

APPROVAL OF CONTRACTS AND GRANTS

2.1

ACTION

Presentation: Steven Bruckman
Executive Vice Chancellor of Operations/General Counsel

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 contracts or grants (or amendments of contracts or grants) which are:

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.

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 approve entering into the 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 Development and Workforce Prep Division

Reason for Board Approval: Contract Total Exceeds \$100,000
Type of Agreement: Interagency Agreement (Educational Services/Incoming Funds)
State Agency: State Energy Resources Conservation and Development Commission
Agreement Number: 09-REC-04 (State Energy No. 600-08-009)
Term: August 14, 2009 – June 30, 2012
Total Project Length: Two years
Amount of Agreement: \$4,500,000
Bid Process: N/A to Interagency Agreements
Number of Proposal Received: N/A
Number That Met Minimum Score: N/A
Readers: N/A
Purpose: The purpose of this agreement is to develop training programs in transportation technology and alternative fuels for use in California’s community colleges and provide statewide and regional labor market information to guide future workforce development funding decisions.

(2) Economic Development and Workforce Prep Division

Reason for Board Approval: Exceeds \$100,000
RFA Specification No.: 09-041
RFA Specification Title: Alternative and Renewable Fuel and Technology Program
Funding Source: State Energy Resources Conservation and Development Commission (AB 118)
Type of Agreement: Grant
Total Amount Available Under RFA: \$3,852,000
Total Number of Awards Under RFA: Five
Total Number of Awarded Under RFA: Five
Grantee: See Below
Grant Number: See Below
Term: September 1, 2009 – June 30, 2012
Total Project Length: Two years
Amount of Agreement: See Below
Bid Process: Noncompetitive

Number of Proposals Received: N/A
Number That Met Min. Score: N/A
Readers: N/A

Purpose: The purpose of this agreement is to develop training programs in transportation technology and alternative fuels for use in California’s community colleges and provide statewide and regional labor market information to guide future workforce development funding decisions.

Grant No.	Grantee (District/College)	Amount
09-041-001	West Valley-Mission CCD/West Valley College	\$3,325,000
09-041-002	Los Rios CCD	\$220,000
09-041-003	San Jose-Evergreen CCD	\$60,000
09-041-004	Desert CCD	\$27,000
09-041-005	San Bernardino CCD	\$220,000

(3) Economic Development and Workforce Prep Division

Reason for Board Approval: Exceeds \$100,000 and exceeds three years duration of Board approval

RFA Specification No.: 09-320

RFA Specification Title: Economic and Workforce Development Training and Development Institute (Professional and Capacity Development)

Funding Source: Economic and Workforce Development

Type of Agreement: Grant

Total Amount Available Under RFA: \$600,000

Total Number of Awards Under RFA: One

Total Number of Awarded Under RFA: One

Term: July 1, 2009 – June 30, 2010

Grantee: See Below

Grant Number: See Below

Total Project Length: Five years

Bid Process: Originally awarded through RFA competitive bid

Purpose: This grant builds system capacity and provides various types of professional development for colleges.

Grant No.	Grantee (District/College)	Original Grant Award	Augmentation	Total Amount Awarded
09-320-001	Butte-Glenn CCD	\$300,000	300,000	\$600,000

(4) Economic Development and Workforce Prep Division

Reason for Board Approval: Grant Total Exceeds \$100,000
Type of Agreement: Grant – Career Technical Education/Outgoing funds
RFA Specification No.: 08-107
RFA Specification Title: Enrollment Growth and Retention Program
 Allocation – Associate Degree Nursing Registered
 Nursing (RN) Programs
 Degree Nursing
Contractor or Grantee: See Below
Contract or Grant No.: See Below
Term: March 1, 2009 –May 30, 2010
Total Project Length: Funds will be awarded for a period of 14 months
Amount of Agreement: See Below

Purpose: In order to address the nursing shortage, 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 Number	District	College	Total FY 2009-10
08-107-01	Los Rios CCD	Sacramento City College	\$135,950
08-107-03	Los Angeles CCD	East Los Angeles College	\$147,410
08-107-09	Los Angeles CCD	Los Angeles City College	\$192,500
		TOTAL	\$475,860

(5) Economic Development and Workforce Prep Division

Reason for Board Approval: Grant Total Exceeds \$100,000
RFA Specification No.: 09-127
RFA Specification Title: Phase II, Allied Health Program Expansion
Funding Source: Economic Stimulus Funds (ARRA)
Type of Agreement: Grant
Total Amount Available Under RFA \$6,000,000
Grantee: See list below
Grant No.: See list below
Term: July 14, 2009 – June 30, 2011
Total Project Length: 23 months
Amount of Agreement: See below
Bid Process: Competitive
No. of Proposals Recvd: 35
No. Awarded: 19
Readers: 37

Grant Agreement No.	District	College	Total FY 2009-10
09-127-18	Los Angeles CCD	East Los Angeles College	\$376,849
09-127-19	San Mateo CCD	Canada College	\$109,654
		TOTAL	\$486,503

The purpose of these grants is to expand enrollments in existing or newly developed allied health programs, thereby increasing the number of allied health students taught by the community colleges. In addition, these projects are to provide services to identify students at risk of failing the individual

(6) Economic Development and Workforce Prep Division

Reason for Board Approval: Grant Total Exceeds \$100,000
RFA Specification No.: 08-0128
RFA Specification Title: Capacity Building for Associate Degree (RN) Programs – Generic Program Development
Funding Source: Nursing Education Program
Type of Agreement: Grant
Total Amount Available Under RFA \$600,000 – Available to colleges with LVN to RN programs to develop the first year of a two year generic program.
Grantee: See below
Grant No.: See below
Term: June 25, 2009 – June 30, 2011
Total Project Length: 24 months
Number of Awards: Two Projects

Grant Agreement No.	District	College	Total FY 2009-11
08-128-01	Mira Costa CCD	Mira Costa	\$300,000
08-128-02	Siskiyou Joint CCD	College of the Siskiyous	\$300,000
		TOTAL	\$600,000

**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.