



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: September 9-10, 2013

SUBJECT: Approval of Contracts and Grants		Item Number: 1.2	
		Attachment: No	
CATEGORY:	Executive	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Steven Bruckman, Executive Vice Chancellor	Consent/Routine	X
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

ISSUE: This item presents 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 contract 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.

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.

RECOMMENDATION: It is recommended that the Board of Governors approves entering into the contracts and grants described in the September 2013 agenda.

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) Workforce and Economic Development Division

Reason for Board Approval: Exceeds \$100,000
RFA Specification Title: Sector Navigator and Deputy Sector Navigator
No. of Grants Awarded: Four
Total Amount Awarded: See Below
Funding Source: Economic and Workforce Development and Senate Bill 1070 Grant
Type of Agreement: Grant
Contractor or Grantee: See Below
Contract or Grant No.: See Below
Term: September 9, 2013 — June 30, 2014
Total Project Length: Nine months, 22 days
Amount of Agreement: See Below
Bid Process: Competitive bid
No. of Proposals Recvd: Eight
No. That Met Min. Score: Six
Readers: 12

Purpose: As part of the Doing What Matters for Jobs and the Economy initiative the Workforce and Economic Development Division, through a competitive request for applications process, solicited applicants for statewide sector navigators and regional deputy sector navigators to develop effective sector partnerships with employers, regional consortium, community colleges, high schools, Regional Occupational Programs, workforce investment boards, and other organizations to ensure a skilled workforce. The grantees will support and improve workforce training within the sector for entry level and incumbent workers and coordinate with employers on curriculum, certificate development, and program alignment.

Grant No.	Grantee (District/College)	Award Amount
13-157-013	Shasta-Tehama-Trinity CCD	\$300,000
13-160-004	South Orange County CCD	\$300,000
13-151-009	El Camino CCD	\$372,500
13-155-004	Yuba CCD	\$300,000

(2) Workforce and Economic Development Division

Reason for Board Approval: Exceeds \$100,000
Type of Agreement: Interagency agreement
(Senate Bill 1070 funds)
Contractor or Grantee: California Department of Education
Contract or Grant No.: 13-0038
Term: Nov. 1, 2013 – Dec. 31, 2014
Total Project Length: 13 Months
Amount of Agreement: \$140,000
Purpose: The purpose of this interagency agreement is to transfer \$140,000 to the California Department of Education to continue a Leadership Development Institute to prepare future career technical education secondary teachers. This project is funded by Senate Bill 1070 (Steinberg). The Leadership Development Institute is a project of the California Department of Education that will bring together career technical education instructional experts to develop 28 professional development modules that will form the basis for this leadership training. This project is part of the Senate Bill 1070 collaborative expenditure plan that was approved by the Department of Finance.

(3) Academic Affairs Division

Reason for Board Approval: In excess of \$100,000
Type of Agreement: Grant (Academic Affairs/Middle College High School/outgoing funds)
Contractor or Grantee: San Joaquin Delta CCD
Contract or Grant No.: 13-110-010
Term: July 1, 2013 – June 30, 2014
Total Project Length: Up to four years, with yearly renewals
Amount of Agreement: Original: \$99,000
Am. 1: \$201,000
Bid Process: Non-Competitive grant increase for year two of grant
No. of Proposals Recvd: One
No. That Met Min. Score: One
Purpose: Amendment of activities and additional funds will be used to examine the current implementation of dual enrollment programs in California in order to gauge the success of these programs. Working with researchers a methodology will be developed to analyze the current dual enrollment programs in order to determine their level of academic success, student engagement, and fiscal impact. The implementation of a pilot program, engaging numerous community colleges, to gather specific data, such as units completed, GPA, matriculation to four-year institutions, and college and career readiness for those students on a college early start/dual enrollment program will also be facilitated by the research organization. By the end of this data collection, the system will have a more robust understanding of student success metrics associated with dual enrollment programs.

In addition to the above work, the amendment of activities will include the convening of dual enrollment programs including but not limited to middle and early college high schools with representation from both the college partner and the K-12 partner for a one day summit to discuss best practices, common needs, Student Success Act, and provide the opportunity to network. The amendment will also include a one day meeting of those colleges receiving the Middle College High School grant in order to provide grantees the opportunity to interact with the Chancellor's Office and to discuss needs, successes and to provide the opportunity for grantees to exchange ideas.

The additional project budget will be used to contract with the research organization in order to explore current dual enrollment programs that utilize dual enrollment as an integral strategy to ensure student success. Additional project budget funds will be used to design, develop and promote a statewide summit of dual enrollment programs such as early and middle colleges in order to engage in articulation between community college staff members and K-12 staff members. Funds will also support a one day meeting of grantees receiving the Middle College High School grant.

Projected Funding for Subsequent Years:

\$300,000/year

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.