





The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
 DATE: January 20-21, 2015

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 January 2015 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) Academic Affairs Division

Reason for Board Approval: Contract Exceeds \$100,000
Type of Agreement: Contract (Academic Affairs/incoming funds)

Contractor: California Department of Correction and Rehabilitation

Contract No.: TBD

Term: TBD

Amount of Agreement: Up to \$2.0 million

Total Project Length: Up to 3 years and 7 months

Bid Process: N/A to Interagency Agreements

Purpose: The purpose of the IA with California Department of Corrections and Rehabilitation is to fulfill the provisions of Senate Bill 1391, regarding inmate education programs. These funds and this agreement will enable the California Community Colleges, Chancellor's Office and California Department of Corrections and Rehabilitation to develop a pilot program to expand and increase community college courses for state prison inmates that lead to degrees or certificates that result in enhanced workforce skills or transfer to a 4-year university. The anticipated term of this agreement will be March 1, 2015 (or sooner if possible) to June 30, 2018.

(2) College Finance & Facilities Planning Division

Reason for Board Approval: Purchase Order Exceeds \$100,000

Amount of Agreement: \$217,638.00

Funding Source: Student Right to Know/outgoing funds

Type of Agreement: Purchase Order

Contractor or Grantee: To be Determined pending bid process

Purchase Order No.: Pending

Term: One Time Purchase

Total Project Length: To be Determined

Bid Process: Competitive

Purpose: The location at 1102 Q Street, 6th Floor, which the Chancellor's Office is projected to moving into during calendar year 2015, will need new audio and visual area for Board of Governors chambers and meeting room spaces. Our office has received design/build plans to implement the presentation technologies of our office inside our new location.

(3) Student Services Division

Reason for Board Approval: Contract Exceeds \$100,000
Type of Agreement: Contract (Student Services/outgoing funds)
Contractor: Contra Costa Community College District
Contract No.: C14-0051
Term: January 1, 2015 – January 31, 2016
Amount of Agreement: Not to exceed \$183,000.
Total Project Length: 1 year 1 month
Bid Process: N/A

Purpose: The purpose of this InterJurisdictional Exchange contract with the Contra Costa Community College District is for the services of Dr. Denise Noldon to serve as the Vice Chancellor in the Student Services Division. She will act as a key advisor to the Chancellor and the Chancellor’s Office Staff in matters related to student services; as well as participate as a member of top management in the development and implementation of department policy related to student success and institutional effectiveness.

(4) Workforce and Economic Development Division

Reason for Board Approval: Grant Total Exceeds \$100,000
Grant Title: Career Technical Education (Non-Traditional Careers)
Type of Agreement: Grant (Perkins 1B Leadership/Outgoing Funds)
Contractor or Grantee: Grossmont-Cuyamaca Community College District
Contract or Grant No.: 15-166-001
Term: July 1, 2015 – June 30, 2016
Total Project Length: 1 year
Amount of Agreement: \$150,000
Bid Process: Non-competitive bid

Purpose: The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) requires a state mandated set aside to serve individuals seeking employment in non-traditional career. These funds are used to provide professional development opportunities to provide faculty and staff with tools and strategies to better recruit and serve students seeking employment in non-traditional careers.

(5) Workforce and Economic Development Division

Reason for Board Approval: Contract Total Exceeds \$100,000
Type of Agreement: Contract (Interagency Agreement /Perkins/Outgoing Funds)
Contractor or Grantee: California Department of Corrections and Rehabilitation
Contract or Grant No.: R15-0366
Term: July 1, 2015 — June 30, 2016
Total Project Length: 1 Year
Amount of Agreement: Up to \$600,000

Purpose: The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) requires a state mandated set aside to serve individuals in state institutions, such as state correctional institutions and other state institutions that serve individuals with disabilities. The amount must be equal to and not to exceed one percent of Perkins IV funds received by the Chancellor’s Office

(6) Workforce and Economic Development Division

Reason for Board Approval: Contract Total Exceeds \$100,000
Type of Agreement: Contract (Interagency Agreement/Incoming funds)

Contractor: California Department of Education

Contract No.: 15-REC-01

Term: July 1, 2015 – June 30, 2016

Total Project Length: 1 year

Amount of Agreement: To be determined by federal actions

Bid Process: Exempt for Interagency Agreements

Purpose: The purpose of the interagency agreement with the California Department of Education is to support local assistance of the Career Technical Education program. These funds are used by the field to provide professional development opportunities to faculty, to create advisory councils, to develop regional collaborative, and to design and share strategies that support the objectives of the Carl D. Perkins Career Technical Education Act.

(7) Workforce and Economic Development Division

Reason for Board Approval: Contract Total Exceed \$100,000
Type of Agreement: Contract (Interagency Agreement/Incoming Funds)

Contractor: California Department of Education

Contract No.: 15-REC-02

Term: July 1, 2015 — June 30, 2016

Total Project Length: 1 year

Amount of Agreement: To be determined by federal actions

Bid Process: Exempt for Interagency Agreements

Purpose: The purpose of the interagency agreement with the California Department of Education is to support agency administration of the Carl D. Perkins Career Technical Education Act. These funds are used internally to support the objectives of the Carl D. Perkins Career Technical Education Act.

(8) Workforce and Economic Development Division

Reason for Board Approval: Contract Total Exceed \$100,000
Type of Agreement: Contract (Interagency Agreement/Incoming Funds)

Contractor or Grantee: California Department of Education

Contract or Grant No.: 14-REC-01

Term: July 1, 2014 — June 30, 2015

Total Project Length: One year

Amount of Agreement: \$ 56,469,374.00

Amendment 1: \$ 474,891.00

Total: \$ 56,944,265.00

Bid Process:

Exempt for Interagency Agreements

Purpose: The purpose of the interagency agreement with the California Department of Education is to support local assistance of the Career Technical Education program. These funds are used by the CCCCO and the field to provide professional development opportunities to faculty, to create advisory councils, to develop regional collaboratives, and to design and share strategies that support the objectives of the Carl D. Perkins Career Technical Education Act. This amendment authorizes the CCCCO to use prior year carryover funds in 2014-15.

(8) College Finance & Facilities Planning Division

Reason for Board Approval:

Purchase Order Exceeds \$100,000

Amount of Agreement:

\$596,750.00

Funding Source:

General Fund/outgoing funds

Type of Agreement:

Purchase Order

Contractor or Grantee:

Keller Group Office Environments

Purchase Order No.:

Pending

Term:

One Time Purchase

Total Project Length:

To be Determined

Bid Process:

Competitive

Purpose: Purchase new work stations when the Chancellor’s Office relocates the bulk of its operations from the third and fourth floors of 1102 Q Street to the fourth and 6th floors. The vendor was selected by the Department of General Services (DGS), which is leading the office relocation. The office panel systems currently in use do not meet State Administrative Manual requirements for the space to be occupied.

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.