances that should be considered in the selection process. The second ranked firm has an acceptable level of minority employment, comparable MWBE participation, and is certainly extremely well qualified to serve the University in the event that the minority employment record of Century West turns out to be as it is represented on the attached sheet.

Based on the work that will continue for the next week or so, we will have a specific recommendation ready for the Board of Trustees on October 24th. If there is no correction to the Minority Employment Report for Century West, I will recommend that the contract be awarded to Michael Kennedy Consulting Engineers.

The existing statute and a related Attorney General's opinion preclude the collection of cost information on this type of contract award during the evaluation process. The architectural/engineering fee will be set in accordance with the fee schedule determined by the State Department of General Administration, adjusted or supplemented by local negotiations after the contract is approved by the Board of Trustees. Should these negotiations prove unsatisfactory, the University has the authority to move to the next preferable firm and repeat the process.

RAH:ms

Attachment

Mr. Ormsby noted that the Board does not wish to review the salary plan every year. The plan needs a period of time, at least two years, to determine if any further modifications are necessary. (See attachment II for the full report from Dr. Gibbs).

A/E CONSULTANT SELECTION FOR WATER STORAGE/DISTRIBUTION SYSTEM,
Agenda Item VII.A.1

This project is an upgrading of the existing campus water systems. It includes the construction of a one million gallon reservoir and the related distribution system throughout the campus. The number one ranked firm, Century West, does not have an acceptable minority employment record. Therefore, the administration recommends that the second ranked firm, Michael Kennedy Consulting, be given the contract award. Mr. Bill Wright of Century West explained that Century West has a commitment to equal opportunity and has employed women and minority workers.

Motion #04-10-85: "I move that the A/E Consultant Selection for the Water Storage/Distribution System be deferred and that the administration continue to work with Century West to determine the firm's minority employment record."

Motion by Mr. Geraghty, seconded by Mr. Ormsby, approved unanimously.

A/E CONSULTANT SELECTION FOR ENERGY CONSERVATION PROJECT, Agenda
Item VII.A.2

Mr. Michael Ormsby asked to be excused from discussion of this agenda item, noting a possible conflict of interest as one of the bidders retains his law firm.

Motion #05-10-85: "I move that Bovay Engineering of Spokane be awarded the architectural and engineering contract for the Energy Conservation Project, project #FP-85-05."

Motion by Mr. Shaber, seconded by Mrs. Chase, approved unanimously, abstaining, Mr. Ormsby.

ACCEPTANCE OF PUBLIC WORKS CONTRACT FOR PEARCE/DRESSLER RESTROOM
IMPROVEMENTS, PHASE II, Agenda Item VII.A.3

Motion #06-10-85: "I move that the contract for the remodeling of three additional restrooms in Pearce Hall and four additional restrooms in Dressler Hall be accepted. The final contract amount was \$19,345."

Motion by Mrs. Chase, seconded by Mr. Geraghty, approved unanimously.



RECEIVED

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BUSINESS & FINANCE

November 15, 1985

Mr. Russ Hartman
Vice President for Business & Finance
Eastern Washington University
206 Showalter Hall
Cheney, Washington 99004

Reference: Engineering Consultant Selection, Water Storage and
Distribution System

Dear Mr. Hartman:

We appreciate this opportunity to report the progress Century West has made in our minority hiring record.

Your consultant selection process has focused our attention on recruiting minority employees (as we discussed in our letter of October 18, 1985) and in documenting those minorities that we currently employ in our firm.

First, I would like to correct our past record. We have had an Hispanic American working in our Portland, Oregon office since last summer; however, he was erroneously omitted from our submittal form. In addition, we employ an African in our Bend, Oregon office; however, because he is not a U.S. citizen, he was not counted as a minority.

Secondly, our current minority employee recruiting is becoming successful. We have recruited and hired two minority female employees since the last Board meeting. One (a drafter) we had been attempting to hire since last August. As of November 12, 1985, the Spokane office statistics are as follows:

Men:	24
Women:	9 (27%)
Total:	33
Total Minorities:	2 (6%)


We hope the above information assures you (and the Board) of our past non-discriminating practices and the sincerity of our current efforts to improve our minority employment. We also appreciate you mentioning our excellent record in hiring women at the last Board meeting. This record, which is significantly higher than the second place firm's, again demonstrates our good faith.

Mr. Russ Hartman
November 15, 1985
Page 2

We would appreciate it if you would forward this correspondence to the Board to assist their decisionmaking on December 2. Because Century West was judged the most qualified firm by a significant margin over the second firm (this margin being greater than that separating second from third), and since we have clarified and greatly improved our minority hiring record, we hope that the Board can unhesitatingly recommend award of the Water Storage and Distribution project to Century West Engineering Corporation.

Very truly yours,

CENTURY WEST ENGINEERING CORPORATION



William C. Wright, P.E.
Vice President

slw

cc: J. Ned Dempsey, President

Spanda
VII A7

MICHAEL A. KENNEDY CONSULTING ENGINEERS



November 30, 1985

Honorable Jean Beschel, Chairperson and
Members of the Board of Trustees
Eastern Washington University
Cheney, Washington 99004

Subject: Consulting Engineering Services - EWU Water System Improvements

Dear Ms. Beschel and Members of the Board:

This letter is written as a request that you award the consulting engineering services agreement to our firm for the design of the EWU water system improvements. We believe that our selection for this important assignment is indicated for two reasons: 1) We prepared the Comprehensive Water Report that this work is based on and 2) Our record of minority and women involvement since the firm was founded in 1976 is consistent and unmatched.

We completed the Comprehensive Plan in 1982 and feel we are most qualified to do the subsequent engineering design work. The report was difficult to prepare and time consuming but it provided us with unique knowledge about the campus system and conditions which cannot be economically duplicated. We are clearly up to speed on this project and can begin providing service immediately.

Our long term approach toward minorities and women in the profession has not been one of token involvement to meet technical requirements but energetic support at all levels to advance their professional development. The Request for Qualifications for this project included the University's policy on affirmative action which states:

"To conform with the University's requirements for affirmative action, only those firms with a record of minority employment, or firms demonstrating a continual effort to actively seek minority employees, will be considered for selection.

The procedures employed will ensure that minority and women's business enterprises are provided with an equitable opportunity for participation in the selection process".

Honorable Jean Beschel, Chairperson and
Members of the Board of Trustees
Page 2

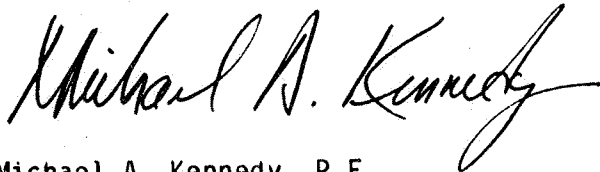
Our proposal responds to that policy, again not in a token sense but in the spirit of what both the University and our firm's policy intends. Our policy existed for the proposal as it existed ten years ago and did not need improvement or adjustment for this project. Our proposal predicts a minimum of eighteen percent MWBE involvement ranging from overall project management to structural engineering in addition to our own staff.

In closing I would like to say that ours is the only Spokane based firm considered for this work, that we have demonstrated our technical capability to do it, and that our minority and women involvement policies are superior and consistent with the University's. We know you will be pleased with our work.

Thank you for your consideration.

Very truly yours,

MICHAEL A. KENNEDY CONSULTING ENGINEERS

A handwritten signature in black ink that reads "Michael A. Kennedy". The signature is written in a cursive style with a large, sweeping initial "M".

Michael A. Kennedy, P.E.
President

EWU

Memorandum

To: Dr. H. George Frederickson, President

From: Russ Hartman, Vice President for Business and Finance *Russ*

Date: November 19, 1985

Subject: Engineering Consultant Selection--Water Storage and Distribution System

At the October 24, 1985 meeting, a recommendation was made regarding the award of the engineering contract for the Water Storage/Distribution System project. The firm of Century West Engineering, which was rated first by the Evaluation Team, portrayed an inadequate minority employment record, and we recommended that the Board award the contract to the second-ranked firm. The matter was deferred for action at the December 2 meeting after the presentation by Mr. Bill Wright, representing Century West Engineering.

Ken Dolan and I met with Mr. Wright subsequent to the October 24th meeting to review once again Eastern's position regarding affirmative action in dealing with contractors and vendors. On November 18, I received the attached letter from Mr. Wright outlining changes that have taken place in minority employment at Century West and showing current minority employment for the firm to be at six percent of the company's work force.

My perception of the instructions I have received from the Board of Trustees over the years has been that Eastern is to be a positive influence in the development of a strong commitment to affirmative action in the Spokane area, and particularly within those firms doing business with the University. Our success is indicated pretty clearly by the increasing numbers and percentages of minority employees that are working for the firms doing business with the University. It is not uncommon to find minority employment in the range from 15 to 25 percent these days, where 10 years ago it was often difficult to find any real evidence of minority employment at all.

Another real indicator of our success is the fact that there have been so few instances where we have had to deviate from "traditional" contracting and purchasing procedures in order to bring about this kind of improvement. One of the tools we have used in this respect has been remedial work with firms that indicate a strong commitment to affirmative action but which--for any combination of reasons--have been unsuccessful in actual recruitment and retention of minorities. A key has been the willingness of the firm involved to extend itself to recognize and appreciate the position of the University.

In the case of Century West Engineering, I feel that the actions taken since the October 24 Board of Trustees meeting as outlined on the

attached letter from Mr. Wright constitute a splendid example of the kind of commitment and energy that we have attempted to stimulate over the years. It is doubly remarkable that, in addition to providing evidence of commitment and energy, the firm took direct action to employ minority staff and to increase its company's minority employment from zero to six percent.

If I remember correctly, the Board did not table the administration's recommendation formally, but simply deferred action until the December second meeting--which makes it uncomplicated to present a new recommendation for the Board's consideration.

I recommend that the firm of Century West Engineering be awarded the engineering consulting contract for the Water Storage/Distribution System as outlined on the attached project summary sheet.

RAH:m

Attachment

A/E CONSULTANT SELECTION FOR WATER STORAGE & DISTRIBUTION SYSTEM, Agenda Item VII.A.7

Motion #12-12-85: "I move that the firm, Century West Engineering, be awarded the engineering contract, project #FP-85-03, in the approximate amount of \$64,000."

Motion by Mr. Geraghty, seconded by Mr. Ormsby, voting yea, Chase, Ormsby and Geraghty; voting no, Bannai, Shaber and Beschel. Motion did not pass.

Motion #13-12-85: "I move that the award of the contract for the selection of the Architect for the Water Storage & Distribution System be delayed until the January meeting."

Motion by Mr. Shaber, seconded by Ms. Bannai, approved unanimously.

Trustees continue to have questions concerning the bidders responsiveness to affirmative action and minority and women business enterprise rules.

LEASE SPACE FOR PHYSICAL THERAPY PROGRAM & RENEWAL OF DENTAL HYGIENE LEASE, Agenda Item VII.A.8

Motion #14-12-85: "I move that the proposal to lease space in the Paulsen Building to house the Physical Therapy Program and the renewal of the lease in the Paulsen Building for the Dental Hygiene Program be approved subject to the coordination of the Joint Center for Higher Education in Spokane."

Motion by Mr. Ormsby, seconded by Ms. Bannai, approved unanimously.

WAC REVISIONS, Agenda Item VII.A.9

Motion #15-12-85: "I move that the proposed revisions to the Washington Administrative Code be approved, except that the ten day notice provision in WAC 172-144-050 be retained."

Motion by Mr. Ormsby, seconded by Mrs. Chase, approved unanimously.

MUSEUM OF NATIVE AMERICAN CULTURE, Agenda Item VIII.A.1

Motion #16-12-85: "I move that the Board take under consideration the proposed agreement between Eastern Washington University and the Museum of Native American Culture."

Motion by Mr. Ormsby, seconded by Mr. Geraghty, approved unanimously.



January 3, 1986

Honorable Jean Beschel, Chairperson, &
Members of the Board of Trustees
Eastern Washington University
Cheney, Washington 99004

Regarding: Engineering Consultant Selection, Water Storage and
Distribution System.

Dear Ms. Beschel and Members of the Board:

I am writing this letter to clarify our perspective of the engineering selection process for the above project and why Century West should receive the Board's endorsement at your next meeting.

1. Compliance with affirmative action requirements.

There is no question that Century West was ranked No. 1 by the University's Architect/Engineer Selection Committee by a significant margin. There is also no question that, following Century West's clarifications with respect to affirmative action, the administration recommended Century West as the most qualified firm for the project. However, in light of the letter from Michael Kennedy and the actions of the Board, final selection at the Board's January meeting is, at present, subject to some speculation.

RCW 39.80.040 provides that engineering firms shall be selected "based upon criteria established by the agency (the University)." Those criteria are set forth in the University selection procedures. In addition to the criteria relating to qualifications and competence set forth in the Phase I and II evaluation, the published procedures outline the University's policies with respect to affirmative action and set that policy out among the selection guidelines as follows:

"To conform with the University's requirements for affirmative action, only those firms with a record of minority employment, or firms demonstrating a continual effort to actively seek minority employees, will be considered for selection." (emphasis added).

Century West has, without a doubt, met these guidelines as demonstrated by our project proposal, our November 15, 1985 letter to Mr. Russ Hartman, as well as our October 18, 1985 letter to Mr.

Richard Clark. Both a history of hiring and a continuing, successful effort to actively seek minority employees were established. Compliance with the above-referenced University affirmative action guideline is confirmed by the November 19, 1985 memorandum from Mr. Russ Hartman. It is important to note that for the University administration to ask for post-proposal clarification of an affirmative action record is not against policy, nor does it constitute preferential treatment; since compliance with affirmative action is a "yes or no" question and is not scored, nor is it rank-ordered. A firm either does or does not meet the University's guidelines. The fact is confirmed by the recommendation of the University's administration.

According to the results of the Selection Committee and the University administration, Century West conforms with the University's guidelines. If it did not, then according to the above-referenced policy, Century West could not even be considered for selection. Compliance allows consideration for selection and subsequent participation in the Phase I and II selection process.

2. Selection procedures employed by the University.

The purpose of Chapter 39.80 RCW is to establish a policy whereby state agencies negotiate contracts for architectural and engineering services "on the basis of demonstrated competence and qualifications for the type of professional services required." RCW 39.80.010. In this regard, the agency (University) evaluates submittals and conducts interviews. Following this, the agency (University) shall select from such submittals "based upon criteria established by the agency" the engineering firm deemed to be the "most highly qualified for the project." RCW 39.80.040.

The University's selection process sets out both policy and procedure. As set forth above, the policy includes the requirement that an engineering applicant conform with the University's requirements for affirmative action. This guideline requires a "yes or no" answer and is not a rank-ordered item as are the criteria related to competency and qualifications. Conformance with the affirmative action requirements gets you past the door: noncompliance precludes consideration.

The University architect/engineer evaluation committee then conducts Phase I and II evaluations based upon the following selection criteria: organization, design ability, experience and special factors (unique to the project). Again, there is no consideration of affirmative action requirements since such requirements, and compliance therewith, are not considered in the case of what the University determines to be a "qualified firm entitled to be considered for selection."

Ms. Jean Beschel, EWU
January 3, 1986
Page 3

Following Phase I and II procedures, the committee rank-orders the finalists for consideration by the administration. The administration makes a recommendation and provides all evaluation data to the University's Board of Trustees for final selection. As the selection procedures state (Page 8), "selection shall be finalized by the Board of Trustees."

Whether or not the Board is legally bound to accept without question the recommendation of the administration and selection committee is unsettled. Agencies (like the University) typically treat the recommendation of their selection committee and administration as advisory only and seek to vest in the Board all final authority with respect to selection. If such procedure is followed, however, the Board must typically give valid reasons for non-selection of the recommended "most highly qualified firm."

In this case, I believe that it would be arbitrary on the part of the Board to overrule the University administration's recommendation. If the Board did that, it would establish a non-published, ambiguous set of guidelines on which no engineering firm could rely with any degree of certainty.

The Board would, in a sense, be turning a "yes or no" prequalification requirement into a graded or rank-ordered item, thus throwing out its entire published selection process along with the recommendation of its own selection committee and administration.

Our staff, as well as our sub-contractors, have spent significant resources in responding to the University's RFP. Assembling the appropriate project team (which includes the project engineer on your past water plan) and preparing the best proposal for performing the work (as rated by your selection committee) have demonstrated our professional commitment to Eastern Washington University. We hope your careful consideration of the facts and issues in this engineering selection will confirm our team's selection.

Very truly yours,

CENTURY WEST ENGINEERING CORPORATION



William C. Wright, P.E.
Vice President, Spokane Operations

cc: Russ Hartman, Vice President, Business and Finance

mg

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President
FROM: Russ Hartman, V.P., Business and Finance
DATE: January 7, 1986
SUBJECT: Public Works Contract Award --
Science Building Emergency Showers



It is recommended that the Board of Trustees award a public works contract to the firm of CarBoz Construction Company in the amount of \$24,311 for the project entitled "Science Building--Emergency Showers."

RH:pm

PUBLIC WORKS CONTRACT AWARD

PROJECT: Science Building - Emergency Showers PROJECT NO.: AE-85-
DESCRIPTION: The contract for this project will provide for the installation and relocation of emergency washing facilities in various laboratory spaces throughout the Science Building.
FUNDING: Science Building Addition FAS Account 666600
DESIGN: Architectural & Engineering Services, E. W. U.
A/E ESTIMATE: \$35,000.00

BID TABULATIONS

Bidder	Base Bid Amount	% MBE	% WBE	Total Staff	Minority Staff	Percent Minority	Women Staff	Percent Women
CarBoz Construction Co., Spokane	\$24,311.00	78.81	6.79	3	0	0	0	0
Hamre Construction, Inc., Spokane	\$26,442.00	0.0	6.24	18	1	5.6	3	16.7

MWBE CERTIFICATION

(Refer to Article 25, Subsection F, Supplementary General Conditions)

BIDDER : CAR BOZ CONSTRUCTION Co.

PROJECT NO.: AE-85-09 PROJECT : SCIENCE BUILDING - EMERGENCY SHOWERS

***** CONTRACTOR'S CERTIFICATE *****

I hereby certify that Minority and Women's Business Enterprises listed herein are currently certified by the Office of Minority and Women's Business Enterprises, 221 Fifth Avenue West, Olympia, Washington 98504 (206-753-9693), and shall be utilized in the performance of the work in the amounts shown.

SIGNATURE : Joe Boz

TITLE : OWNER / PARTNER

***** ACHIEVEMENT SUMMARY *****

	Bid Form Amount	Minority Amount	Minority Percent	Women's Amount	Women's Percent
Basic Bid	<u>24,311</u>	<u>19,160</u>	<u>78.81%</u>	<u>1,650⁰⁰</u>	<u>6.78%</u>

***** MWBE FIRMS *****

Firm	M or W	Address	\$ Amount of Contract
<u>Nelson Mechanical</u>	<u>M</u>	<u>N. 10105 Wesley</u>	<u>19,160</u>
<u>BER-WOOD INC.</u>	<u>W</u>	<u>S. 221 HATCH</u>	<u>1,650⁰⁰</u>

(Attach Additional Sheets if Necessary)

BIDDER'S YEARLY EMPLOYMENT REPORT

FIRM CARBOZ CONSTRUCTION Co DATE SUBMITTED 12/30/85

SIGNATURE OF REPORTING OFFICIAL Joe Bozo

TITLE OWNER / PARTNER

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS REPORT				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
<u>JAN</u>	<u>1985</u>	<u>1</u>		/				
<u>FEB</u>	<u>1985</u>	<u>1</u>						
<u>MARCH</u>	<u>1985</u>	<u>1</u>						
<u>APRIL</u>	<u>1985</u>	<u>1</u>						
<u>MAY</u>	<u>1985</u>	<u>1</u>						
<u>JUNE</u>	<u>1985</u>	<u>4</u>						
<u>July</u>	<u>1985</u>	<u>5</u>						
<u>AUG.</u>	<u>1985</u>	<u>5</u>						
<u>SEPT.</u>	<u>1985</u>	<u>3</u>						
<u>OCT.</u>	<u>1985</u>	<u>4</u>						
<u>NOV.</u>	<u>1985</u>	<u>3</u>						
<u>DEC.</u>	<u>1985</u>	<u>3</u>						
Current Month-Year								

INSTRUCTIONS: A Bidder's Yearly Employment Report shall be submitted with the Contractor's bid. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the Contractor's payroll during the month.

12/30/85

page 1

State of WASH.
Eastern Washington University
Architectural & Engineering Services
Rozell Plant
Cheney, WASH. 99004

Ref: Plan For Affirmative Action

Per bid documents and specifications, article 5-D the following has been included with our bid proposal.

In the event that we have been unsuccessful in complying with subsection C. 1, we will broaden recruitment, training, and job referral opportunities for minorities by undertaking the following;

We will notify state and community organizations of opportunities for employment, and shall retain evidence of any notification and responses thereto. Advertising in newspapers, newsletters, and other publications which have a high minority readership.

We will maintain a file in which is recorded the name and address of each minority worker referred to the Contractor, and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the Contractor, the file shall document this and the reasons therefore.

We will notify the owner and the Wash. State Human Rights Commission whenever the union with which the contractor has a collective bargaining agreement has not referred to the Contractor a minority worker sent by the contractor, or the Contractor has other information that the union referral process has impeded him in his efforts to effect minority workforce utilization. The Contractor shall show what relief he has sought under such collective bargaining agreement or through appropriate federal and state agencies. Appropriate steps can include but are not limited to: a) arbitration, or b) administrative relief.

We will participate in and use Owner and Washington State Human Rights Commission approved program(s) in the area designed to train craft workers for the construction trades.

CARBOZ

Construction
Company

CARBOCC163RG

page 2

We will use apprentices or other appropriate entry classifications up to limits allowed or required by applicable collective bargaining agreements to meet the criteria of Section C (a), above.

Joe L. Bozo

Joe L. Bozo
CarBoz Construction Co.

MWBE CERTIFICATION

(Refer to Article 25, Subsection F, Supplementary General Conditions)

BIDDER : HAMRE CONSTRUCTION, INC.

PROJECT NO.: AE-85-09 PROJECT : SCIENCE BUILDING - EMERGENCY SHOWERS

***** CONTRACTOR'S CERTIFICATE *****

I hereby certify that Minority and Women's Business Enterprises listed hereir are currently certified by the Office of Minority and Women's Business Enterprises, 221 Fifth Avenue West, Olympia, Washington 98504, (206-753-9693), and shall be utilized in the performance of the work in the amounts shown.

SIGNATURE : Peter E. Hamre

TITLE : Peter E. Hamre, President

***** ACHIEVEMENT SUMMARY *****

	Bid Form Amount	Minority Amount	Minority Percent	Women's Amount	Women's Percent
Basic Bid	\$ 26,442.00			1,650	6%

***** MWBE FIRMS *****

Firm	M OR W	Address	\$ Amount of Contract
BEL-WOOD INSULATION	(W)	E 4007 FUNK SPD	\$ 1,650

(Attach Additional Sheets if Necessary)

BIDDER'S YEARLY EMPLOYMENT REPORT

FIRM HAMRE CONSTRUCTION, INC.

DATE SUBMITTED 12/30/85

SIGNATURE OF REPORTING OFFICIAL Barbara J. McAdams

TITLE Barbara J. McAdams, Office Manager

REPORT OF PRIOR 12 MONTHS PERIOD		TOTAL WORKERS (Includes minority workers)		MINORITY WORKERS REPORT				
MONTH	YEAR	MEN	WOMEN	BLACK AMERI.	ASIAN AMERI.	AMERI. IND.	SPAN. AMERI.	OTHER
January	1985	6	2					
February	1985	9	2					
March	1985	4	2					
April	1985	6	2					
May	1985	6	2					
June	1985	7	2					
July	1985	9	2				1	
August	1985	13	3				1	1
September	1985	15	3				-	1
October	1985	13	3				1	
November	1985	14	3					
December	1985	15	3				1	
Current Month-Year								

INSTRUCTIONS: A Bidder's Yearly Employment Report shall be submitted with the Contractor's bid. The reporting period shall include twelve consecutive months ending with the current month. The report shall include each individual who was on the Contractor's payroll during the month.

HAMRE CONSTRUCTION, INC.

GENERAL CONTRACTORS

P.O. Box 18806

N. 6830 Hamilton Street Spokane, WA 99208 (509) 487-8875

December 30, 1985

Office of Engineering Services
Rozell Plant
Eastern Washington University
Cheney, Washington 99004

Re: Project No.: AE-85-09
Science Building -
Emergency Showers

Gentlemen:

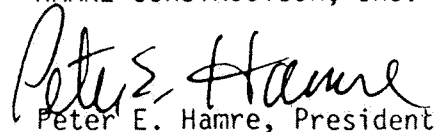
The following are procedures now in effect by Hamre Construction, Inc., which will remain in effect in the event we are the successful low bidder under the above-named project. The procedures which we now follow to broaden recruitment, training and job referral opportunities for minority employees are as follows:

1. Maintain a file of all referrals from Washington State Employment Office, giving emphasis to qualified minorities and women employees. Maintain listing of all persons who contact this office.
2. Have employed an individual referred to us by the Refugee Employment Unit of the Employment Security Department. Our contact is Jack Webster, (509) 536-1399. Because of our success with the employee referred by this agency, and our belief that this program is much needed in training and employing of refugee minorities, we would welcome any opportunity to broaden our employment through this agency.

Additionally, for this contract, we would utilize the services of the EWU Campus Employment office for recruitment of minority and women employees who will be qualified for employment under this contract.

Sincerely,

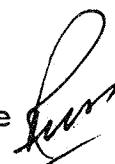
HAMRE CONSTRUCTION, INC.


Peter E. Hamre, President

PEH:bjm

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President
FROM: Russ Hartman, V.P., Business and Finance
DATE: January 7, 1986
SUBJECT: Acceptance of Public Works Contract



Work has been completed on the project entitled "Tawanka Commons - HVAC Renovation, Task II." It is recommended that the Board of Trustees accept the project as completed and authorize final payment to the contractor.

RH:pm

January 2, 1986

Architectural & Engineering Services
Rozell Plant, M.S. 194
Eastern Washington University
Cheney, WA 99004

ACCEPTANCE OF PUBLIC WORKS CONTRACT LESS THAN \$17,500

PROJECT: Tawanka Commons - HVAC Renovation, Task II

CONTRACT NO.: FP-84-20

DESCRIPTION: The contract for this project provided for the removal and replacement of defective HVAC control dampers, damper actuators, and related ductwork repairs in Tawanka Commons.


ENGINEERING CONSULTANT: Architectural & Engineering Services, EWU

CONTRACTOR: McClintock & Turk, Inc.
Spokane, Washington

CONTRACT HISTORY: Notice to Proceed: July 22, 1985
Work 100% Complete: December 12, 1985
Contract Acceptance: December 19, 1985

CONTRACT AMOUNT: Original Contract Amount: \$5,500.00
Change Order No. 1 (add) 681.00
Final Contract Amount \$6,181.00

**EWU
MEMORANDUM**

TO: Dr. H. George Frederickson, President
FROM: Russ Hartman, V.P., Business and Finance 
DATE: January 7, 1986
SUBJECT: University Risk Management Program/Liability Coverage

This memo and the attached materials are intended to respond to the Board of Trustees' request for information regarding insurance and liability protection policies of the University. The following areas are covered:

1. RISK MANAGEMENT POLICY

Attachment 1 is a copy of the University's Risk Management/Insurance Policy Statement. Basically, the University relies heavily on self insurance and purchases protection only in instances where it is required to do so by contract or bond agreement, or to provide coverage for activities that are not funded through the State general fund. The University's Broker of Record is Fidelity Associates Insurance Brokers in Spokane, a firm that has served Eastern very well since 1973 and was just reappointed as Broker of Record after a competitive analysis last summer. Our total premium payment is approximately \$65,000 a year. Under the self-insurance concept, settlements would normally be made through the tort claims revolving fund with the University being billed for "minor" incidents (a term that has never been clearly defined). "Major incidents" are assumed to be covered by special appropriation. Our experience with the self-insurance concept has been excellent so far, but we have not had any major disasters to test the system.

2. INSURANCE COVERAGE

Attachment 2 is a tabulation of the actual insurance coverages purchased by the University and a description of those areas where the self-insurance concept operates. Board members may have some questions on the detail of this report, and Lee Graese, the University's risk management program administrator, will be at the Board meeting to discuss any points of interest.

3. TRUSTEE/STAFF LIABILITY COVERAGE

Attachment 3 is a memo dated January 6, 1986, from Mark Cassidy to me regarding trustee liability coverage. As you can see from Mark's memo, trustees are included under the same statutes that provide protection for employees or agents of the University. Mark's memo explains the conditions. I believe that Fritz Clarke will be the best resource person at the Board meeting to answer detailed questions regarding this aspect of the University's protection package.

4. SHARED LIABILITY PROTECTION

While there is no attachment on the subject, the Board of Trustees should be aware that the business officers of the six four-year institutions are considering the possibility of developing a shared liability pool in order to spread the potential cost of liability settlements across a broader base. There are both problems and advantages in such a concept, and the differing experience factors and risk potential of the various universities must be taken into consideration. On a very preliminary basis, I am not very confident that this kind of arrangement will prove beneficial to Eastern. The risk management people from each university are working on the problem and we hope to come up with a conclusion or recommendation during this fiscal year.

B&F:2
UNIVRISK

Eastern Washington University
Risk Management/Insurance Policy

Effective February 1, 1977

(Revised July 1, 1981)

- I. PURPOSE OF RISK MANAGEMENT POLICY: Risk Management is a system for identifying potential risks to people, equipment, buildings and operations of the university, attempting to estimate the possible effects of accidents, fires, lawsuits, or other events, controlling or minimizing risks as much as possible, and insuring against possible losses. This policy sets out the guidelines for risk management at Eastern Washington University.
- II. GENERAL POLICY: It is the policy of Eastern Washington University to maintain a program of risk management for the university:
 - A. To provide for the protection and/or insurance for real and personal properties of the university.
 - B. To insure and/or self-insure the university's liability and personal liability of all members of the Board of Trustees, officers, agents and employees.
 - C. To insure and/or self-insure the university from losses due to employee dishonesty.
 - D. To identify and attempt to control events, sites, or situations which may increase risk or liability of the university.
- III. RESPONSIBILITY: The Director of Campus Services is the risk manager. He shall conduct an annual risk management program under general supervision of the Vice President for Business and

Finance. Written changes in the annual program shall be approved by the Vice President for Business and Finance one month before taking effect unless an emergency is deemed to exist, in which case an alternative effective date may be adopted. The risk management program period is from September 1 through August 31. The university risk manager shall recommend the appointment of a Broker-of-Record on the basis of specific qualifications. The risk manager shall purchase emergency or such other insurance as needed in compliance with RCW 43.19.1935.

IV. BROKER-OF-RECORD: The broker-of-record shall have the following qualifications:

- A. Licensed general insurance broker.
- B. Engaged in the general insurance business for at least five years.
- C. Maintain an office with a staff and at least one principal.
- D. Located within twenty-five miles from EWU.

V. DEFINITIONS: As used in this policy, the following definitions apply:

- A. Risk Management Program--an objective plan to minimize potential effects of risks through their identification, measurement, and control.
- B. Risk--an objective doubt concerning an outcome.
- C. Coverage--the type of insurance provided.
 - 1. Essential--mandatory insurance to meet a legal requirement or protect against losses which might seriously impair operations.
 - 2. State of Washington assumed--assuming a risk in its entirety by the state of Washington.

3. EWU assumed--assuming a risk in its entirety by Eastern Washington University.

- D. Loss--an unintended decline in value arising from a contingency. This loss might be direct or indirect.
- E. Peril--the cause of the loss (physical or natural such as fire, lightning, or flood; legal responsibility such as financial, from actions or lack of action).
- F. Property--rights or interest in real estate or land, its appurtenances and personal possessions.
- G. All-risk insurance--insurance which covers losses from all perils except those specifically excluded in the contract.
- H. Blanket insurance--a single coverage protecting a number of similar items from one or a number of perils.
- I. Comprehensive Liability--coverage written to provide for all losses involving legal liability. Exceptions are:
 - 1. Losses related to property in the care, custody and control of the insured.
 - 2. Professional liability as malpractice.
 - 3. Automobile.
 - 4. Aircraft.
- J. Extended Coverage Endorsement--a package endorsement to provide for perils of windstorm, hail, explosion, riot, riot attending a strike, civil commotion, aircraft, vehicle.
- K. Insurance Policy--a document setting forth the terms and conditions, and costs under which the insurer undertakes to accept the risks.
- L. Umbrella Coverage--a type of all-risk coverage for large or catastrophic losses.

- M. Automobile Liability--insurance providing coverage for legal risk resulting from operation by or on behalf of the insured.
- N. Standard Fire Policy--a standard form property insurance contract in general use which describes the agreement and limitations and provides for additions and stipulations. At least one descriptive form is added to complete the contract.
- O. Allied Lines--separate coverage against each of the Extended Coverage perils.
- P. Business Interruption Coverage--insurance specifying perils against loss of anticipated income which does not ordinarily compensate for unnecessary and non-continuing expenses caused by an interruption.
- Q. Transportation (Inland Marine)--insurance to protect shippers against loss to their property while it is in the hands of a transportation agency.
- R. Binder--a form or letter committing the insurer to a specific coverage for a specific time period, usually temporary, in advance of issuing a contract for coverage.
- S. Endorsement--an amendment or addition to an insurance contract changing coverage or terms.
- T. Floater--all-risk coverage, by policy or endorsement, to protect against losses to or of items which are in transit, items used off premises, or high-value speciality items.

U. Stop-Gap Liability--insurance coverage against financial loss in case an employee seeks to sue the university under a tort claim for benefits in lieu of accepting workmen's compensation benefits.

V. Employee Benefits Liability--insurance coverage in case an employee or his/her dependents file a tort claim for benefits when it is believed there is an error in the benefit computation. This coverage protects the insured and indemnifies for errors.

VI. RISK MANAGEMENT INSURANCE PROGRAM: The risk management insurance program assembles institutional risks, provides adequate coverage, and describes essential and assumed risk coverages to be approved by the college administration.

VII. INSURABLE VALUES: Insurable values for buildings and contents shall be defined as the replacement cost. Contents is defined to mean all movable equipment and furnishings not specifically excluded by terms of the standard form for fire insurance policies. Replacement cost of buildings is considered to be original construction cost factored by the most recent Market Appraisal Chart inflation indicators. Replacement cost of contents is considered to be original contents cost factored by the most recent Consumer Price Index inflation indicators.

VIII. SETTLEMENT OF LOSSES: When property covered by insurance is lost; damaged, or destroyed, a notice concerning the loss shall be forwarded through the broker-of-record to the respective insurer. The risk manager through the broker-of-record shall act as the adjuster for the university.

IX. LIABILITY CLAIM: The Vice President for Business and Finance shall review all claims for damages and forward them to such persons for their actions as required in the circumstances.

EASTERN WASHINGTON UNIVERSITY
BUSINESS AND FINANCE
RISK MANAGEMENT INSURANCE PROGRAM

RISK	Assumed by State of Washington	Assumed by EWU	If Assumed by EWU		Source of Funds
			Self Insured	Description of Coverage Purchased	
A. FIRE, EXTENDED COVERAGE, VANDALISM, AND MALICIOUS MISCHIEF					
1. Building					
a. Academic	Loss of total facility or major portion, thereof	All minor losses which can be recovered through operating budget process	Total	None	001
b. Residence	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	573
c. Tawanka	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	573
d. Pence	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	570
e. Isle:					
Academic	Loss of 2/3 facility	All minor losses which can be recovered through operating budget process	Total	None	001
Bookstore	None	Loss of 1/3 of facility	10% of Loss-- \$10,000 deductible	90% of Loss	524
2. Contents:					
a. Academic	Loss of all contents or major portion, thereof	All minor losses which can be recovered through operating budget process	Total	None	001
b. Residence	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	573
c. Tawanka	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	573
d. Pence	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	570

RISK	Assumed by State of Washington	Assumed by EWU	Self Insured	If Assumed by Description of Coverage Purchased	Source of Funds
e. Isle: Academic	Loss of all contents or major portion, thereof	All minor losses which can be recovered through operating budget process	Total	None	001
Bookstore	None	All	10% of Loss-- \$10,000 deductible	90% of Loss	524
f. Stores Operations	None	All	10% of Loss \$10,000 deductible	90% of Loss	440
B. BUSINESS INTERRUPTION:					
1. Academic	None	None	None	None	---
2. Self-supporting					
a. Residence Halls	None	All	None	100% of Gross Earnings	573
b. Tawanka	None	All	None	100% of Gross Earnings	573
c. Pence	None	All	None	100% of Gross Earnings	570
d. Bookstore	None	All	None	100% of Gross Earnings	524
C. INLAND MARINE					
1. Transportation					
a. Loading, Un- loading, and Transportation	None	All	All	None	001
2. All-risk					
a. Fine Arts	None	All	Loss above \$70,000 No deductible	Loss to \$70,000	001
b. Firearms	None	All	Loss above \$10,000 \$250 deductible	Loss to \$10,000	001
c. Outdoor equipment	None	All	Loss above \$2,000 \$250 deductible	Loss to \$2,000	522
D. CASUALTY & SURETY:					
1. Third Party Liability (while person is acting in employee capacity)					
a. Non-criminal	None	Payment to Tort Claims Revolving Fund	All	None	All Prorate
b. Criminal	None	Payment to Tort Claims Revolving Fund	All	None	All Prorate

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RISK	Assumed by State of Washington	Assumed by EWU	Self Insured	If Assumed by EWU Description of Coverage Purchased	Source of Funds
E. CRIME:					
1. Employee Faithful Performance	Coverage = \$100,000	Loss in Excess of \$100,000	All	None	001
2. Money & Securities	None	All	Loss in excess of \$40,000, except loss in excess of \$100,000 during preregistration/registration week and \$100 deductible	Loss to \$40,000 except loss to \$100,000 during preregistration/registration week.	001
3. Depositor's Forgery	None	All	Loss in excess of \$20,000 and \$100 deductible	Loss to \$20,000	001
F. VEHICLES:					
1. Bodily Injury & Property Damage	Excess of Estimate	Estimate \$20,000	Estimate \$20,000		001-46
2. Collision/Comprehensive	None	All	All	None	001-46
G. BOATS & CANOES					
1. Bodily Injury & PD	Excess of Estimate	Estimate of \$20,000	All	None	001-46
2. Collision/Comprehensive	None	All	All	None	001-46
H. EMPLOYEE PROTECTION:					
1. Workmen's Compensation-Stop Gap	None	All	All		001
2. Employee Benefits	None	All	All		001

EWU Memorandum

To: Russ Hartman, Vice President, Business and Finance
From: Mark R. Cassidy, ^{MC} Director, Governmental Relations
Date: January 6, 1986
Subject: Trustee Liability Coverage

This memo is written in response to your question concerning Board of Trustee's inquiries for explanations concerning individual and collective liability for actions or claims resulting from performance of trustee duties and responsibilities.

Specifically, RCW 28B.10.842 provides that whenever a claim is brought against an individual trustee, employee or agent of EWU for damages arising out of the performance or failure of performance of duties for EWU or its board, the trustees, once reaching a finding and determination by resolution that such trustee officer, employee or agent was acting in good faith, are authorized to grant a request by such an individual that the Attorney General be authorized to defend such claim, suit, or proceeding. The cost of the defense and any obligation for payment arising from such action or proceeding are covered. Damages are paid from the tort claims revolving fund; the cost of the attorney general defense is paid from general State appropriations to EWU.

In the case of an action, proceeding or claim against a majority of the board members, the Attorney General's office must make a determination with respect to the defense and indemnification.

RCW 28B.10.844 specifically authorizes trustees to purchase insurance to protect and hold harmless any trustee, officer, employee or agent from underlying any action claim or proceeding arising out of the performance or failure of performance of duties and to hold him or her harmless from any expenses connected with the defense settlement or monetary judgment from such actions. The purchase of such insurance must be coordinated to the Office of Risk Management in Olympia.

While the language is fairly clear and precise, the Attorney General should be prepared to advise the board at its next meeting and answer any relevant questions concerning this matter.

cc: Bill Shaw
Fritz Clarke

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MRC

PERSONNEL ACTIONS

January 16, 1986

Academic

1. Change of Status/Continuation of Special Appointment

Parker, Jerry, Professor of Chemistry, appointment as Chairman, Department of Chemistry, for a three-year term effective summer quarter, 1986.

2. Leave of Absence (without pay)

Trulove, Thomas, Professor of Economics, leave of absence (without pay) for winter and spring quarters, 1986.

Wooten, Brent, Associate Professor of Physical Education, leave of absence (without pay) for winter and spring quarters, 1986.

3. Retention of Non-Tenured Faculty

Hale, Hope, Assistant Professor of Nutrition and Dietetics
- probationary contract

Hardin, John, Assistant Professor of Black Studies
- probationary contract

Luton, Lawrence, Assistant Professor of Public Administration
- probationary contract

Rader, Gary M., Associate Professor of Computer Science
- probationary contract

Sen, Achin, Assistant Professor of Physics
- probationary contract

4. Sick Leave

Asan, Virginia, Professor of Physical Education, paid sick leave for winter quarter, 1986.

Wiley, Donald, Professor of Education, paid sick leave for the period October 15, 1985 to January 1, 1986.

5. Change to Previous Personnel Actions

Wilczynski, Jerzy, withdrawal of acceptance of employment as Associate Professor of Computer Science for the period January 1, 1986 through June 13, 1986.

PERSONNEL ACTIONS

January 16, 1986

Administrative

1. Appointments

Kolva, Harry J. "Jim", reappointment as Senior Research Analyst for the Institute for Urban and Local Studies. Period January 1, 1986 through March 31, 1986. Salary: \$7,500.

2. Resignations

Neumann, Richard, Assistant Coordinator, Outdoor Programs, Student Activities. Effective December 13, 1985.

Special Faculty

1. Leave of Absence Without Pay

Tannehill, Deborah, Women's Track and Field Coach, Athletics Department. Extended through June 30, 1986.