



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
EE-8.

| | |
|--------------|---|
| MEETING DATE | 2020-10-20 10:05 - Regular School Board 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 Fourth Amendment, Renewal, and Additional Spending Authority - 57-083E - Technical Industry Certification and Digital Tool Licensing

REQUESTED ACTION:
Approve the recommendation of the above-referenced Fourth Amendment, Renewal, and Additional Spending Authority. Contract Term: December 7, 2016 through December 6, 2021, Five (5) Years; User Department: Career, Technical, Adult & Community Education (CTACE); Additional Requested Amount: \$833,040; New Award Amount: \$4,420,298; 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 108,000 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 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 \$833,040. The contract award amount was for \$3,587,258. The request is to increase the spending authority by \$833,040, bringing the new contract value to \$4,420,298. 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.

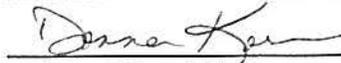
EXHIBITS: (List)
(1) Executive Summary (2) Financial Analysis Worksheet (3) Agreement

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

SOURCE OF ADDITIONAL INFORMATION:

| | |
|---------------------|---------------------|
| Name: James Payne | Phone: 754-321-8400 |
| 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

Approved In Open Board Meeting On: **OCT 20 2020**
By: 
School Board Chair

Signature
Maurice Woods
10/9/2020, 4:15:29 PM

EXECUTIVE SUMMARY

Recommendation to Approve Fourth 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 Fourth 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, at the Regular School Board Meeting as item FF-1, starting on December 7, 2016 through December 6, 2019, with an approved spending authority of \$720,335. The First Amendment to the Agreement was approved on October 3, 2017, at the School Board Operational Meeting (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 the Agreement was approved on November 7, 2018, at the SBOM as item EE-17 with an additional spending authority of \$975,600, bringing the total spend to \$2,588,858. The Third Amendment to the Agreement was approved on November 6, 2019, at the SBOM as item EE-22 with an additional spending authority of \$998,400, bringing the total spend to \$3,587,258. Upon approval of this item, the agreement will expire on December 6, 2021.

The additional spending authority being requested is \$833,040.

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 one hundred eight thousand (108,000) 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 Fourth 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, Microsoft Technology Associate exams (including JAVA, JAVA Script, Cyber Security/others) and Unity Programming.

The return on all industry certification investment last year resulted in the District expecting over four-point-five (4.5) 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 Full-Time Equivalent 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 Fourth Amendment, Renewal, and Additional Spending Authority
57-083E – Technical Industry Certification and Digital Tool Licensing (Certiport)
October 20, 2020 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 additional spending authority being requested is \$833,040 and includes District-wide licenses for grades K-12 as illustrated below:

- Eighteen thousand (18,000) licenses at \$46.28 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 |
| 4 th renewal + additional spending authority | 10/20/2020 | 1 | \$ 833,040 |
| New total contract amount | | 5 | \$ 4,420,298 |

Upon approval of this item, the new spending authority will be \$4,420,298. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

FOURTH AMENDMENT TO AGREEMENT

20th THIS FOURTH AMENDMENT TO AGREEMENT is made and entered into as of this day of October, 2020, 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,
having its principal office at
5601 Green Valley Drive Bloomington, Minnesota, 55437

WHEREAS, SBBC and Certiport entered into an Agreement dated December 7, 2016 ("Agreement") for Certiport to provide educational, assessment and certification programs and related products and services to SBBC; and

WHEREAS, on October 3, 2017, the parties entered into the First Amendment to Agreement to extend the term for an additional year and amend other provisions in the Agreement; and

WHEREAS, on November 7, 2018, the parties entered into the Second Amendment to Agreement to extend the term for an additional year and amend other provisions in the Agreement; and

WHEREAS, on October 9, 2019, the parties entered into the Third Amendment to Agreement extend the term for an additional year and amend other provisions in the Agreement; and

WHEREAS, the parties mutually desire to extend the term for an additional year and amend other provisions in the Agreement through this Fourth Amendment to Agreement.

WHEREAS, the parties mutually desire to amend certain provisions of the Agreement through this Fourth Amendment to Agreement ("Fourth 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 are 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, 2020 through December 6, 2021, unless terminated earlier pursuant to Section Article 10.2 of the Agreement.

1.03 **Exhibits.** The attached **Exhibit G** is added to the Agreement.

1.04 **Cost of Services.** SBBC shall pay Certiport for services rendered under this Fourth Amendment to Agreement as specified in **Exhibit G**. Upon commencement of this Fourth Amendment to Agreement, Certiport shall submit to SBBC a proper and appropriate invoice not to exceed Eight Hundred, Thirty-Three Thousand, Forty Dollars and 00/100 Cents (\$833,040.00) and SBBC shall pay Certiport within thirty (30) calendar days of receipt of said invoice.

1.05 **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 take precedence in this order:

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

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

1.07 **Authority.** Each person signing this Fourth Amendment on behalf of either party individually warrants that he or she has full legal power to execute this Fourth Amendment 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 Fourth Amendment.

IN WITNESS WHEREOF, the parties hereto have made and executed this Fourth Amendment on the date first above written.

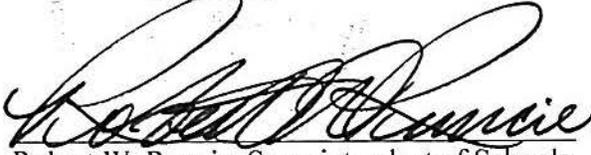
[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:


Robert W. Runcie, Superintendent of Schools

By 
Donna P. Korn, Chair

Approved as to Form and Legal Content:



Digitally signed by Maya Moore
Reason: NCS Pearson_Certiport
4th Amendment
Date: 2020.10.09 08:07:53 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR CERTIPOINT:

(Corporate Seal)

NCS PEARSON, INC.

ATTEST:

Catrina M.C. Griffith
Assistant Company Secretary

-or-

By Robert Whelan
Signature

Printed Name: Robert Whelan

Title: President and CEO

Witness

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Minnesota

COUNTY OF Hennepin

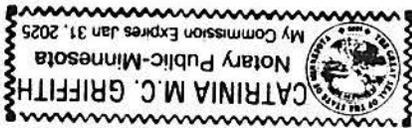
The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ (date) by Robert Whelan, President and CEO (name of officer or agent, title of officer or agent) of NCS Pearson, Inc. (name of corporation acknowledging), a Minnesota (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification and who did/ did not first take an oath this 8th day of October, 2020.

My Commission Expires: 1/31/2025

Catrina M.C. Griffith
Signature - Notary Public

Catrina M.C. Griffith
Notary's Printed Name

6078859
Notary's Commission No.



(SEAL)