

<b>Board Office Use: Legislative File Info.</b>	
File ID Number	18-0746
Introduction Date	4/25/18
Enactment Number	18-0702
Enactment Date	4/25/18 er



**OAKLAND UNIFIED SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Memo

**To** The Board of Education  
**From** Kyla Johnson-Trammell, Superintendent

**Board Meeting Date** \_\_\_\_\_  
(To be completed by Procurement)

**Subject** Memorandum of Understanding Amendment - 2  
Bay Area Community Resources San Rafael CA (contractor, City State)  
221/Elmhurst Community Prep (site/department)

**Action Requested** Approval of the Amendment to the Memorandum of Understanding between Oakland Unified School District and Bay Area Community Resources. Services to be primarily provided to 221/Elmhurst Community Prep for the period of July 1, 2017 through August 17, 2018.

**Background**  
*A one paragraph explanation of why an amendment is needed.*  
The After School Education and Safety (ASES) Program Grant funds the establishment of local after school education and enrichment programs. These programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment and safe, constructive alternatives for students in kindergarten through ninth grade. This amendment is needed for lead conflict mediation work and to train students in peer Restorative Justice practices.

**Discussion**  
*One paragraph summary of the amended scope of work.*  
Approval by the Board of Education of Amendment No. 1 to the Memorandum of Understanding between the District and Bay Area Community Resources, San Rafael, CA, for the latter to provide additional direct service to lead conflict mediation work and to train students in peer Restorative Justice practices for the After School Program at Elmhurst Community Prep for the period of July 1, 2017 through August 17, 2018, in the amount of \$9,204.00, increasing the agreement from \$184,374.00 to an amount not to exceed \$193,578.00. All other terms and conditions of the agreement remain in full force and effect.

**Recommendation** Approval of the Amendment to the Memorandum of Understanding between Oakland Unified School District and Bay Area Community Resources. Services to be primarily provided to 221/Elmhurst Community Prep for the period of July 1, 2017 through August 17, 2018.

**Fiscal Impact** Funding resource name (please spell out) 4124/21st CCLC Core Grant not to exceed \$ 9,204.00

**Attachments**

- MOU Amendment
- Copy of original MOU



**CONTRACT JUSTIFICATION FORM**  
**This Form Shall Be Submitted to the Board Office**  
**With *Every* Consent Agenda Contract.**

**Legislative File ID No.** 18-0746

**Department:** 221-Elmhurst Community Prep

**Vendor Name:** Bay Area Community Resources

**Contract Term:** Start Date: 07/01/2017 End Date: 08/17/2018

**Annual Cost:** \$ 9,204.00

**Approved by:** Martha Pena

**Is Vendor a local Oakland business?** Yes  No

**Why was this Vendor selected?**

This organization has demonstrated experience and capacity serving in the after school lead agency role. This organization successfully met all requirements of OUSD's Lead Agency Request for Qualifications process and has been approved as a qualified lead agency partner by the OUSD Expanded Learning Office.

**Summarize the services this Vendor will be providing.**

This organization will provide comprehensive after school services for Oakland students, following the requirements set forth by OUSD and by the California Department of Education's ASES and/or 21st Century Community Learning Center grant programs. Daily after school services will include academic support, enrichment, and physical activity for students, as well as family engagement activities. This organization will work in close partnership with the host school site to align after school programming with the goals and priorities of the school's SPSA. This organization will also work in close partnership with the OUSD Expanded Learning Office to ensure the program meets attendance targets, fulfills compliance requirements, and achieves youth development quality standards.

**Was this contract competitively bid?** Yes  No

If No, answer the following:

1) How did you determine the price is competitive?

The California Department of Education allocates site-specific grant funding to OUSD schools. The lead agency partner works in collaboration with the school site administrator to complete an after school budget plan specifying the requested after school services and agreed upon cost of services. The final contract amount for the agency is approved by the school site administrator and by the OUSD Expanded Learning Office, once budget plans are approved for compliance and program plans meet CDE requirements. The lead agency leverages additional funding and in-kind resources to augment the contracted amount from OUSD to support high quality program implementation.

2) Please check the competitive bid exception relied upon:

- Educational Materials**
- Special Services** contracts for financial, economic, accounting, legal or administrative services
- CUPCAA exception** (Uniform Public Construction Cost Accounting Act)
- Professional Service Agreements** of less than \$87,800 (increases a small amount on January 1 of each year)
- Construction related Professional Services** such as Architects, DSA Inspectors, Environmental Consultants and Construction Managers (require a "fair, competitive selection process)
- Energy** conservation and alternative energy supply (e.g., solar, energy conservation, co-generation and alternate energy supply sources)
- Emergency** contracts [requires Board resolution declaring an emergency]
- Technology** contracts
  - electronic data-processing systems, supporting software and/or services (including copiers/printers) over the \$87,800 bid limit, must be competitively advertised, but any one of the three lowest responsible bidders may be selected
  - contracts for computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus, including E-Rate solicitations, may be procured through an RFP process instead of a competitive, lowest price bid process
  - Western States Contracting Alliance Contracts (WSCA)
  - California Multiple Award Schedule Contracts (CMAS) [contracts are often used for the purchase of information technology and software]
- "Piggyback" Contracts** with other governmental entities
- Perishable Food**
- Sole Source**
- Change Order for Material and Supplies** if the cost agreed upon in writing does not exceed ten percent of the original contract price
- Other, please provide specific exception**

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**OAKLAND UNIFIED SCHOOL DISTRICT**  
Community Schools, Thriving Students

## AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING

The Oakland Unified School District (OUSD) and Bay Area Community Resources (Agency) entered into a Memorandum of Understanding (MOU) on July 1, 2017. The parties agree to amend that Agreement as follows:

1. **Services:**  The Funding Source has changed.  The scope of work has changed.  Additional Scope of Work Attached  
**If scope of work changed:** Provide the revised scope of work including description of expected final results, such as services, materials, additional sites to receive services, additional duties, and/or reports; attach additional pages as necessary.

**Agency agrees to provide the following amended services:**

Bay Area Community Resources will provide additional direct service to lead conflict mediation work and to train students in peer Restorative Justice practices for the After School Program at Elmhurst Community Prep.

2. **Terms (duration):**  The term of the MOU is unchanged.  The term of the MOU has changed.  
**If term is changed:** The term of the MOU is extended by an additional \_\_\_\_\_ (days/weeks/months), and the amended expiration date is \_\_\_\_\_.

3. **Compensation:**  The compensation is unchanged.  The compensation has changed.  
**If the compensation is changed:** The MOU price is amended by:

- Increase of \$ 9,204.00 to original MOU amount – Funding Source: After School Education and Safety (ASES) Grant  
 Decrease of \$ \_\_\_\_\_ to original MOU amount– Funding Source: \_\_\_\_\_

The New Cumulative Amount of ISA(s) is not to exceed: One Hundred Ninety Three Thousand, Five Hundred Seventy Eight dollars (\$ 193,578.00).

4. **Remaining Provisions:** All other provisions of the MOU, and prior Amendment(s) if any, shall remain unchanged and in full force and effect as originally stated.

5. **Amendment History:**  There are no prior amendments to this MOU.  This MOU has previously been amended as follows:

No.	Date	General Description of Reason for Amendment	Amount of Increase (Decrease)
			\$
			\$
			\$

6. **Approval:** This MOU is not effective and no payment shall be made to Agency until it is approved. Approval requires signature by the Board of Education, and/or the Superintendent as their designee.

**OAKLAND UNIFIED SCHOOL DISTRICT**

*Aimee Long* 4/26/18  
Date

President, Board of Education

Superintendent

*Jeff M. ...* 4/26/18  
Date

Secretary, Board of Education

**AGENCY**

*[Signature]* 3/29/18  
Contractor Signature Date

*MARTIN W. ...*  
Print Name, Title

**Scope of Work for Restorative Justice Coordinator**

School Site: Elmhurst Middle School      Lead Agency Partner: Bay Area Community Resources

Coordinator: Sagnitche Salazaar

<b>Purpose</b>	<b>Description</b>
Lead conflict mediation work	<ul style="list-style-type: none"> <li>▪ Teach 6<sup>th</sup> / 7<sup>th</sup>/ 8<sup>th</sup> grade peer RJ elective M, T, Th during ASP (fewer 6<sup>th</sup> graders, more 8<sup>th</sup> graders)</li> <li>▪ Support students in leading peer RJ mediations</li> <li>▪ Incorporate student leadership into the program</li> <li>▪ Support conflict mediation amongst students.</li> </ul>
Train students in peer RJ practices	<ul style="list-style-type: none"> <li>▪ First-responder for conflict mediation (point person for staff, and consult with admin as needed)</li> <li>▪ Track data on mediations (on google.doc)</li> </ul>

## 2017-18 AFTER SCHOOL BUDGET PLANNING SPREADSHEET

ELEMENTARY & MIDDLE SCHOOLS 02.2017

Site Name:	Site #:	ASES		21CCLC Core		21CCLC Equitable Access		21CCLC Family Literacy		21CCLC Supplemental Programming (school year only)		OFY Match Funds	Other (School) Site Funds
		Resource 6010, Program 1551		Resource 4214, Program _____		Resource 4124, Program _____		Resource 4124, Program _____		Resource 4124, Program _____		Lead Agency	OUSS
		OUSS	Lead Agency	OUSS	Lead Agency	OUSS	Lead Agency	OUSS	Lead Agency	OUSS	Lead Agency	Lead Agency	OUSS
Elmhurst Community Prep													
Average # of students to be served daily (ADA): 155													
<b>TOTAL GRANT AWARD</b>		<b>\$163,800</b>		<b>\$39,999</b>		<b>\$25,000</b>		<b>\$20,000</b>		<b>\$8,000</b>		<b>\$85,000</b>	<b>\$70,000</b>
<b>CENTRAL COSTS: INDIRECT, ADMIN, EVAL, PD, CUSTODIAL, SUPPLIES</b>													
OUSS Indirect (5%)		\$7,800		\$1,905		\$1,190		\$952		\$381			
and training/technical assistance costs		\$10,206		\$2,492		\$1,558		\$1,246		\$498			
Custodial Staffing and Supplies at 3.5%		\$5,103		\$1,246		\$779		\$623		\$249			
<b>TOTAL SITE ALLOCATION</b>		<b>\$140,692</b>		<b>\$34,358</b>		<b>\$21,473</b>		<b>\$17,178</b>		<b>\$6,871</b>			
<b>CERTIFICATED PERSONNEL</b>													
1120 Quality Support Coach/Academic Liaison REQUIRED													
1120 Kiera Herrera-6th Grade Science		\$2,500		\$0		\$0		\$0		\$0			\$0
1120 Contracts- math or ELA academic intervention (required for MS)		\$1,500		\$0		\$0		\$0		\$0			\$0
1120 Certified Teacher Extended Contracts- ELL supports													
1120 Contracts- math or ELA academic intervention (recommended for MS)													\$0
Total certificated		\$4,000		\$0		\$0		\$0		\$0			\$0
<b>CLASSIFIED PERSONNEL</b>													
2206 (one book/teacher (district or district employee)		\$0	\$0										\$0
2220 SSO (optional)		\$0		\$0		\$4,500							\$0
		\$0		\$0									\$0
Total classified		\$0	\$0	\$0	\$0	\$4,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>BENEFITS</b>													
3000's Certified Teachers on Extended Contract (benefits at employee's option for optional Staff on Extra Time/Overtime (benefits at 22%))		\$800		\$0		\$0		\$0		\$0			\$0
3000's Employee Benefits for Salaried Employees (benefits at 42%)		\$0		\$0		\$990		\$0		\$0			\$0
3000's Lead Agency benefits (rate: 25%)		\$0		\$0		\$0		\$0		\$0			\$0
Total benefits		\$800	\$0	\$0	\$0	\$990	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>BOOKS AND SUPPLIES</b>													
4310 Supplies				\$3,026								\$4,000	\$0
4310 Curriculum (OUSS only)													\$0
5829 Field Trips / Rec Activities		\$3,813				\$3,586						\$750	\$0
4420 Equipment (OUSS only)													\$0
development (Bridging the Bay conference, Youth Work Methods training, SBI, Coaching -PCY, Curriculum		\$1,500										\$500	
Youth incentives												\$1,000	
Communications												\$1,200	
Travel												\$280	
Total books and supplies		\$0	\$5,313	\$0	\$3,026	\$0	\$3,586	\$0	\$0	\$0	\$0	\$8,480	\$0
<b>CONTRACTED SERVICES</b>													
5825 Clerk Harvey - \$45,760 salary + \$11,440 (25%Fringe) = \$57,200 Program Coordinator - Darlille Vigay - \$6,500+ \$1,625(25% Fringe) = \$8,053		\$45,117		\$5,796								\$8,287	
Program Assistant - Tavia Council - \$21.16/hr X 30 hrs/wk X 40 wks = \$25,392+ \$6,348 (25% Fringe) = \$31,740		\$21,220		\$8,042		\$10,520							
5825 After School Instructor - Efrain Gutierrez - \$17/hr X 22 hrs/wk \$4,017.40 Terminated		\$4,017											
Instructor -Maurice Nell - \$18.75/hr X 10hrs/wk X 12 wks = \$2,250 + \$563 (25%)		\$2,813											
5825 After School Instructor -Maurice Nell - \$22/hr X 20hrs/wk X 22wks = \$9,880 + \$2,420		\$12,100											
After School Instructor - Samuel Wallace - \$16.50/hr X 15 hrs/wk X 37 wks= \$9,157.5 +		\$4,383										\$7,084	
5825 Jasmine Coleman - \$14,000 (50% ASP) + \$14,000 (50% match from National Service) =												\$14,000	
Instructor - TBD - 8,093		\$8,093											
5825 Wrestling Independent Contractor (at least 10 minimum days and additional		\$3,500		\$9,428									
5825 Programming - 268 hrs X \$20/hr = \$5,340 + \$1,335 (25% Fringe)										\$6,680			
5825 Family Liaison - Lashita Lopez - \$17,178 (OUSS Side)								\$17,178					
Coach - Aaron Smith - \$17/hr X 37 hrs/wk X 37 wks= \$23,273 + \$5,818 (25% Fringe) = \$29,091		\$12,883		\$9,332		\$1,280						\$5,796	





**MEMORANDUM OF UNDERSTANDING 2017-2018**  
**AMENDMENT ROUTING FORM**

**Basic Directions**

Services beyond the original MOU cannot be provided until the amendment has been fully approved and the Purchase Order amount, if applicable, has been increased by Procurement.

1. Agency and OUSD contract originator reach agreement on modification to original MOU.
2. Agency and OUSD contract originator complete an MOU amendment together.
3. If the MOU total amount has increased, OUSD contract originator creates new requisition.
4. OUSD contract originator submits amendment packet for approval within two weeks of creating the requisition.

When the MOU amendment is approved, Procurement will add additional funds to the original Purchase Order.

The Legal Department must review and approve all amendments that do not use the OUSD template MOU Amendment form.

**Agency Information**

Agency Name	Bay Area Community Resources		Agency's Contact Person	Martin Weinstein
Street Address	171 Carlos Drive		Title	Chief Executive Officer
City	San Rafael	State	CA	Telephone
Zip Code	94903	OUSD Vendor Number	1001628	Email
				mweinstein@bacr.org

- Attachments
- MOU amendment – (Includes Routing Form and Board Memo)
  - Amended Scope of work (Not Required if Amendment is only for a change in the funding source)
  - If additional consultants will be working on site, attach agency letter verifying additional consultants have met the Fingerprinting/Background Investigation and have a negative tuberculosis status.

**Compensation – Must be within OUSD Billing Guidelines**

Original MOU Amount	\$ 184,374.00	Original PO Number	P1801878
Amended MOU Amount	\$ 9,204.00	New Requisition Number	R0183663
New Total MOU Amount	\$ 193,578.00		

**Budget Information**

Resource #	Resource Name	Org Key #	Object Code	Amount
4124	ASES Grant	2211872401	5825	\$ 9,204.00
			5825	
			5825	
			5825	

**OUSD Contract Originator Information**

Name of OUSD Contact	Kilian Betlach	Email	Kilian.Betlach @ousd.org
Telephone	510-639-2888	Fax	510-639-2891
Site/Dept. Name	221/Elmhurst Community Prep		

**Approval and Routing (in order of approval steps)**

Additional services above original MOU amount cannot be provided before the amendment is fully approved and the Purchase Order amount has been increased by Procurement. Signing this document affirms that to your knowledge additional services were not provided before the amendment was approved.

- OUSD Administrator verifies that this vendor does not appear on the Excluded Parties List <https://www.sam.gov>

Please sign under the appropriate column.	Approved	Denied – Reason	Date
1. Site Administrator			
2. Resource Manager, if applicable			8-29-18
3. Network or Regional Executive Officer			3.29.19
4. Cabinet (Chief / Deputy Chief)			
5. Superintendent or Board of Education			
Legal – Required if not standard MOU Amendment			
Procurement	Date Received		