



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
EE-22.

MEETING DATE	2019-11-06 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	EE. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

TITLE:
 Recommendation to Approve Third Amendment, Renewal and Additional Spending Authority - 57-083E - Technical Industry Certification and Digital Tool Licensing (Certiport)

REQUESTED ACTION:
 Approve the Third Amendment, renewal and additional spending authority of the above agreement. Contract Term: December 7, 2016 through December 6, 2020, 4 Years; User Department: Career, Technical, Adult & Community Education; Additional Requested Amount: \$998,400 New Award Amount: \$3,587,258; Awarded Vendor(s): NCS Pearson, Inc.; Small/Minority/Women Business Enterprise Vendor(s): None.

SUMMARY EXPLANATION AND BACKGROUND:
 Certiport, a business of NCS Pearson, Inc. is the industry certification and digital tool licensing agency that provides students in the District with the required skills for industry certification exams, unlimited online practice as well as 144,000 actual industry certification exams (for all students in career and technical programs in the District's middle, high and technical magnet high schools). This request is to approve the Third Amendment and renewal of the agreement for one (1) additional year.
 This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.
 A copy of the original executed documents are available online at: http://www.broward.k12.fl.us/supply/agenda/OriginalExecutedDocuments_57-083E.pdf

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:
 The estimated financial impact to the District will be \$998,400. The contract award amount was for \$2,588,858. The request is to increase the spending authority by \$998,400 bringing the new contract value to \$3,587,258. The funding source will come from the Carl D. Perkins Secondary Grant. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

EXHIBITS: (List)
 (1) Executive Summary (2) Financial Analysis Worksheet (3) Agreement

BOARD ACTION:
APPROVED
 (For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Brian King	Phone: 754-321-8439
Name: Mary C. Coker	Phone: 754-321-0501

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 Senior Leader & Title

Maurice L. Woods - Chief Strategy & Operations Officer

Signature
Maurice Woods
10/21/2019, 1:06:45 PM

Approved In Open Board Meeting On:

NOV 06 2019
 By: *Heather P. Burkwood*
 School Board Chair

EXECUTIVE SUMMARY

Recommendation to Approve Third Amendment, Renewal and Additional Spending Authority 57-083E – Technical Industry Certification and Digital Tool Licensing

Introduction

Responsible: Procurement & Warehousing Services (PWS)

This request is to approve the Third Amendment and Renewal of the Agreement between NCS Pearson, Inc. and The School Board of Broward County, Florida (SBBC), which supports the industry certification attainment of students in Broward County Public Schools. (BCPS). The agreement was approved on December 6, 2016, RSBM as item FF-1, starting on December 7, 2016 through December 6, 2019, with an approved spending authority of \$720,335.16. The First Amendment to Agreement was approved on October 3, 2017, SBOM as item EE-4 with an additional spending authority of \$892,923, bringing the total spend to \$1,613,258. The Second Amendment to Agreement was approved on November 7, 2018, SBOM as item EE-17 with an additional spending authority of \$975,600, bringing the total spend to \$2,588,858. Upon approval of this item, the agreement will expire on December 6, 2020. The total spending authority being requested is \$998,400.

Goods/Services Description

Responsible: Career, Technical, Adult & Community Education (CTACE)

Certiport, a business of NCS Pearson, Inc. is the industry certification and digital tool licensing agency that provides students in the District with the required skills for industry certification exams, unlimited online practice as well as 144,000 actual industry certification exams. These are accessible for all students in career and technical programs in the District's middle, high and technical magnet high schools. This request is to approve the Third Amendment and renewal of the agreement for one (1) additional year. This amendment to the agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

Certiport provides the products that facilitate teacher training, student practice of industry certification exams, and student industry certification attainment in the following: Microsoft Office products; Adobe products; Intuit QuickBooks; AutoCAD products, IC3, Spark and Microsoft Technology Associate.

The return on all industry certification investment last year resulted in the District expecting over seven-point-eight (7.8) million dollars in full-time equivalent bonus funding to go directly back to schools to maintain and expand Career and Technical Education (CTE) program opportunities for students.

Schools Included

- All CTE supported programs in the middle, high, and technical magnet high schools.
- Select elementary schools are included in an expanded pilot program for digital tool certification.

Research Methodology

Certiport works closely with Local and State Economic, Workforce, and Education Boards to provide appropriate licensing industry certifications to students. Certiport has supplied services to BCPS for the past ten (10) years. The result is an increase in student exam attainment as well as bonus FTE funding monies to the District. CTACE works and collaborates with Economics, Workforce, and Education Boards as well to ensure that these industry certifications are relevant to workforce demands.

Curriculum Frameworks and Programs of Study are delineated by The Florida Department of Education for program completion for Career Technical programs.

**Recommendation to Approve Third Amendment, Renewal and Additional Spending Authority
57-083E - Technical Industry Certification and Digital Tool Licensing (Certiport)
November 6, 2019 Board Agenda
Page 2**

Evaluation Plan

Certiport provides data reports to BCPS CTACE District staff of usage attempts and results for industry certification attainment. Student attainment of industry certifications will be reviewed to ensure that appropriate teacher professional development and student resources are strategically developed and planned.

**Procurement Method
Responsible: PWS**

Pursuant to the Department of Education, Rule 6A-1.012, 12(d), Florida Administrative Code as authorized by Section 287.057, 3(c), Florida Statutes, and Purchasing Policy 3320, Section II, I, the requirement for requesting competitive solicitation for commodities or contractual services from three (3) or more sources is hereby waived as for the SBBC's purchase of goods/services available only from a single source.

**Financial Impact
Responsible: PWS and CTACE**

The total spending authority requested is \$998,400 and includes District-wide licenses for grades K-12 as illustrated below:

- 24,000 licenses at \$41.60 each
- For all K-12 schools in the District
- Provide access to every Certiport program in BCPS (ACA, MOS, ACU, ACU Professional, IC3, Spark, MTA, QBCU, ESB, EC-Council, Apple Swift, and Unity).
- Assign student inventory packs as needed in any school across the District and six (6) exams in each student exam license.
- Unlimited practice tests to the students for each program where offered.
- One (1) free Certified Conference registration

The source of funds is the Carl D. Perkins Secondary Grant.

Financial Impact Table:

Action	Date	Term (years)	Amount
Original spending authority request	12/6/2016	1	\$ 720,335
1 st renewal + additional spending authority	10/3/2017	1	\$ 892,923
2 nd renewal + additional spending authority	11/7/2018	1	\$ 975,600
3 rd renewal + additional spending authority	11/6/2019	1	\$ 998,400
New total contract amount		4	\$ 3,587,258

Upon approval of this item, the new spending authority will be \$3,587,258. The financial impact represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

**THIRD AMENDMENT TO
AGREEMENT**

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into as of this 6th day of November, 2019, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301

and

NCS PEARSON, INC.
(hereinafter referred to as "Certiport"),
a corporation organized under the laws of the State of Minnesota, United States of America,
having its principal offices at
5601 Green Valley Drive
Bloomington, Minnesota, 55437

WHEREAS, SBBC and Certiport entered into an Agreement dated December 7, 2016 (hereafter "Agreement"); and

WHEREAS, the parties amended the Agreement on October 3, 2017 through a First Amendment to Agreement; and

WHEREAS, the parties amended the Agreement on November 7, 2018 through a Second Amendment to Agreement; and

WHEREAS, Certiport is an independent provider of educational, assessment and certification programs and related products and services; and SBBC hereby agrees to purchase copyrighted materials and computer software from Certiport; and

WHEREAS, the parties mutually desire to amend certain provisions of the Agreement on through this THIRD Amendment to Agreement (hereafter "Amendment").

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1.01 **Recitals.** The Parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

1.02 **Term of Agreement.** Pursuant to **Article 10.1** of the Agreement, the term of the Agreement is hereby extended from December 7, 2019 through December 6, 2020, unless terminated earlier pursuant to Section **Article 10.2** of the Agreement.

1.03 **Cost of Services.** SBBC shall pay Certiport for services rendered under this Third Amendment to Agreement as specified in **Exhibit F**. Upon commencement of this Third Amendment to Agreement, Certiport shall submit to SBBC a proper and appropriate invoice not to exceed Nine Hundred, Ninety Eight Thousand, Four Hundred Dollars and 00/100 Cents (\$998,400.00) and SBBC shall pay Certiport within thirty (30) calendar days of receipt of said invoice.

1.04 **Order of Precedence among Agreement Documents.** In the event of conflict between the provisions of the Agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- a) This Third Amendment to Agreement; then
- b) Second Amendment to Agreement; then
- c) First Amendment to Agreement; then
- d) the Agreement.

1.05 **Other Provisions Remain in Force.** Except as expressly provided herein, all other portions of the Agreement remain in full force and effect.

1.06 **Authority.** Each person signing this Third Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Third Amendment to Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Third Amendment to Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Third Amendment to Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]



(Corporate Seal)

FOR SBBC:

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By *Heather P. Brinkworth*
Heather P. Brinkworth, Chair

ATTEST:

Robert W. Runcie
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Kathelyn Jacques-Adams

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: NCS Pearson, Inc.
Date: 2019.10.10 13:00:03 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR CERTIPOINT

(Corporate Seal)

NCS PEARSON, INC.

ATTEST:

By [Signature]
Signature

_____, Secretary

Printed Name: Robert Whelan

-or-

Title: President & CEO

Karen Ketchum
Witness

Stacy Mumpki
Witness

STATE OF Minnesota

COUNTY OF Hennepin

The foregoing instrument was acknowledged before me this 9th day of October, 2019 by Robert Whelan of
Name of Person

_____ on behalf of the corporation/agency. He/She is personally known to me or produced drivers license as identification and did/did not first take an oath.
Type of Identification

My Commission Expires:



(SEAL)

[Signature]
Signature - Notary Public

Susan Kay Rue
Printed Name of Notary

20097146
Notary's Commission No.

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EXHIBIT F

Universal License Quote

NO: 09202019UL
 DATE: September 20, 2019

TO: Broward County School District
 Attn: Brian King

Contact Phone:
 Main Phone:
 Email: brian.king@browardschools.com

REPRESENTATIVE	QUOTE GOOD UNTIL
Mindy Howa	NET 30 Days

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
See description	<p><u>Universal District License for Broward County Schools</u></p> <ul style="list-style-type: none"> For all K-12 schools in the district Provide access to every Certiport program in Broward County SD. (ACA, MOS, ACU, ACU Professional, IC³, Spark, MTA, QBCU, ESB, EC-Council, Apple Swift and Unity) Assign student inventory packs as needed in any school across the district. Six exams in each student exam license Unlimited practice tests to the students for each program where offered One free CERTIFIED Conference registration <p style="text-align: right;"><u>Number of Exam Licenses</u></p> <p style="text-align: right;">24,000</p> <p>**All Certification exams and licenses expire one year from purchase date</p>	\$41.60	998,400.00

SUBTOTAL	\$998,400.00
SALES TAX	N/A
SHIPPING & HANDLING	N/A
TOTAL DUE	\$998,400.00

Email purchase order to Mindy Howa mindy.howa@pearson.com