



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
 DATE: September 9, 2014

SUBJECT: Approval of Contracts and Grants		Item Number: 1.2	
		Attachment: No	
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 September 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) Workforce and Economic Development Division

Reason for Board Approval:	Exceeds \$100,000
Type of Agreement:	Grant (SB 1402 EWD/Outgoing Funds)
Contractor or Grantee:	Mt. San Antonio Community College District
Contract or Grant No.:	14-320-001
Term:	July 9, 2014 – June 30, 2015
Total Project Length:	Up to 3 Years
Project Year:	Year One
Amount of Agreement:	\$237,525
Bid Process:	Request for Applications
No. of Grants Awarded:	One
Total Amount Awarded:	\$237,525
Bid Process:	Competitive Bid
No. of Proposals Recvd:	Five
No. That Met Min. Score:	Four
Readers:	Six

Purpose: The Technical Assistance Provider (TAP) for Contract Education will support contract education development by understanding the latest trends as they relate to contract education on the local, regional, statewide, and national level. This position will provide technical assistance to the California Community Colleges by promoting, supporting, and implementing contract education statewide. Additionally the contract education Technical Assistance Provider will:

1. Serve as the first point of contact for contract education with the intent of assisting California community colleges and districts to develop, expand, and/or improve contract education programs.
2. Provide contract education technical assistance and logistical support to local, regional, and statewide employers, industries, and businesses.
3. Align California contract education programs with the Doing What Matters for Jobs and the Economy framework, including recommendations on policy and process changes.
4. Serve as the technical assistance expert staying current with industry contract education needs, trends, and funding opportunities in order to provide guidance to the Chancellor's Office and the California community colleges.
5. Identify and provide a rationale for the common metrics and accountability measures that relate to contract education and provide measurable outcomes for this grant.
6. Identify professional development opportunities for the TAP for Contract Education, Chancellor's Office staff, and California community college faculty and staff.
7. Attend conferences and extended operations quarterly meetings to interact with Sector Navigators and Deputy Sector Navigators to stay current with what local, regional, and statewide needs in contract education.

(2) Workforce and Economic Development Division

Reason for Board Approval:	Exceeds \$100,000
Type of Agreement:	Contract (Interagency Agreement/Incoming Funds)
Contractor or Grantee:	California Employment Training Panel (ETP)
Contract or Grant No.:	14-REC-05
Term:	September 15, 2014 – June 30, 2016
Total Project Length:	Up to 2 Years
Project Year:	Year One
Amount of Agreement:	\$999,999.99
Bid Process:	Exempt for Interagency Agreement
No. of Proposals Recvd:	N/A
No. That Met Min. Score:	N/A
Readers:	N/A

Purpose: On January 17, 2014, Governor Brown declared a state of emergency as California is experiencing one of the worst droughts in decades. Dry conditions and lack of precipitation present urgent problems:

- Drinking water supplies are at risk in many California communities;
- Fewer crops can be cultivated and farmers’ long-term investments are put at risk;
- Low-income communities heavily dependent on agricultural employment will suffer heightened unemployment and economic hardship;
- Animals and plants that rely on California’s rivers, including many species in danger of extinction, will be threatened; and the risk of wildfires across the state is greatly increased.

The objective of this agreement is to provide training to workers and employers impacted by the drought. A primary goal is to reach workers who have been dislocated as a result of the drought and quickly help them get the training necessary to find employment. Additionally, this agreement will help farmers and other drought-impacted employers avert layoffs. Approval is conditioned on Department of Finance’s spending authority approval.

(3) Workforce and Economic Development Division

Reason for Board Approval:	Exceeds \$100,000
Type of Agreement:	Grant (California Employment Training Panel (ETP)/Outgoing Funds)
Contractor or Grantee:	Yosemite Community College District
Contract or Grant No.:	14-186-001
Term:	September 15, 2014 – June 30, 2016
Total Project Length:	Up to 2 Years
Project Year:	Year One
Amount of Agreement:	\$999,999.99

Purpose: Funds from this agreement will be used for training in the most drought-impacted regions, the San Joaquin Valley and the Tulare Lake Basin. Where appropriate, there will be an emphasis on “portable skills” and training that leads to industry-recognized certifications. Training supported by this agreement will also provide literacy and English as Second Language skill training. Colleges will be required to consult with local service delivery entities with a history of outreach to

agricultural workers and to develop outreach materials in English, Spanish, and other languages as appropriate. The goal is to provide industry-recognized certificates in industry sectors with the highest propensity for resulting in job placement. Approval is conditioned on Department of Finance’s spending authority approval. The district will serve as Fiscal Agent to provide oversight to the colleges. Funds used under this agreement shall:

- Provide support for no less than 12 training programs, each of roughly 250 hours duration. This training will be provided at no cost to participants; tuition and materials costs will be waived.
- Provide a variety of job training programs for workers displaced due to the drought including, but not limited to:
 - Irrigation system evaluations specialists and designers;
 - Logistics technicians;
 - Electrical maintenance technicians,
 - Water treatment operators,
 - Forklift and warehouse technicians,
 - Food safety technicians, and
 - Qualified applicators,
 - Basic skills / ESL (English as Second Language)
- Funds may be used to provide short-term, non-certificate training for low-skill workers needing soft skills, language skills, and other vocational job preparation.
- Focus training in the San Joaquin Valley and Tulare Lake Basin.
- Colleges providing training shall include but not limited to:
 - Fresno City College
 - Reedley College
 - Modesto Junior College
 - Merced College
 - West Hills College Coalinga
 - College of the Sequoias

(4) Workforce and Economic Development Division

Reason for Board Approval:	Exceeds \$100,000
Type of Agreement:	Grant (SB 1070/Perkins 1B/SB1402/ Outgoing Funds)
Contractor or Grantee:	Butte-Glenn Community College District
Contract or Grant No.:	14-181-001
Term:	July 9, 2014 – June 30, 2015
Total Project Length:	Up to 5 Years
Project Year:	Year One
Amount of Agreement:	Original Amount: \$ 700,000 Am. 1 Amount: <u>\$ 400,000</u> Total Amount: \$1,100,000
Bid Process:	Originally awarded through Competitive Bid

Purpose: The objectives of this grant will focus on data-related technical assistance in support of accountability, research, evaluation and toolkits for programs of the Workforce and Economic Development Division. The augmentation will fund the following:

- Statewide accountability dashboard development, supporting the implementation and further development of the LaunchBoard, the statewide Career Technical Education (CTE) dashboard), as well as providing guidance on ways to better gather and integrate data on CTE/workforce success.
- Program evaluation of the effectiveness of the Doing What Matters for Jobs and the Economy framework in achieving the specific program goals and objectives, resulting in an annual report with specific conclusions and recommendations for strategies to improve effectiveness.
- System innovation and tool development to create new systems as well as improve existing systems, including but not limited to: mobile applications, system integration, usability testing, user interface development, programming, application development, quality control, and crowdsourcing of process development.
- Mini-grants process for small grants approved by the Chancellor’s Office for supporting communities of practice.
- The Research and Accountability Advisory Committee to serve the Chancellor’s Office on federal and state workforce accountability measures directly related to CTE research and outcomes.
- Research projects.

(5) Workforce and Economic Development Division

Reason for Board Approval:	Grants Exceed \$100,000
Funding Source:	Grant (SB 1402 EWD)
Type of Agreement:	Grant
Contractor or Grantee:	Lassen Community College District
Contract or Grant No:	13-327-001
Term:	June 20, 2014 – June 30, 2015
Total Project Length:	Up to One Year
Project Year:	2013-2014
Amount of Agreement:	\$ 261,400
Bid Process:	Originally awarded through Competitive Bid

Purpose: The purpose of the Industry Driven Regional Collaborative (IDRC) for economically distressed areas capacity building grants is to bolster community colleges to better meet the demand for new, innovative, and emerging growth sectors. These projects are catalysts or precursors for future vocational, career and technical education programs in the system. Programs and services provided through IDRC grants are strategic responses to the needs identified in-region. These IDRC grants for 2013-2014 are targeting colleges in economically distressed urban and rural areas. The community college districts that were eligible to apply were those within counties with a per capita annual personal income below \$30,000 and a high unemployment rate. Board of Governor’s approved this grant in May in the amount of \$191,615 although the original amount requested by the district was \$261,400. Available funds allowed an increase to meet the original amount requested.

(6) 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:	September 9, 2014 – June 30, 2015
Total Project Length:	Up to 2 Years
Project Year:	2014-2015
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 \$50 million from the CTE Enhancement Fund. These funds are intended to create greater incentive for community colleges to develop, enhance, retool and expand quality 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. CCCCC 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 CTE 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 CCCCC.
- 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.
- CCCCO shall be responsible for administering the distribution of funds to the Fiscal Agents for each region and monitoring progress toward meeting regional and statewide CTE needs.

The recommended distribution of these funds is:

Macro-Region Grant No.	Grantee (District/College)	Amount*
<ul style="list-style-type: none"> • Central • 14-187-001 	State Center Community College District	\$ 4,777,649
<ul style="list-style-type: none"> • South Central • 14-187-002 	Santa Barbara Community College District	\$ 3,666,606
<ul style="list-style-type: none"> • San Diego/Imperial • 14-187-003 	Grossmont-Cuyamaca Community College District	\$ 4,349,109
<ul style="list-style-type: none"> • Desert/Inland Empire • 14-187-004 	Riverside Community College District	\$ 3,958,778

*Maximum amount comprised of both Local Share and Regional Share. Local Share (60 percent of amount) may be distributed directly to institutions by the CCCCO pending determination of process.

(7) Workforce and Economic Development Division

Reason for Board Approval:

Funding Source:

Type of Agreement:

Contractor or Grantee:

Contract or Grant No.:

Term:

Total Project Length:

Project Year:

Amount of Agreement:

Bid Process:

Purpose: The purpose of the grant is to develop a series of inter-related curricula to prepare instructors with the colleges and across the workforce development spectrum in the theory and practice of Solar Photovoltaic and Solar Heating and Cooling system installations. These training instructors will be able to expand workforce training programs to meet identified demand for solar installers.

Contract Exceeds \$100,000
 Contract (federal Dept. of Energy-Solar/Outgoing Funds)
 Contract
 West Valley-Mission Community College District
 14-188-001
 Sept 9, 2014 – June 30, 2015
 9 months
 2014-2015
 \$ 398,400
 Non-competitive Bid

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.