

APPROVAL OF CONTRACTS AND GRANTS

July 9-10, 2012

CONSENT CALENDAR

Presentation: Steven Bruckman, Executive Vice Chancellor, Operations and General Counsel

Item 1.2

Issue

This item presents the July 2012 contracts and grants for board approval.

Background

The Board of Governors Procedures and Standing Orders (Sections 318 and 319) require the chancellor to receive board approval before entering into contracts or grants (or amendments of contracts or grants) which are:

in excess of \$100,000; or
over three years in duration; or
with respect to consulting services, in excess of \$50,000.

Analysis

For each board meeting, staff prepares a summary of all currently proposed contracts and grants that exceed any of the board established thresholds. If there are no proposed contracts or grants that exceed the established thresholds, the board will be so informed at its meeting.

Recommended Action

That the Board of Governors approves entering into the July 2012 contracts and grants described in the attached summary.

Contracts and Grants

The following are the summaries of contracts and grants that require Board approval pursuant to Standing Orders Nos. 318 and 319, copies of which are attached.

(1) Economic and Workforce Development Division

Reason for Board Approval:	Grants Exceed \$100,000
RFA Specification No.:	11-326
RFA Specification Title:	Industry Driven Regional Collaborative
No. of Grants Awarded:	eight
Total Amount Awarded:	\$1,544,974
Funding Source:	Economic and Workforce Development
Type of Agreement:	Grant (Outgoing Funds)
Grantee:	See Below
Grant Number:	See Below
Term:	Original grant: 7/11/12 – 6/30/12 Am. 1: 7/11/12 – 6/30/13
Total Project Length:	12 months
Amount of Agreement:	See Below
Bid Process:	Renewal
Number of Proposals Received:	N/A
Number That Met Min. Score:	N/A
Readers:	N/A

Purpose: The purpose of Industry Driven Regional Collaborative grants is to meet the demand for new, innovative and emerging growth sectors and should be created for short- or long-term responses customized to the duration of the need. Projects can be catalysts or precursors for future vocational, career and technical education programs in the system. Programs and services provided through industry driven regional collaborative are strategic responses to the needs identified through statewide and regional environmental scanning processes. The grants focus resources on short-term intensive project for high growth sectors. These grants provide flexibility for colleges to assess and define their individual project needs in the context of statewide and regional needs.

<i>Industry Driven Regional Collaborative (IDRC)</i>		
Grant No.	District	Year 2
11-326-192	Santa Clarita CCD	\$64,182
11-326-193	Marin CCD	\$190,547

11-326-194	Grossmont-Cuyamaca CCD	\$251,826
11-326-195	San Francisco CCD	\$243,318
11-326-196	North Orange County CCD	\$253,913
11-326-198	State Center CCD	\$178,620
11-326-199	Yosemite CCD	\$205,420
11-326-200	Coast CCD	\$157,148

(2) Economic and Workforce Development Division

Reason for Board Approval: Grants Exceed \$100,000
RFA Specification No.: 11-336
RFA Specification Title: **Job Development Incentive Fund**
No. of Grants Awarded: five
Total Amount Awarded: \$918,543
Funding Source: Economic and Workforce Development
Type of Agreement: Grant (Outgoing Funds)
Grantee: See Below
Grant Number: See Below
Term: Original grant: 7/11/12 – 6/30/12
Am. 1: 7/11/12 – 6/30/13
Total Project Length: 12 months
Amount of Agreement: See Below
Bid Process: Renewal
Number of Proposals Received: N/A
Number That Met Min. Score: N/A
Readers: N/A

Purpose: The purpose of the Job Development Incentive Training Fund is to provide training on a no-cost or low-cost basis to participating employers who create employment opportunities at the acceptable wage level for attainment of self-sufficiency or a living wage for both welfare recipients and the working poor. These grants provide funds to local community colleges for flexible, short-term, design it yourself local projects to meet the needs identified in the regional plans or high growth industry sector. These projects depend on strong partnerships with state and local economic development entities, workforce development agencies, community-based organizations, especially the private sector.

Job Development Incentive Fund (JDIF)		
Grant No.	District	Year 2

11-336-074	Foothill-DeAnza CCD	\$175,000
11-336-075	West Valley-Mission CCD	\$248,993
11-336-077	Los Angeles CCD	\$169,646
11-336-079	North Orange County CCD	\$253,913
11-336-080	West Hills CCD	\$70,991

(3) Economic & Workforce Development Division

Reason for Board Approval: Grants Exceed \$100,000
FFA Specification No.: 12-107
RFA Specification Title: Assessment, Remediation and Retention for Associate Degree Nursing Programs
Funding Source: State
Type of Agreement: Grant
Total Amount Available Under RFA: Approximately \$3 million
Total Number of Awards Under RFA: Varies
Total Amount Awarded Under RFA: Varies
Grantee: See Below
Grant No.: See Below
Term: July 1, 2012 – June 30, 2013
Total Project Length: Up to two years
Amount of Agreement: See Below
Bid Process: N/A

Purpose: These funds are offered to colleges without nursing program enrollment growth grants. These funds are to be used to build on plans in progress for diagnostic assessment and remedial coursework programs for students desiring to enter the nursing program and to provide support services to students enrolled in the nursing program.

Grant No.	Grantee (District/College)	Original Award
12-107-001	Antelope Valley/Antelope Valley	\$164,000
12-107-002	State Center\Reedley	\$107,000
12-107-003	Los Angeles\East Los Angeles	\$335,000
12-107-004	Chabot-Las Positas/Chabot	\$335,000
12-107-005	Cerritos/Cerritos	\$335,000

12-107-007	San Luis Obispo\Cuesta	\$311,721
12-107-008	Long Beach\Long Beach City	\$335,000
12-107-009	Los Angeles\Los Angeles City	\$335,000
12-107-010	San Diego\San Diego City	\$221,000
12-107-011	Sierra\Sierra	\$107,000
12-107-012	Imperial/Imperial	\$141,200

(4) Technology, Research, and Information System Division

Reason for Board Approval:	Total Exceeds \$100,000
RFA Specification No.:	12-030
RFA Specification Title:	Cal-PASS
Type of Agreement:	Grant (TTIP/Cal-PASS/Outgoing Funds)
Contractor or Grantee:	San Joaquin Delta CCD
Contract or Grant No.:	12-030-001
Total Project Length:	Up to 5 years (60 months)
Term:	July 1 2012 – June 30 2013 (First Year)
Amount of Agreement:	Up to \$2,000,000
Bid Process:	Competitive bid through RFA process.

Purpose: As per Board of Governors guidelines, the current Cal-PASS grant has been competitively rebid. The new grant, which will be for a period of up to five years, has been awarded to satisfy the fiscal program requirements of the Cal-PASS program. The award recipient is responsible solely for handling the needs and expansion of the program, which is fully operational. The grantee is required to ensure program continuity with minimal overhead. This grant is currently funded for \$1.139 million dollars per fiscal year.

Program responsibilities:

- Maintain the infrastructure, hardware and software necessary to store, maintain and provide secure access to hundreds of millions of encrypted, anonymous student records. This includes continued collaboration with the Chancellor’s Office regarding data hosting.
- Manage the project as it conducts data analyses, including the development and production of reports, studies and outcome analyses.
- Share Cal-PASS outcomes with statewide, regional and local groups working to improve the alignment of curriculum from K-16 as well as working to improve regional K-16 collaboration.
- Track the effects of curricular and instructional alignment as well as special interventions such as early assessment, Advancement via Individual Determination and Puente programs.
- Compile and share the data to improve the sequencing in undergraduate education requirements so that appropriate senior year high school courses are linked to postsecondary general education courses. This also includes working to align curriculum with placement

tests in higher education so students have the necessary preparation to meet test expectations.

- Continue the expansion of data collection by increasing Cal-PASS member institutions in the three segments of education, K-12, community colleges and universities. The extent of this expansion, potentially including every public and private education institution in California, will be dependent on the level of funding available.
- Evaluate the current program's scope of activities and develop recommendations related to further improving the program's effectiveness over the next five years. This evaluation should be aligned to the program's mission and include the solicitation and input of program stakeholders.

STANDING ORDERS NOS. 318 AND 319 OF THE BOARD OF GOVERNORS

318. Contracts.

(a) Except as provided in subsection (b), whenever the power to contract is invested in the Board, or when, in the judgment of the Chancellor, such contracts are expressly or impliedly authorized to fulfill responsibilities or authorities vested in the Office of the Chancellor, the Chancellor is authorized in the name of the Board of Governors to enter into such contracts.

(b) The Chancellor shall secure Board approval before entering into any contract:

- (1) In excess of \$100,000; or
- (2) Over three years in duration; or
- (3) With respect to consulting services, in excess of \$50,000.

The requirement for Board approval shall apply to any amendment of a contract which results in the original contract exceeding the specified limits, as well as the amendment of a contract where the amendment itself exceeds the specified limits. Under circumstances when the need to contract was not foreseeable, and when delaying approval of the contract until the next Board meeting would jeopardize the contract or frustrate its purpose, the Chancellor shall have the authority to enter into contracts in excess of the limits specified in this subsection. Before entering into such contracts, however, the Chancellor shall consult with the President of the Board.

(c) In securing the approval of contracts by the Board pursuant to subsection (b), the Chancellor shall apply the following procedures:

(1) In determining the nature, extent and need for any such contract, the Chancellor shall provide a summary of the Request for Proposal (RFP), Invitation for Bid (IFB), or other summary of the purpose and need for a contract to the Board of Governors prior to publicly releasing any such RFP or IFB, or prior to making any informal commitment to contract. The Chancellor may proceed with the release of the RFP, IFB, or other contract negotiations, unless the Board President, with or without the advice of any appropriate Board Committee designated by the President, directs the Chancellor to withhold action within a 10 day period from the date the summary is provided.

(2) In developing language for such contracts, the Chancellor shall include a provision which allows any aggrieved bidder on an RFP or IFB to protest the awarding of a contract to the Chancellor. The Chancellor shall inform the Board of any such protests, including the results of such protests. This remedy shall be in addition to the bidder's right to protest the matter to the Department of General Services.

(3) The Chancellor shall ensure that each panel of evaluators who score proposals is made up of staff from more than one division in the Chancellor's Office, including outside evaluators as appropriate; and the Chancellor shall take such other steps as necessary to ensure that evaluations and scoring are objective and fair.

(4) In requesting approval of said contracts, the Chancellor shall, at the time of distributing each regular meeting agenda to the Board of Governors, include a summary of contracts for Board approval. The summary for each contract shall indicate: the purpose of the contract; the amount of the contract; the time for performance of the contract, including whether it was advertised as a multi-year contract; the number of proposals received or whether the contract is a sole source contract; the number of proposals which met the minimum score for cost opening; and the party awarded the contract.

The provisions of subparagraphs (1) through (3) above shall not apply to interagency agreements with other state agencies, and other agreements necessary for the agency to receive public funds.

(d) The authorization contained in subsection (a) includes agreements, leases, contracts, and other documents, including but not limited to: service agreements, insurance agreements, fiscal, budgetary, and personnel documents, travel requests, contracts for the purchase of apparatus, furniture, equipment, supplies and books, as well as contracts entered into as necessary to receive federal funds allocated to the California Community Colleges, all within the limits of fiscal ability and sound budgetary controls and subject to such policies as may be established by the Board. (EC § 70901(b)(5).)

319. Grants.

(a) Except as provided in subsection (b), whenever the power to enter into a grant is invested in the Board, or when, in the judgment of the Chancellor, a grant is expressly or impliedly authorized to fulfill responsibilities or authorities vested in the Office of the Chancellor, the Chancellor shall have the authority to enter into such grants.

(b) The Chancellor shall secure Board approval before entering into any grant:

- (1) In excess of \$100,000; or
- (2) Over three years in duration; or

The requirement for Board approval shall apply to any amendment of a grant which results in the original grant exceeding the specified limits, as well as the amendment of a grant where the amendment itself exceeds the specified limits. Under circumstances when the need to enter into a grant was not foreseeable, and when delaying approval of the grant until the next Board meeting would jeopardize the grant or frustrate its purpose, the Chancellor shall have the authority to enter into grants in excess of the limits specified in this subsection. Before entering into such grants, however, the Chancellor shall consult with the President of the Board.

(c) Prior to submitting grants to the Board for approval pursuant to subsection (b), the Chancellor shall either:

- (1) present to the Board for its review and approval an expenditure plan outlining the nature, extent and need for any such grants; or
- (2) provide a summary of the Request for Application (RFA) or other summary of the purpose and need for a grant to the Board of Governors prior to publicly releasing any such RFA or prior to making any informal commitment to award a grant. The Chancellor may proceed with the release of the RFA unless the Board President, with or without the advice of any appropriate Board Committee designated by the President, directs the Chancellor to withhold action within a 10 day period from the date the summary is provided.

(d) All grants awarded by the Board of Governors or the Chancellor on or after January 1, 1996, shall be awarded through competitive processes or through allocation formulas reviewed and approved by the Board of Governors, except that:

- (1) Grants may be awarded competitively within regions.
- (2) Grants for regional or statewide coordination activities for the Extended Opportunity Programs and Services (EOPS), Disabled Students Programs and Services (DSPS), Matriculation, and Economic Development programs need not be competitively bid.
- (3) Where there are conditions beyond the control of the Chancellor which limit competition, such as matching fund requirements or other agencies being required to select

grantees, the Chancellor, in consultation with the President of the Board and the Chairperson of the appropriate committee, shall have authority to award grants without competition.

(e) Panels evaluating or scoring grant proposals will include or be comprised of outside readers as appropriate and will be comprised so as to assure objectivity and prevent conflicts of interest. In the event that outside readers are not used, the evaluation panel shall be comprised of staff from more than one division in the Chancellor's Office. The Chancellor shall ensure that readers are appropriately trained with respect to the process for review of grant applications.

(f) Grants for the performance of functions which are ongoing in nature will be awarded in cycles of between one and five years in length. In advertising a grant for an ongoing function, district personnel will be apprised of the length of the cycle and the funding anticipated to be available for the duration of the project; provided however, that nothing in this Section shall be construed to preclude subsequent adjustment of actual funding levels to reflect unforeseen circumstances. Districts shall be further informed that continuance of the grant will depend on year-to-year funding, and continued satisfactory performance. The Chancellor shall have the authority to exempt grants described in Subsection (d)(2) or those awarded under the Mathematics, Engineering, and Science Achievement (MESA) program, the Middle College High School program, or the Puente project from the duration limitations imposed by this paragraph.

(g) A district which, prior to January 1, 1996, has been awarded a grant on a non-competitive basis for the performance of an ongoing function may continue to be awarded that grant, at the discretion of the Chancellor, for a period of up to three additional fiscal years. Retention of the grant shall depend on continued availability of funds and satisfactory performance. At the conclusion of the term, the grant for the ongoing function shall be awarded on a competitive basis.

(h) To the extent that a grantee contracts with a private or public entity to perform certain parts of the grant, the grantee shall be required to disclose the intended purpose and amount of such subcontracting, shall agree to follow locally applicable competitive bidding processes in doing such subcontracting, and shall agree to name the subcontractors chosen.

(i) The procedures specified above shall not apply to grants which are distributed on an allocation formula basis which has been reviewed and approved by the Board of Governors.