

Board of Trustees Agenda Item

Board Meeting Date: 03/01/2010

Title of Item: MOU with No. County Regional Occupational Program, Joint Powers Agency (JPA)

Background and Analysis:

This is a memo of understanding between Foothill-De Anza Community College District, for the California Community Colleges CTE Collaborative Project SB70 Grant # 08-140-420 and North County Regional Occupational Program, Joint Powers Agency (JPA), one of the grant partners.

As a grant participant and partner, the JPA coordinates the development of new and existing programs of study between JPA career technical education programs at Fremont Union High School, Mountain View-Los Altos Union High School, and Palo Alto Unified School Districts and programs at Foothill and De Anza Colleges. This includes the development of career pathways, articulation agreements and events showcasing career and technical education pathways and partnerships.

JPA shall receive a subcontract of \$30,000 for reimbursement for costs affiliated with completing the scope of the work prescribed in the Exhibit A (attached) as per the CTE Collaborative Project SB70 Grant # 08-140-420. Two scheduled grant payments of \$15,000 each are payable at the signing of the MOU and the completion on the project no later than June 30, 2010.

Note: Should there be any State budget reductions to the SB70 Grant #08-140-420 during the grant period, subcontractors reimbursements will be reduced accordingly.

Recommendation: (specify if information only)

Foothill administration recommends approval of this MOU.

Submitted by:	Denise Swett, Associate Vice President, x6952
Additional contact names:	Judy Miner, President, x7201
Is backup provided?	MOU & Exhibit A



MEMORANDUM OF UNDERSTANDING (MOU)
North County Regional Occupational Program, Joint Powers Agency (JPA)
Partner Agreement

1. **MASTER CONTRACT INFORMATION**

Foothill-De Anza Community College District 2009-2010 California Community Colleges CTE Collaborative Project SB70 Grant # 08-140-420.

2. **PARTNERS**

Foothill-De Anza Community College District, hereinafter referred to as Foothill-De Anza CCD, whose address is 12345 El Monte Road, Los Altos Hills, CA 94022 and North County Regional Occupational Program, Joint Powers Agency (JPA), hereinafter referred to as JPA whose address is 589 W. Fremont Ave., Sunnyvale, CA mutually agree to fulfill the following:

3. **AGREEMENT**

JPA shall coordinate the development of new and existing Programs of Study between JPA career technical education programs in Fremont Union High School, Mountain View-Los Altos Union High School, and Palo Alto Unified School Districts and programs at Foothill and De Anza Colleges. JPA shall complete work described in Exhibit A (attached)

4. **TERM**

This Agreement commences on July 1, 2009 and terminates June 30, 2010.

5. **SUBCONTRACT AMOUNT**

JPA shall receive a subcontract of \$30,000 for expenses related to completing the work in Exhibit A. Should there be any State budget reductions to the SB70 Grant #08-140-420 during the active grant period, subcontractors reimbursements will be reduced accordingly.

6. **TERMINATION**

This Agreement shall terminate upon the completion by JPA as per Exhibit A or by June 30, 2010, whichever occurs first. This Agreement may be terminated by either partner with a 30-day written notice. Foothill-De Anza CCD will reimburse JPA for the activities completed by the time of the termination. The Agreement may also be cancelled immediately by mutual written consent.

7. **SUBCONTRACT BILLING AND PAYMENT SCHEDULE**

The subcontract for \$30,000 shall be paid to JPA upon the submission of invoices to Foothill-De Anza CCD. JPA shall submit a maximum of two (2) invoices, according to the following schedule:

First invoice at the signing of this MOU (\$15,000)

Second invoice submitted not later than June 30, 2010 (\$15,000)

JPA shall supply reports and supporting documentation as per the timeline in Attachment A in order to be eligible for reimbursement.

8. INDEPENDENT CONTRACTOR STATUS

This Agreement is between two independent agencies and is not intended to create the relationship of agent, servant, employee, partnership, joint venture, or association.

9. NON-DISCRIMINATION

Neither party to this Agreement shall, on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability unlawfully deny any person the benefits of or unlawfully subject any person to discrimination under the program conducted pursuant to this subcontract. Both parties agree to act in accordance with the provisions of Title VI of the 1964 Civil Rights Act, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1972, and the Americans with Disabilities Act of 1990.

10. INDEMNIFICATION

JPA shall defend, indemnify and hold harmless Foothill-De Anza CCD against all claims, demands, actions, costs (including attorney's fees) or liability arising from or related to the negligence, willful misconduct, or omission of JPA in connection with or arising from or out of the performance of this Agreement.

Foothill-De Anza CCD shall defend, indemnify and hold harmless JPA against all claims, demands, actions, costs (including attorney's fees) or liability arising from or related to the negligence, willful misconduct, or omission of Foothill-De Anza CCD in connection with or arising from or out of the performance of this Agreement.

TAX REPORTING/PAYMENT RESPONSIBILITIES

JPA understands and agrees that its employees are not employees of Foothill-De Anza CCD and are not entitled to benefits of any kind that may be provided to employees of Foothill-De Anza CCD. JPA shall assume full responsibility for payment of all Federal, State, and local taxes and mandatory employer contributions with respect to its employees.

11. SIGNATURES

These signatures attest the parties' agreement hereto:

North County Regional Occupational Program, Joint Powers Agency (JPA)

Date

Foothill-De Anza Community College District
Vice Chancellor of Business Services

Date

Exhibit A

FOOTHILL COLLEGE MIDDLEFIELD CAMPUS Grant #08-140-420

Grant Partner: North County Regional Occupational Program, Joint Powers Agency (JPA)

Contact: Adrienne Moberly

Allocation: \$30,000 from grant # 08-140-420

Date: January 29, 2010

CCOC Participation:

1. Establish three articulation agreements with Foothill College in identified career and technical education pathways.
 - a. Provide career and technical education pathway information for JPA high school students in articulated areas for transferring to Foothill College.
2. Sponsor an open house for students, parents and the community to showcase career and technical education pathways and programs at each of the three high schools in the JPA.
3. Provide outreach, recruitment and marketing activities aimed at JPA high school students to generate awareness and enrollment in Foothill College career and technical education programs.
4. Provide quarterly overview of programs and services sponsored by JPA that support opportunities for students to learn about career and technical education pathways to Foothill College.

Timelines:

1. Brief outline of work plan and calendar for completing tasks #1-#3 by March 15, 2010.
2. Submit quarterly report of JPA activities, programs and services: April 15, 2010 and July 15, 2010.
3. Submit final report outlining career and technical education pathways, activities, evaluation of efforts and future plans to continue the work by July 15, 2010.

Payment:

1. \$15,000 to be billed to FHDACCD when MOU is signed
2. \$15,000 to be billed to FHDACCD June 1, 2010.