



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: November 17-18, 2014

SUBJECT: Approval of Contracts and Grants		Item Number: 1.2	
		Attachment: Yes	
CATEGORY:	Executive	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Erik Skinner, Deputy Chancellor	Consent/Routine	X
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

ISSUE: This item presents contracts and grants for 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 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: It is recommended that the Board of Governors approves entering into the contracts and grants described in the November 2014 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) Student Services Division

Reason for Board Approval:	Grant Exceeds \$100,000
Type of Agreement:	Grant (Distance Education Captioning and Transcription/outgoing funds)
Contractor or Grantee:	Santa Clarita CCD
Contract or Grant No.:	14-287-001
Term:	July 1, 2014 — June 30, 2015
Total Project Length:	1 year
Amount of Agreement:	Original Amount: \$ 500,000.00 Am 1 Amount: <u>\$ 500,000.00</u> Total Amount: \$1,000,000.00
Project Year:	Year two

Purpose: Provide funding for live and off-line captioning and transcription services to ensure the accessible delivery of distance education courses. Reason for augmentation request – significantly increased demand and awareness through Sidekick campaign and the \$500,000.00 in original grant award is close to being fully expended on just Fall semester requests. Need additional funds for access needs in Spring semester.

(2) Technology, Research, & Information Systems Division

Reason for Board Approval:	Purchase Order Exceeds \$100,000
Amount of Agreement:	\$227,142.00
Funding Source:	Student Right to Know/outgoing funds
Type of Agreement:	Purchase Order
Contractor or Grantee:	EDP Environments Inc.
Purchase Order No.:	Pending
Term:	One Time Purchase
Total Project Length:	One Time Purchase
Bid Process:	Competitive

Purpose: The location at 1102 Q Street, 6th Floor, which the Chancellor's Office is moving to in 2015, does not have adequate facilities to support the agency's IT infrastructure. The agency IT requirements exceed the temperature control, power capabilities, and physical security that are provided in a typical office environment. The Chancellor's Office hosts mission critical IT infrastructure on-site which must be in an environmentally controlled location. This infrastructure includes but is not limited to public and intranet websites, databases, email, electronic document storage, and Internet access for the Chancellor's Office employees.

(3) Technology, Research, & Information Systems Division

Reason for Board Approval:	Grant Exceeds \$100,000
RFA Specification No.:	14-047
RFA Specification Title:	Institutional Effectiveness and Technical Assistance Program Grant (Matriculation/outgoing funds)
Type of Agreement:	To Be Determined
Contractor or Grantee:	To Be Determined
Contract or Grant No.:	14-047-001
Term:	December 1, 2014 — June 30, 2015
Amount of Agreement:	Up to \$2.5 million (annually)
Total Project Length:	Up to 4 years and 7 months
Project Year:	Initial 7 months
Bid Process:	Competitive bid
No. of Proposals Recvd:	six
No. That Met Min. Score:	TBD
Readers:	six

Purpose: This grant, which will be for a maximum period of four years and seven months (55months), will be awarded to satisfy the program requirements of the Institutional Effectiveness and Technical Assistance Program.

The RFA will be awarded to a college/district to:

- Act as the fiscal agent for the initiative.
- Ensure program continuity with minimal overhead.
- Work closely with the Chancellor's Office, designated advisory committees and colleges to perform the activities required to develop and manage a comprehensive technical assistance program to enhance institutional effectiveness and further student success.
- Build a robust technical assistance infrastructure to disseminate effective practices, promote college-level student success reforms, and assist struggling colleges.

The Institutional Effectiveness and Technical Assistance Program will satisfy the language of Senate Bill No. 860 (SB-860 SEC. 20. Section 84754.6) as added to the Education Code.

The Chancellor of the California Community Colleges, in coordination with community college stakeholder groups, the appropriate fiscal and policy committees of the Legislature, and the Department of Finance, shall develop, and the Board of Governors shall adopt, a framework of indicators designed to measure the ongoing condition of a community college's operational environment in the following areas:

- (1) Accreditation status.
- (2) Fiscal viability.
- (3) Student performance and outcomes.
- (4) Programmatic compliance with state and federal guidelines.

(4) Workforce and Economic Development Division

Reason for Board Approval: Grants Exceeds \$100,000
Type of Agreement: Grant (SB 1070/outgoing funds)
Contractor or Grantee: See Below
Contract or Grant No.: See Below
Term: November 18, 2014 — October 31, 2014
Total Project Length: Two years
Amount of Agreement: See Below
Bid Process: Originally award competitive bid

Purpose: The Career Technical Education Teacher Preparation Pipeline originally funded ten colleges to identify and implement effective practices in teacher preparation. The goal of this proposal is to create a statewide inventory and model of those activities and approaches that have been the most successful in developing qualified teachers within STEM, K-12, Career Technical Education and in Higher Education. This model of teacher preparation will successfully recruit, train and support future teachers. It will be developed in partnership with 10 community colleges across the state and will serve as a teacher preparation model for the Community Colleges throughout California. Professional development activities and dissemination of best practices will be extended to all educational entities in each region. This program will support the development of future teachers and the ongoing support of the teacher training pathway.

Grant Number	Grantee (District/College)	Award Amount
14-090-001	Cabrillo Community College District/Cabrillo College	\$120,000
14-090-002	Cerritos Community College District/Cerritos College	\$120,000
14-090-003	Santa Clarita Community College District/College of the Canyons	\$120,000
14-090-004	Grossmont-Cuyamaca Community College District/ Grossmont College	\$120,000
14-090-005	North Orange County Community College District/Cypress College	\$120,000
14-090-006	El Camino Community College District/ El Camino College	\$120,000
14-090-007	Rio Hondo Community College District/Rio Hondo College	\$120,000
14-090-008	Southwestern Community College District/Saddleback College	\$120,000
14-090-009	San Francisco Community College District/San Francisco College	\$120,000
14-090-010	West Hills Community College District/Lemoore College	\$120,000

(5) Workforce and Economic Development Division

Reason for Board Approval:	Grants Exceed \$100,000
Funding Source:	Grant (SB 1402 EWD/Outgoing Funds)
Type of Agreement:	Grant
Contractor or Grantee:	See Below
Contract or Grant No:	See Below
Term:	November 18, 2014 – June 30, 2015
Total Project Length:	Up to two Years
Project Year:	Year One
Amount of Agreement:	See Below
Bid Process:	Non-competitive Bid

Purpose: The purpose of these grants is to contract with seven Regional Consortia through a recommended community college district to serve as Fiscal Agent to disburse on a one-time basis \$50M from the Career Technical Education Enhancement Fund. These funds are intended to create greater incentive for community colleges to develop, enhance, retool and expand quality career technical education (CTE) offerings that build upon existing community college regional capacity to respond to regional labor market needs. Funds can be used for CTE equipment, curriculum development, professional development, and other related costs necessary to develop, enhance, retool and expand quality CTE offerings. Chancellor’s Office shall allocate these funds according to a formula that factor in the total number of full-time equivalent students, including full-time equivalent students in career technical education courses. These funds will be distributed to Fiscal Agents according to the following budget law requirements:

- Funds shall be distributed by the fiscal agent to districts within the region for CTE programs developed with industry input, matched by industry resources, and adopted by faculty upon certification by the regional consortia.
- The courses or programs of study for which the funds are requested shall meet all of the following criteria:
 - Be for occupations and sectors that are demonstrated to be in demand in the regional labor market;
 - Be for occupations for which the regional production of employees is insufficient to meet labor market demand; and
 - Demonstrate regional alignment of program and curricula.
- Priority funding shall go to programs that meet one or more of the following criteria:
 - Are in priority sectors identified by the region;
 - Are in emerging sectors identified by the region; and
 - Are articulated with K-12 or four-year institutions.
- Individual colleges and districts shall be responsible for:
 - Identifying eligible programs and their faculty;
 - Implementing courses and programs to meet regional capacity needs;
 - Participating in regional coordination efforts;
 - Articulating with K-12 and four-year institutions, and submitting outcomes data to Chancellor’s Office.
- The Regional Consortia shall be responsible for certifying labor market demand with input from regional employers and essential workforce and economic development partners,

prioritizing investment of funds according to industry sectors and occupations, and ensuring regional coordination.

- The district designated as the Fiscal Agent in each region shall be responsible for distributing the funds to each district within its region following certification by the Regional Consortia that the courses and programs submitted to the districts and colleges for funding meet the criteria above.
- Chancellor’s Office shall be responsible for administering the distribution of funds to the Fiscal Agents for each region and monitoring progress toward meeting regional and statewide career technical education needs.

The recommended distribution of these funds is:

Macro-Region Grant No.	Grantee (District/College)	Amount*
<ul style="list-style-type: none"> • North-Far North • 14-187-005 	Shasta-Tehama-Trinity Joint Community College District	\$ 5,235,933
<ul style="list-style-type: none"> • Los Angeles-Orange • 14-187-006 	Rancho Santiago Community College District	\$ 16,695,271
<ul style="list-style-type: none"> • Bay Area • 14-187-007 	Cabrillo Community College District	\$ 11,316,652

*Maximum amount comprised of both Local Share and Regional Share.

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.