



BOARD OF TRUSTEES
MONTGOMERY COLLEGE

RECORD OF RESOLUTIONS

Central Services Building • Room CT S109 • 9221 Corporate Blvd, Rockville, MD 20850

January 29, 2020 8:00 p.m.

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**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 8
January 29, 2020

PERSONNEL ACTIONS CONFIRMATION REPORT

BACKGROUND

The Board of Trustees by state law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources and Strategic Talent Management on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACKUP INFORMATION

Board Resolution
Personnel Actions Confirmation Report
Policy 34001–Changes in Employee Status

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Leitch Walker

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **20-01-001**
Adopted on: **1/29/2020**

Agenda Item Number: 8
January 29, 2020

Subject: Personnel Actions Confirmation

WHEREAS, By state law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, The attached summary indicates related personnel actions taken by the College during the period November 1, 2019, through November 30, 2019; and

WHEREAS, The president of the College recommends that the Board adopt the following resolution; now therefore, be it

Resolved, That the Board of Trustees accepts the attached reports and confirms the actions of the president.

Attachments

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From November 1, 2019, through November 30, 2019

STAFF

STAFF EMPLOYMENTS

Effective

Date	Name	Position Title	Grade	Department
11/04/2019	Abasi, Maria I	Academic Coach	27	ACES-Achieve College Excell & Success
11/04/2019	Amiet, John	Grounds Maintenance Worker	15	Facilities Operations - GT
11/18/2019	Barron, Francisco M	IT Support Specialist	25	OIT Academic Services
11/04/2019	Bullock, Blair	Academic Coach	27	ACES-Achieve College Excell & Success
11/18/2019	Cevallos Rodriguez, Maria	Administrative Aide II	19	Humanities Dean
11/18/2019	Edgar, Justin D	Articulation & Transf Prgm Mgr	31	Sr VP for Academic Affairs
11/4/2019	Fogarty, Kevin M	Systems Engineer	33	OIT Engineering Services
11/18/2019	Ma, David	Community Use Scheduler	15	Facilities Operations - GT
11/18/2019	Nguyen, Katie	Administrative Aide III	23	Community Engagement
11/18/2019	Wilkins, Raven A	Student Intake & Outreach Spec	25	Community Based Grants WDCE

STAFF SEPARATIONS

Effective

Date	Name	Position Title	Grade	YOS	Department
11/29/2019	Betancourt Nicosia, Adrie	Instructional Associate	25	6	Humanities Dean
11/01/2019	Chambers, Deborah L	Enroll & Student Access Spec	23	6	CW Dean Stu Access-GT Stu Svcs
11/08/2019	Doyle, Shane M	Executive Associate I	25	12	VP/Provost/Comm, Health, PE, & Hu
11/08/2019	Easton, Jacob E	Locksmith	23	2	Facilities Operations - GT
11/15/2019	McCathran, Nancy F	Payroll Manager	31	5	Human Res/Strategic Talent Mgt
11/29/2019	Mendez, Carlos E	Grounds Maintenance Worker	15	2	Facilities Operations - TP/SS
11/29/2019	Mrozla-Toscano, Caroline	Professional Development Dir	33	3	Distance Learning
11/15/2019	Sturlaugson, Travis W	Acting Campus Stud Fin Aid Dir	33	16	Financial Aid
11/5/2019	Washington, Amari D	Administrative Aide II	19	<1	Community Based Grants WDCE

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	Haw-PI	TOTAL
Female		2	1	1			4
Male	4	1		1			6
TOTAL	4	3	1	2			10

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	Haw-PI	TOTAL
Female	3	1	1	0	0	0	5
Male	3	0	1	0	0	0	4
TOTAL	6	1	2	0	0	0	9

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From November 1, 2019, through November 30, 2019

FACULTY

FACULTY EMPLOYMENTS: NONE

FACULTY SEPARATIONS: NONE

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 9A
January 29, 2020

MODIFICATION OF POLICY 21001–COLLEGE NAME

General Information

Policy Number:	21001
Contained in Chapter:	Chapter Two
Policy Title:	College Name
Policy Creation Date:	December 17, 1968
Most Recent Modification Date:	December 17, 1968

Changes, Additions, Deletions

Line Number	Purpose
1-6	Deleted the historical name change language and made the language present tense.
8-11	Added clarifying language regarding the use of the name “Montgomery College” to facilitate communication, doing business as, publications, and public information.
13-17	Added new policy language regarding use of College insignia, logo, and name to explicitly connect this policy to College Policy 21002–Corporate Seal of the College and College Policy 62003–Public Information, Communications, and Marketing.
19-22	Added new policy language that provides guidance to faculty, staff, and students regarding use of their affiliation with the College in personal activities.
24-27	Added new policy language that restricts the use of the College’s name related to advertising, publications, correspondence, or other personal activities that might imply College endorsement.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 21001–College Name.

BACKUP INFORMATION

Resolution
Policy 21001–College Name (revised version)

RESPONSIBLE SENIOR ADMINISTRATORS

Dr. Cain
Mr. Sears

RESOURCE PERSONS

Mr. Gilmer
Mr. Dietz

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-002**
Adopted on: **1/29/2020**

Agenda Item Number: **9A**
January 29, 2020

Subject: Modification of Policy 21001–College Name

WHEREAS, The Board of Trustees created Policy 21001–College Name in 1968; and

WHEREAS, The policy has served an important purpose in memorializing both the legal name of the College and the College name for communication and business purposes; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback and has been updated; and

WHEREAS, The president recommends that the Board adopt the modifications; now therefore be it

Resolved, That Policy 21001–College Name be modified as indicated in the attached draft; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Organization

Modification No. **002**

Subject: **College Name**

- 1 I. In accordance with the laws of the State of Maryland (Chapter 134, Acts of 1961 General
2 Assembly), and effective on December 18, 1968, the name of the College **is was**
3 ~~changed from "Montgomery Junior College" to "Montgomery Community College" and~~
4 ~~the Board of Trustees of Montgomery Junior College became known as the Board of~~
5 ~~Trustees of Montgomery Community College. The Board of Trustees is "the~~
6 **Montgomery County Board of Trustees."**
- 7 II. **Effective July 1, 1969, To facilitate communication both internally and externally, the**
8 **use of the name "Montgomery College" is authorized for purposes of doing**
9 **business as, publications and public information, the use of the name "Montgomery**
10 **College" was authorized.**
- 11 III. **All members of the College community are reminded that the use of the**
12 **Montgomery College insignia, logo, and College name are subject to approval,**
13 **pursuant to College Policy 21002-Corporate Seal of the College and 62003-Public**
14 **Information, Communications, and Marketing. Montgomery College regulates the**
15 **use of its name to ensure that such use advances the College's mission.**
- 16 IV. **College faculty, staff, and students may refer to their affiliation with the College in**
17 **connection with personal activities provided that the affiliation or status is**
18 **accurately represented and any title or position is accurately identified, and**
19 **provided that such use does not imply College endorsement of the activity.**
- 20 V. **The College's name must not be used in any announcement, advertising matter,**
21 **publication, correspondence, or report in connection with personal or non-College**
22 **activities if such use in any way could be construed as implying College**
23 **endorsement of or responsibility for any project, product, or service.**

30 Board Approval: December 17, 1968; **_____**, 2019.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 9B
January 29, 2020

MODIFICATION OF POLICY 38001–RECOGNITION AWARDS

General Information

Policy Number:	38001
Contained in Chapter:	Chapter Three
Policy Title:	Recognition Awards
Policy Creation Date:	September 21, 1987
Most Recent Modification Date:	April 13, 2009

Changes, Additions, Deletions

Line Number	Purpose
19-29	Positioned the “Criteria” for Gold Medallions in the policy in order to keep all requirement language for Board awards together in one location.
40-50	Positioned the “Criteria” for Silver Medallion in the policy in order to keep all requirement language for Board awards together in one location.
60-67	Positioned the “Criteria” for Bronze Medallion section in the policy in order to keep all requirement language for Board awards together in one location.
96-108	Positioned the language for “Recognizing Acts of Heroism” and “Awards of Appreciation” in the policy since these are Board issued awards.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 38001–Recognition Awards.

BACKUP INFORMATION

Resolution
Policy 38001–Recognition Awards (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Leitch Walker

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-003**
Adopted on: **1/29/2020**

Agenda Item Number: **9B**
January 29, 2020

Subject: **Modification of Policy 38001–Recognition Awards**

WHEREAS, The Board of Trustees created Policy 38001–Recognition Awards in 1987; and

WHEREAS, The policy has served an important purpose in recognizing exceptional, outstanding, distinguished, sustained, or special service to the College, the academic profession, the county, the state, or the nation by individuals or groups; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback and has been updated; and

WHEREAS, The president recommends that the Board adopt the modifications; now therefore be it

Resolved, That Policy 38001–Recognition Awards be modified as indicated in the attached draft; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Personnel

Modification No. **008**

Subject: **Recognition Awards**

1 I. Purpose

2
3 The purpose of recognition awards is to recognize exceptional, outstanding, distinguished,
4 sustained, or special service to the College, the academic profession, the County, the State, or
5 the nation by individuals or groups.

6 II. Awards

7
8 The following awards are authorized by the Board of Trustees:

9
10 A. Gold Medallion

11
12 This award recognizes exceptional service and nationally recognized presidential
13 leadership in higher education. A retiring College President may be recommended for
14 this award. Where criteria for award are met, medallions may be awarded posthumously.
15 The award is approved by Board of Trustees' resolution.

16
17 **Criteria**

18
19 **The award of a Gold Medallion shall be made after intensive review of the
20 recommendation in order to ensure that only truly exceptional leadership and
21 dedication is recognized and that rigorous criteria have been applied and satisfied.
22 In addition, there must be specific acts of documented, exceptional service which
23 have been generally recognized as placing the individual in a category well above
24 others who have rendered sustained outstanding or distinguished service.
25 Consideration will be given to the length of time which the individual has devoted
26 to College service, but the exceptional quality of the service remains the most
27 important criteria.**

28
29 B. Silver Medallion

30
31 This award recognizes outstanding service to the College, the academic profession, the
32 County, the State, or the nation. Departing members of the Board of Trustees, retiring
33 College faculty, administrators and staff, and friends of the College may be
34 recommended for this award. Where criteria for award are met, medallions may be
35 awarded posthumously. The award is approved by Board of Trustees' resolution.

36
37 **Criteria**

38
39 **The award of a Silver Medallion will be made after intensive review of the
40 recommendation in order to ensure that only truly outstanding service is
41 recognized and that rigorous criteria have been applied and satisfied. In addition,
42 there must be a specific act or acts of documented, outstanding service which
43 have been generally recognized as placing the individual in a category well above
44 others who have rendered sustained and distinguished service. Consideration will
45 be given to the length of time which the individual has devoted to College service,
46 but the outstanding quality of the service remains the most important criteria.**

49 C. Bronze Medallion
50

51 This award recognizes distinguished service to the College. Departing members of the
52 Board of Trustees, retiring College faculty, administrators and staff, and friends of the
53 College may be recommended for this award. Where criteria for award are met,
54 medallions may be awarded posthumously. The award is approved by Board of
55 Trustees' resolution.

56 **Criteria**
57

58 **Distinguished service to the College is the primary criterion to award a Bronze
59 Medallion. To recommend the award, individuals should carefully document the
60 specific act or acts of distinguished service to the College that warrant such an
61 award. With respect to departing employees, a record of documented,
62 distinguished performance over an extended period of time would form a sufficient
63 basis for award of a Bronze Medallion.**

64 D. President, Administrator and Faculty Emeritus/Emerita
65

66 This award is given in recognition of a retiring president, administrators, and faculty in
67 accordance with the procedures described herein. Where criteria for award are met,
68 emeritus/emeriti status may be awarded posthumously. The award is approved by Board
69 of Trustees' resolution.

70 E. Trustee Emeritus/Emerita
71

72 This award is given in recognition of service by former members of the Board of Trustees
73 as specified in the procedures described herein. The award is approved by Board of
74 Trustees' resolution.

75 F. Retirement Recognition
76

77 This award recognizes retiring full-time faculty and regular administrative, associate and
78 support staff for their years of service and dedication to the College. The award is
79 approved by Board of Trustees' resolution.

80 G. Tribute
81

82 This award honors full and part-time faculty and regular administrative, associate and
83 support staff who decease while employed with the College. The award is approved by
84 Board of Trustees' resolution. Where criteria for award are met, the individual may be
85 recommended for a medallion award and/or emeritus/emeriti status posthumously.

86 **III. Other Awards**87 A. **Recognizing Acts of Heroism**

88 **In recognition of an exceptional act or an act of heroism, an employee will be
89 honored in a public ceremony. He or she may be granted a cash award and/or a
90 certificate recognizing the act of honor.**

91 B. **Awards of Appreciation**

102 **Any member of the community at large; departing members of Board advisory
103 committees, scholarship donors, friends of the College, and College employees
104 are eligible for an award of appreciation.**

105
106 IV. Implementation of Policy
107

108 The President is authorized to establish procedures to implement this policy and all other
109 recognitions and awards that do not require the Board of Trustees' authorization.
110

111
112 Board Approval: September 21, 1987; March 20, 1989; October 28, 1991; June 15, 1992; September 18,
113 2000; June 19, 2006; April 13, 2009: **[REDACTED], 2020.**

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 9C
January 29, 2020

MODIFICATION OF POLICY 63001—PROCUREMENT

General Information

Policy Number:	63001
Contained in Chapter:	Chapter Six
Policy Title:	Procurement
Policy Creation Date:	November 19, 1984
Most Recent Modification Date:	June 25, 2018

Changes, Additions, Deletions

Line Number	Purpose
Title	Added “Contracts and Consultant Services” to the policy title. Contracts and consultant services are types of procurements that the policy now covers. Previously, there were three separate policies—one each for Procurement, Contracts, and Consultant Services—but the actual process for solicitation, dollar thresholds, and reporting for Contracts and Consultant Services are governed by the Procurement Policy. Now, instead of three separate policies, all of the information can be found in one consolidated policy.
1-4	Added a new statement regarding the Board’s authority and compliance with all applicable laws, regulations, and standards. This type of statement is standard in all College policies and provides a broad, general statement of Board authority and expectations.
41-46	Deleted the stand-alone delegation language. A new statement is included in a later section of the policy in better proximity to what requires a Board resolution and what is delegated to the president.
48-79	Deleted much of the repetitive “Awarding Authority” language and replaced it with a condensed version under the new Section III that articulates the threshold dollar amounts required for Board action. Additional operational details are in the procedures.
81-85	Added a new, streamlined section on threshold dollar amounts that trigger a resolution. Added a new delegation statement so that the information is together rather than separated in the policy.
87-104	Revised the language to align with current industry standards regarding competitive sealed “solicitations,” which covers both bids and proposals, and condensed the standards for all other types of procurements. Moved the language on multi-year contracts to this

	section from a later section in the policy to put like language together in one location. Operational details for all types of procurements are in the procedures.
106-118	Removed much of this language as it speaks to types of procurements that the Board has delegated to the president. Typically, much of the operational details that fall outside the scope of Board requirements are memorialized elsewhere.
120-147	Deleted much of this language as it is more procedural and operational than what is typically found in a College policy. Typically, much of the operational details that fall outside the scope of Board requirements are memorialized elsewhere.
149-213	Deleted this language as it is operational language. Typically, much of the operational details that fall outside the scope of Board requirements are memorialized elsewhere.
214-229	Deleted the compliance language as unnecessary in light of the new language added in Section I of the policy. A broader statement on compliance is preferable to attempting to articulate details that are subject to frequent change by legislation or regulation.
231-238	Added new language on contract modifications to include clarity regarding when the Board must approve modifications that exceed 25 percent over the life of the initial contract award amount. Also added language stating that, in the event of a conflict between this policy and Policy 61001–Fiscal Control, this policy shall prevail.
240-278	Deleted language detailing the various reports that Procurement and other offices provide to the president as this operational matters.
280-285	Added a new Section VII that condenses the expectations for utilizing Montgomery County-based firms and minority businesses.
287-330	Deleted the operational language regarding the steps in the procurement process.
332-334	Added a new Section VIII that condenses much of the policy-based language found in lines 336-366.
336-368	Deleted the definitional language regarding special procurement programs.
370-371	Added a new Section IX with standard boilerplate policy language that authorizes the president to establish procedures to implement the policy.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 63001–Procurement, henceforth known as 63001–Procurement, Contracts, and Consultant Services.

BACKUP INFORMATION

Resolution
Policy 63001–Recognition Awards (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Greaney

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-004**
Adopted on: **1/29/2020**

Agenda Item Number: **9C**
January 29, 2020

Subject: **Modification of Policy 63001–Procurement**

WHEREAS, The Board of Trustees created Policy 63001–Procurement in 1984; and

WHEREAS, The policy has served an important purpose in creating a fair, equitable, compliant, effective, and broad-based procurement system to further the College's mission in a fiscally sustainable manner; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback and has been updated; and

WHEREAS, The president recommends that the Board adopt the modifications; now therefore be it

Resolved, That Policy 63001–Procurement be modified as indicated in the attached draft, henceforth known as 63001–Procurement, Contracts, and Consultant Services; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Fiscal and Administrative Affairs

Modification No. **018**

Subject: Procurement, **Contracts, and Consultant Services**

1 **I. The Board of Trustees has authority to enter into contracts for goods and services**
2 **to carry out the College's mission. The Board of Trustees expects that the**
3 **College's procurement processes will be consistent with all applicable laws,**
4 **regulations and ethical standards.**

5
6 **II. General**
7

8 **A. Policy**
9

10 The purposes of this policy creating a procurement system for the College
11 include:

- 12 1. Providing for confidence in College procurements;
13 2. Ensuring fair and equitable treatment of all persons who deal with the
14 College procurement system;
15 3. Providing safeguards for maintaining a College procurement system of
16 quality and integrity, consistent with conflicts of interests requirements
17 and other requirements of law, regulations and grants;
18 4. Fostering effective broad-based competition to the extent practicable;
19 5. Obtaining maximum benefit from the public funds available to the College
20 to purchase necessary and beneficial College mission-related materials
21 and services;
22 6. Providing increased efficiency and timeliness in College procurements;
23 7. Assuring compliance with changing requirements of law and regulations;
24 8. Supporting governmental priorities and responsibilities, including
25 appropriate encouragement and support for minority contracting and use
26 of environmentally conscientious materials and services; and
27 9. Ensuring that the College utilizes and leverages its purchasing power
28 directly, and through other governmental entities, to meet educational
29 and institutional needs in a timely, economical, effective and responsible
30 way.

31 **B. Responsibility**
32

33 ~~The responsibility for meeting the procurement requirements of the College is~~
34 ~~delegated to the President. The President may sub-delegate this responsibility~~
35 ~~and may promulgate procedures that ensure that procurements by the College~~
36 ~~are consistent with this Policy.~~

37 **C. Awarding Authority**
38

- 49
50 1. Board of Trustees.
51
52 a. ~~Consistent with its powers and duties set forth in State Law, the~~
53 ~~Board of Trustees has authority to enter into agreements for the~~
54 ~~establishment and operation of the College as it deems~~
55 ~~advisable.~~
56
57 b. ~~The Board of Trustees delegates this power to procure and enter~~
58 ~~into agreements for materials and services to the President (who~~
59 ~~may sub-delegate) as follows, subject to the additional provisions~~
60 ~~below:~~
61
62 1. ~~Competitive sealed bid awards up to \$250,000;~~
63
64 2. ~~Competitive sealed proposals up to \$250,000;~~
65
66 3. ~~All contract changes, modifications or supplemental~~
67 ~~services up to \$250,000, or an addition to original~~
68 ~~contract value of no more than 25% if originally approved~~
69 ~~by the Board of Trustees;~~
70
71 4. ~~Sole source awards below \$100,000;~~
72
73 5. ~~Special Procurements listed below.~~
74
75 c. ~~For all procurements for which the Board of Trustees is the~~
76 ~~awarding authority and the authority to procure is not delegated~~
77 ~~to the President, the Board of Trustees shall approve the~~
78 ~~procurement by resolution, upon recommendation from the~~
79 ~~President.~~
80
- 81 III. **The Board of Trustees must authorize by resolution all competitively bid contracts**
82 **that exceed \$250,000 (full-term) and all sole source contracts that exceed \$100,000**
83 **(full-term). The Board delegates to the President, or designee, the authority to**
84 **procure and enter into agreements for materials and services that do not exceed**
85 **these stated thresholds.**
- 86
87 IV. **Methods of Procurement**
88
89 A. **Competitive Sealed Bidding**
90
91 All contracts shall be awarded by competitive sealed **bids solicitation** unless
92 such contract is below the threshold required ~~for such competitive sealed bids,~~
93 ~~the contract is determined to be more appropriate for award as a result of~~
94 ~~competitive sealed proposals (see B below),~~ the contract is a Special
95 Procurement, ~~the President, or designee, deems that an emergency~~
96 **procurement or sole source award is appropriate, or there is some other**
97 **reason in the best interest of the College to use another authorized method**
98 **as defined below or the Director of Procurement determines that..**
- 99
100 **The College may enter into multi-year contracts for goods and services**
101 **pursuant to any procedures that may specify or limit terms of such**

102 agreements that extend beyond the current fiscal year. The College shall
103 not enter into a contract where any part of the compensation is based on a
104 cost-plus-a-percentage-of-cost of the work performed or goods provided.
105

- 106 1. ~~Specifications cannot be prepared that permit an award on the basis of lowest bid price or lowest evaluated bid price; or~~
- 107 2. ~~The price of any service or supply required is regulated by the Public Service Commission; or~~
- 108 3. ~~There is only one available source (Sole Source); or~~
- 109 4. ~~There is an unanticipated emergency which leaves insufficient time to use this method; or~~
- 110 5. ~~There is some other reason in the best interest of the College to use one of the other authorized methods.~~

111
112 **B. Competitive Sealed Proposals**

113 Competitive sealed proposals may be used if:

- 114 1. ~~The procurement is for educational or consultant services;~~
- 115 2. ~~The procurement is for any building, improvement, equipment, or supplies and the Director of Procurement determines that specifications cannot be prepared that allow an award based on the lowest bid price, the lowest evaluated bid price, or the bid most favorable to the College; or~~
- 116 3. ~~The Director of Procurement determines that:
 - 117 a. ~~The need to use a method other than competitive sealed bids is sufficiently compelling to override the general public policy that favors awarding procurement contracts on the basis of competitive sealed bids; and~~
 - 118 b. ~~The use of competitive sealed bidding for that procurement contract is not practicable or not advantageous to the College.~~~~
- 119 4. ~~A procurement contract based on the use of competitive sealed proposals may be awarded by the Awarding Authority, after obtaining any approval required by law, to the responsible offeror who submits the proposal or best and final offer determined to be the most advantageous to the College considering the evaluation factors set forth in the request for proposals.~~

120
121 **C. Special Procurements**

- 122 1. ~~Purchases of print and non-print library and learning resource material.~~
- 123 2. ~~Merchandise purchased for re-sale.~~

155 3. Any awards made through contracts issued or purchases made by or for
156 a public entity or state or local government for the College under
157 procedures authorized by the Montgomery County Charter or state law
158 shall be made by the President, or designee. The College will determine
159 in each instance:

160 a. That the public entity or entity purchasing on behalf of the public
161 entity has complied substantially with the formal competitive
162 bidding requirements of the Annotated Code of Maryland,
163 Section 16-408; and

164 b. That the terms and conditions of the agreement are consistent
165 with the needs of the College.

166 4. Consistent with the provisions of Section 213 of the Montgomery County
167 Charter and the provisions of the Montgomery County Code 11B-4(a),
168 contracts for the services of special legal counsel or for the services of
169 experts, consultants and investigators, deemed appropriate by the
170 General Counsel, whether in anticipation of litigation or in preparation for
171 a trial or a compliance issue.

172 5. Emergency procurements in which the Director of Procurement
173 determines that there is not sufficient time to procure through a sealed
174 competitive bid or proposal in order to timely meet a bona fide
175 requirement of the College, including emergency repairs and other urgent
176 procurement actions.

177 6. Cooperative purchases.

178 The Director of Procurement shall have the authority to join other units of
179 state and local government which may include third party entities in
180 cooperative purchasing plans when the best interests of the College
181 would be served, in order to take advantage of maximum volume
182 discounts.

183 7. Inter governmental purchases

184 The Director of Procurement shall have the authority to contract for
185 goods and services with a Federal, State or local government or agency,
186 political subdivision of a state or a state school or school system when
187 the best interests of the College would be served thereby.

188 8. Procurement Through Other Agency (PTOA)

189 The Director of Procurement shall have the authority to contract for
190 goods or services that are the subject of a current contract of a Federal,
191 State, or local government or agency, political subdivision of a state
192 school system where the contract was the subject of appropriate
193 competition, and is in the best interest of the College.

194 9. Contracts governed by other applicable Board policies.

195 D. Sole Source Procurement Contracts

208
209 If the President, or designee, determines that there is only one available source
210 for the subject of a procurement contract, a procurement contract may be
211 awarded without competition to that source. Sole source procurement may be
212 awarded in accordance with the Awarding Authority contained in this Policy.
213

214 **V.** E. Compliance

- 215 1. The procedures promulgated to administer the procurements under the
216 procurement system created by this Policy and the Procurement Office
217 charged with administration of the procurement system shall comply with
218 all applicable laws, regulations, and the policies of the Board of Trustees,
219 including specifically the purposes set forth in I.A. of this Policy.
220
221 2. Except as otherwise provided, a contract which is entered into in violation
222 of the Awarding Authority or the Methods of Procurement as contained in
223 this Policy is void, unless it is determined, upon review, that good faith
224 has been shown by all parties, and that there has been substantial
225 compliance with these policies and procedures. If a contract is void, any
226 contractor who entered the agreement in good faith and without
227 knowledge of any violation or contribution to any violation prior to award
228 may be compensated for actual costs incurred.
229
230

231 **VI.** The Board of Trustees authorizes the President to modify contracts previously
232 approved by the Board of Trustees so long as the modification does not exceed 25
233 percent over the life of the initial contract award amount. The Board of Trustees
234 delegates to the President or designee the authority to enter into contracts for
235 goods and services up to \$250,000 using competitive procurement processes, and
236 award sole source contracts up to \$100,000, consistent with procedures. In the
237 event that College Policy 61001-Fiscal Control is contradictory to this policy, where
238 applicable, this policy shall prevail.
239

240 Reporting

- 241 A. Procedures promulgated to administer the procurement system shall provide for
242 regular reports to the President, on a least an annual basis or as may otherwise
243 be required in this Policy.
244
245 B. The Procurement Office shall produce and deliver to the President a summary
246 report of all procurements in the following categories in such form and detail as
247 may be required in procedures:
248
249 1. All procurements below thresholds and exempt from competitive sealed
250 bids and competitive sealed proposals, over a minimum specified
251 threshold.
252
253 2. All sole source procurements not sent to the Board of Trustees for award.
254
255 3. All Special Procurements except those authorized to be made by
256 General Counsel, over a minimum specified threshold.
257
258 C. The Procurement Office shall report as soon as practicable to the President all
259 emergency procurements over a minimum specified threshold, in accordance
260

~~with procedures.~~

D. The General Counsel shall produce and deliver a report to the President of Special Procurements made by the General Counsel, in accordance with procedures.

E. To determine if the use of PTOAs is in the best interest of the College, the Procurement Office shall produce and deliver a report to the President semi-annually of all PTOAs, in accordance with the procedures.

F. The Procurement Office shall produce and deliver a report to the President on the results of Minority Business Utilization Program, in accordance with procedures.

G. The Procurement Office shall produce and deliver in accordance with procedures, a summary report to the President on a semi-annual basis that includes all contract awards resulting from the competitive sealed bid and competitive sealed proposal process that are less than \$250,000, along with sole source contract awards greater than \$25,000, but less than \$100,000.

VII. The College encourages participation in the procurement process from Montgomery County-based firms, minority businesses, and contractors who can provide goods and services to the College in an environmentally sustainable manner. Consistent with applicable procedures, the President or designee must maintain a minority business program to facilitate the participation of responsible certified minority business enterprises.

~~Miscellaneous Matters~~

A. ~~Public Notice~~

The Director of Procurement shall advertise for competitive sealed bids or proposals in such media and in such timeframes as may be specified by procedure.

B Multi-Year Contracts

~~The College may enter into multi-year contracts for goods and services pursuant to any procedures that may specify or limit terms of such agreements that extend beyond the current fiscal year.~~

~~C Prohibited Contract~~

~~The College shall not enter into a contract where any part of the compensation is based on a cost plus a percentage of cost of the work performed or goods provided.~~

R Irrevocability and Withdrawal of Offers

~~Bids, proposals and best and final offers are irrevocable for the period specified in the request for bids, request for proposals or request for best and final offers except the President or designee, upon recommendation from the Director of Procurement, may permit the withdrawal of a bid, proposal or best and final offer.~~

- 314 E. Bid and Contract Security
- 315
316 The Director of Procurement is authorized to require a bid or performance bond if
317 the circumstances warrant. This bond shall be provided by a surety company
318 authorized to do business in the State of Maryland, or the equivalent in cash, or in
319 a form satisfactory to the President. No bid, performance or payment bond may
320 be required for contracts less than the minimum set by state law, unless
321 otherwise required by law or a grant.
- 322
323 F. Resolution of Protests and Disputes
- 324
325 Pursuant to the procedures, the Director of Procurement may, consistent with the
326 budget and all applicable laws, regulations, and Board policies, negotiate and
327 resolve protests and disputes relating to the formation of a procurement contract
328 with the College. The Director shall inform the President of controversies
329 involving the formation of contracts pursuant to the procedures. Protests may be
330 addressed to the Board only through the President.
- 331
332 VIII. **Nothing in this policy should be construed to authorize contract awards that are
333 fiscally disadvantageous or that confer any special privilege or status upon any
334 business or group or individual representing a business.**
- 335
336 Special Programs
- 337
338 A. Minority Business Utilization Program
- 339
340 In accordance with applicable procedures, the president or designee shall
341 establish a minority business utilization program to facilitate the participation of
342 responsible certified minority business enterprises in contracts awarded by the
343 President or designee or the Board of Trustees in accordance with competitive
344 sealed bids or proposals, with the result that minority businesses receive a fair
345 share of College contracts. Nothing shall be construed as authorizing awards
346 that are fiscally disadvantageous to the College, or that confer any special
347 privilege or status upon any minority business or group or individual representing
348 a minority business. Certified minority business enterprises shall be defined in
349 the procedures.
- 350
351 B. Procurement Through Other Agency (PTOA)
- 352
353 In accordance with applicable procedures, the president or designee shall
354 promote, and execute the use of Procurement Through Other Agency (PTOA)
355 contract awards that are made to minority business enterprises.
- 356
357 C. Montgomery County Government Minority/Female/Disabled (MFD) Program
- 358
359 In accordance with applicable procedures, the president or designee shall use
360 the Montgomery County MFD vendor database to identify County
361 minority/female/disabled businesses.
- 362
363 D. Preference for Montgomery County Products
- 364
365 In purchasing goods and services for the College, the president or designee shall
366 encourage participation in the bidding process from Montgomery County-based

367 ~~firms, and shall give preference in accordance with procedures to these firms~~
368 ~~whenever such purchases would not be disadvantageous to the College.~~
369

370 **IX. The President is authorized to establish procedures necessary to implement this**
371 **policy.**

372
373 Board Approval: November 19, 1984; June 16, 1986; July 20, 1987; May 16, 1988; July 17,
374 1989, effective July 1, 1989; October 16, 1989; June 18, 1990; December 16, 1991; November
375 15, 1993; February 26, 1996; June 17, 1996; June 15, 1998; December 10, 2001; June 18, 2012;
376 December 14, 2015; June 25, 2018; **_____, 2020**

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 9D
January 29, 2020

RETIREMENT OF POLICY 63002—CONSULTANT SERVICES

General Information

Policy Number:	63002
Contained in Chapter:	Chapter Six
Policy Title:	Consultant Services
Policy Creation Date:	June 25, 1979
Most Recent Modification Date:	June 18, 1990

Reason for Policy Retirement

The current language in 63002—Consultant Services is duplicative of the language currently found in College Policy 63001—Procurement. The process of selecting a consultant, including dollar amount thresholds that require Board action, and the competitive solicitation process are guided by College Policy 63001—Procurement. Instead of having a separate policy on consultant services that is authorized and guided under the College’s Procurement Policy, it is recommended that this policy be retired as redundant.

RECOMMENDATION

It is recommended that the Board of Trustees retire Policy 63002—Consultant Services.

BACKUP INFORMATION

Resolution
Policy 63002—Consultant Services

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Greaney

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-005**
Adopted on: **1/29/2020**

Agenda Item Number: 9D
January 29, 2020

Subject: Retirement of Policy 63002–Consultant Services

WHEREAS, The Board of Trustees created Policy 63002–Consultant Services in 1979; and

WHEREAS, The policy has served an important purpose in guiding College expenditures on the use of consultant services as part of the College's procurement process; and

WHEREAS, The language, authorities, and expectations are codified in College Policy 63001–Procurement; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback; and

WHEREAS, The president recommends that the Board retire the policy; now therefore be it

Resolved, That Policy 63002–Consultant Services be retired as indicated in the attached draft; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Fiscal and Administrative Affairs

Modification No. 003

Subject: **Consultant Services**

- 1 I. The terms of all agreements between the College and consultants which are expected to
2 involve an expenditure of over \$500 from the Current Fund or Special Fund of the
3 operating budget shall be detailed in a written contractual agreement, and contractual
4 agreements which involve an expenditure of operating budget funds in excess of the
5 amount defined as a "Small Procurement" shall be approved by the Board of Trustees
6 prior to execution by the President or his/her designee.
7
- 8 II. When practical and in the best interest of the College, appropriate competitive bidding
9 procedures shall be followed in selecting a consultant.

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Board Approval: June 25, 1979; November 18, 1982; June 18, 1990.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 9E
January 29, 2020

RETIREMENT OF POLICY 68002–CONTRACTS

General Information

Policy Number:	68002
Contained in Chapter:	Chapter Six
Policy Title:	Contracts
Policy Creation Date:	July 28, 1986
Most Recent Modification Date:	July 28, 1986

Reason for Policy Retirement

The current language in 68002–Contracts is duplicative of the language currently found in College Policy 63001–Procurement. The process of entering into a contract, including dollar amount thresholds that require Board action, and all delegations are guided by College Policy 63001–Procurement. Instead of having a separate policy on contracts that is authorized and guided under the College’s Procurement Policy, it is recommended that this policy be retired as redundant.

RECOMMENDATION

It is recommended that the Board of Trustees retire Policy 68002–Contracts.

BACKUP INFORMATION

Resolution
Policy 68002–Contracts

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Greaney

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-006**
Adopted on: **1/29/2020**

Agenda Item Number: 9E`
January 29, 2020

Subject: Retirement of Policy 68002–Contracts

WHEREAS, The Board of Trustees created Policy 68002–Consultant Services in 1986; and

WHEREAS, The policy has served an important purpose in guiding College authority to enter into contracts and agreements as part of the College's procurement process; and

WHEREAS, The language, authorities, and expectations are codified in College Policy 63001–Procurement; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback; and

WHEREAS, The president recommends that the Board retire the Policy; now therefore be it

Resolved, That Policy 68002–Contracts be retired as indicated in the attached draft; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Fiscal and Administrative Affairs

Modification No. 001

Subject: **Contracts**

1 The Board of Trustees is authorized by state law to enter into agreements which are advisable for
2 the establishment and operation of the College. Except for those contracts individually authorized
3 by a Board resolution which specifies otherwise, the President is authorized to execute all
4 contracts on behalf of the College and to delegate all or part of her/his contracting authority. For
5 purposes of this policy, the authorization to execute contracts includes the authority to execute all
6 documents on behalf of the College, including but not limited to those related to the acceptance of
7 funds, leases, issuance of permits, software licenses, proposals for financing of projects, requests
8 for operational licenses and forms necessary in connection with the grant process.

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Board Approval: July 28, 1986.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10A
January 29, 2020

**AWARD OF CONTRACT,
AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION
AND TRANSITION PLAN, BID 520-007**

BACKGROUND

Request:	Americans with Disabilities Act (ADA) self-evaluation and transition plan
Office/SVP Originating Request:	Senior Vice President for Administrative and Fiscal Services and Chief Compliance, Risk, and Ethics Officer
Award Type:	Competitive
Bid Number:	520-007
Explanation of Request:	<p>Title II of the Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities offered by any state or local public entity.</p> <p>The Department of Justice (DOJ) regulations implementing Title II of ADA requires public entities to evaluate its services, programs, policies, and practices including any structural or physical changes required to make programs accessible in order to comply with the non-discrimination requirements of ADA.</p> <p>To meet this requirement, Montgomery College will contract with a highly qualified firm to conduct a self-evaluation of its associated services, programs, policies, and practices, including a transition plan to implement any recommendations.</p> <p>Violations of the ADA can result in administrative fines and/or DOJ and Department of Education Office of Civil Rights enforced resolutions.</p>
Reason Being Brought to Board:	Board approval is required for bid awards valued over \$250,000.
Certification:	The director of procurement affirms that specifications were developed by appropriate College staff, and, the chief business/financial strategy officer certifies that planned funds are available in the FY20 capital budget.
Total Dollar Amount:	\$399,860 (Year 1 not-to-exceed amount)
Vendor Name:	Tindale-Oliver and Associates

Vendor Address:	1010 Park Avenue, Suite 104 Baltimore, Maryland 21201
Minority Status:	N/A
Term of Contract:	One year, with up to four one-year renewal options

RECOMMENDATION

It is recommended that the Board of Trustees approve a one-year award of contract to Tindale-Oliver and Associates of Baltimore, Maryland, to conduct a self-evaluation of the College's associated services, programs, policies, and practices, and provide a resultant transition plan as it relates to the Americans with Disabilities Act for a total not-to-exceed amount of \$399,860.

It is further recommended that the contract be renewed for up to four additional one-year periods, for a not-to-exceed amount of \$150,000 per year, under the same terms and conditions, at the sole discretion of the College, provided services are satisfactory, funding is available, and renewals are in the best interest of the College. The total five-year contract not-to-exceed amount is \$999,860.

BACKUP INFORMATION

Board Resolution
 Bid Summary (Board Members Only)
 Bidders List (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATORS

Ms. Schena
 Ms. Duggan

RESOURCE PERSONS

Mr. Moy
 Mr. Johnson

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-007**
Adopted on: **1/29/2020**

Agenda Item Number: **10A**
January 29, 2020

Subject: Award of Contract, Americans with Disabilities Act (ADA) Self-evaluation and Transition Plan, Bid 520-007

WHEREAS, The senior vice president for administrative and fiscal services and the chief compliance, risk, and ethics officer are requesting that a self-evaluation of the College's associated services, programs, policies, and practices, including a transition plan, be conducted to ensure that the College is in compliance with non-discrimination requirements as they relate to the Americans with Disabilities Act (ADA); and

WHEREAS, Title II of ADA protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities offered by any state or local public entity; and

WHEREAS, The Department of Justice (DOJ) regulations implementing Title II of ADA requires public entities to evaluate its services, programs, policies, and practices to determine if they are in compliance with the non-discrimination requirements of ADA; and

WHEREAS, The director of procurement affirms that specifications were developed by appropriate College staff and the director of finance certifies that planned funds are available in the FY20 capital budget; and

WHEREAS, Pursuant to Md. (Educ.) Ann. Sec. 16-311, a request for proposal was issued on October 1, 2019, and posted on the Montgomery College Procurement and Maryland State e-procurement websites; and

WHEREAS, 38 firms downloaded the solicitation from the procurement website, and three responses were received, publicly opened, and recorded, beginning at 3:00 p.m. on October 22, 2019; and

WHEREAS, Following the evaluation of submitted proposals by appropriate College staff, it was determined that the proposal submitted by Tindale-Oliver and Associates of Baltimore, Maryland, was the highest ranked, meeting all College requirements; and

WHEREAS, Awards resulting from competitive sealed proposals valued above \$250,000 require Board of Trustees approval; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees approve a one-year award of contract to Tindale-Oliver and Associates of Baltimore, Maryland, to conduct a self-evaluation of the College's associated services, programs, policies, and practices, including a transition plan, to ensure that the College is in compliance with non-discrimination requirements as they relate to the Americans with Disabilities Act; and be it further

Resolved, That the contract be renewed for up to four additional one-year periods, for a not-to-exceed amount of \$150,000 per year, under the same terms and conditions, at the sole discretion of the

College, provided services are satisfactory, funding is available, and renewals are in the best interest of the College. The total five-year contract not-to-exceed amount is \$999,860; and be it further

Resolved, That the president is authorized to sign the contract on behalf of the Board of Trustees.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10B
January 29, 2020

**AWARD OF CONTRACT
AUDIO-VISUAL HARDWARE AND SERVICES, BID 520-019**

BACKGROUND

Request:	Purchase of audio-visual hardware and services
Office/SVP Originating Request:	Senior Vice President for Administrative and Fiscal Services and Interim Chief Information Officer
Award Type:	Competitive
Bid Number:	520-019
Explanation of Request:	<p>Audio-visual hardware and services are being requested to enable and facilitate instruction, student support, training, and College operations at the new Student Services Building located on the Rockville Campus. In addition, digital signage will be installed throughout the building to keep students, faculty, and staff aware of all activities related to Montgomery College. Connected classrooms, laboratories, conference rooms, student support centers, teaching review areas, tutoring, training, and lounge areas will enhance communication and collaboration with students, faculty, and staff. It will also better prepare our students for continuing their education or entering a contemporary workplace that is equipped with familiar modern technologies.</p> <p>As other renovated or new College buildings come online, they will also need to be equipped with same audio-visual hardware and associated services.</p>
Reason Being Brought to Board:	Board approval is required for all contract awards valued over \$250,000.
Certification:	The director of procurement certifies that specifications were developed by appropriate College staff, and the chief business/financial strategy officer certifies that expenditures are planned for and available in the FY20 capital budget.
Dollar Amount:	\$800,000 (year one not-to-exceed amount)
Vendor Name:	Vision Technologies Inc
Vendor Address:	Glen Burnie, Maryland
Term of Contract:	One year (2/1/2020 – 1/31/2021) with four one-year renewal options
Minority Status	Yes

RECOMMENDATION

It is recommended that the Board of Trustees approve a one-year award of contract for the purchase of audio-visual hardware and services to Vision Technologies, Inc., of Glen Burnie, Maryland, for a total not-to-exceed amount of \$800,000.

It is further recommended that the contract be renewed for four additional one-year periods, for a not-to-exceed amount of \$300,000 per year, under the same terms and conditions, at the sole discretion of the College, provided services are satisfactory, funding is available, and renewals are in the best interest of the College. The total five-year contract not-to-exceed amount is \$2,000,000.

BACKUP INFORMATION

Board Resolution

Bid Summary (Board Members Only)

Bidders List (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSONS

Ms. Miller

Mr. Johnson

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-008**
Adopted on: **1/29/2020**

Agenda Item Number: 10B
January 29, 2020

Subject: Award of Contract, Audio-Visual Hardware and Services, Bid 520-019

WHEREAS, The senior vice president for administrative and fiscal services and the interim chief information officer are requesting an award of contract for the purchase of audio-visual hardware and services; and

WHEREAS, Audio-visual hardware and services are being requested to enable and facilitate instruction, student support, training, and College operations at the new Student Services Building located on the Rockville Campus; and

WHEREAS, The director of procurement certifies that specifications for the purchase of audio-visual hardware and services were developed by appropriate College staff, and the chief business/financial strategy officer certifies that expenditures are planned for and available in the FY20 capital budget; and

WHEREAS, Pursuant to Md. (Educ.) Code Ann. Sec. 16-311(c), a request for proposal was publicly advertised on November 8, 2019, on the Montgomery College Procurement and the State of Maryland eMaryland Marketplace Advantage websites; and

WHEREAS, 47 firms downloaded the solicitation from the procurement website, and nine responses, including one no-bid were received, read aloud, and recorded, beginning at 3:00 p.m. on December 11, 2019;

WHEREAS, Upon evaluation of submitted proposals by appropriate College staff, it was determined that the proposal submitted by Vision Technologies, Inc., of Glen Burnie, Maryland, was the highest ranked, meeting all College requirements; and

WHEREAS, Awards resulting from competitive sealed proposals valued above \$250,000 require Board of Trustees approval; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees approve a one-year award of contract for the purchase of audio-visual hardware and services to Vision Technologies, Inc., of Glen Burnie, Maryland, for a total not-to-exceed amount of \$800,000; and be it further

Resolved, That the contract be renewed for four additional one-year periods under the same terms and conditions, at the sole discretion of the College, provided services are satisfactory, funding is available, and renewals are in the best interest of the College; and be it further

Resolved, That the president is authorized to sign the contract on behalf of the Board of Trustees.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**

Agenda Item Number: 11
January 29, 2020

**ANNUAL STATUS REPORT OF
THE CAPITAL IMPROVEMENT PROJECTS AND TECHNICAL UPDATE TO
THE 2013 TO 2023 FACILITIES MASTER PLAN FOR
THE MARYLAND HIGHER EDUCATION COMMISSION**

BACKGROUND

The Board of Trustees approved and adopted the 2013 to 2023 Collegewide Facilities Master Plan (FMP) and approved its transmittal on February 1, 2016, under resolution 16-01-003 to the Maryland Higher Education Commission (MHEC), the Department of Budget and Management, the Department of General Services, and the Department of Planning. On December 12, 2016, the Board approved resolution 16-12-139, which included the acquisition of a building to centralize and consolidate the College's central services in a new location, and, on June 25, 2018, the Board approved resolution 18-06-042 to report on the status of projects in the current Capital Improvements Program. This approval included several deferred maintenance projects deemed eligible for the Facilities Renewal Grant Program signed in to law by the governor on May 15, 2018.

Montgomery College did not submit an update for fiscal year 2019 because the 2013 to 2023 Facilities Master Plan was still on track.

The approved and adopted plan must be updated annually per COMAR 13B.07.04.02: "Each college shall develop and submit by February 1 of each year a facilities master plan or update to the current facilities master plan which supports the college's role and mission."

This update to the plan serves a dual purpose. First, it is a report on the status of the projects in the current Capital Improvements Program and second, it includes proposed changes to accommodate new programs in partnership with Montgomery County Public Schools.

Status of the Plan Projects includes: (a) the North Garage, Mannakee Building, and the New Student Services Center on the Rockville Campus, (b) Phase 1 – Science and Applied Studies Building Renovation and Addition (new name Student Affairs and Science Building) and the New Student Services Center on the Germantown Campus; and (c) the Math and Science Center building on the Takoma Park/Silver Spring Campus (new name Catherine and Isiah Leggett Math and Science Building).

Status of the Deferred Maintenance Projects that were added to the plan includes the Humanities Building Central Plant Distribution System Replacement, Humanities Building Central Plant Cooling Tower and Ice Storage System Renovation, and the Humanities Building Central Plant Demolition of Boiler Systems and Plant Controls Renovation on the Rockville Campus.

Proposed changes to accommodate new programs in partnership with Montgomery County Public Schools include, but are not limited to, vacancy backfill projects at the Rockville and Germantown campuses. These spaces will house new programs such as Achieving the Promise Academy; Institute for Race, Justice, and Civic Engagement; Student Health and Wellness Center for Success; and Early College.

RECOMMENDATION

It is recommended that the Board of Trustees approve the update to the approved and adopted 2013 to 2023 Collegewide Facilities Master Plan and approve its transmittal to the Maryland Higher Education Commission (MHEC), the Department of Budget and Management, the Department of General Services, and the Department of Planning on or before February 1, 2020.

BACKUP INFORMATION

Board Resolution
2013 to 2023 Collegewide Facilities Master Plan Update

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Mr. Mills

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-009**
Adopted on: **1/29/2020**

Agenda Item Number: 11
January 29, 2020

Subject: Annual Status Report of the Capital Improvement Projects and Technical Update to the 2013 to 2023 Facilities Master Plan for the Maryland Higher Education Commission

WHEREAS, In accordance with the Code of Maryland Regulations (COMAR), the Maryland Higher Education Commission requires (COMAR 13B.07.04.02) that each community college prepare a facilities master plan as the foundation of a sound capital budget process for the purpose of establishing a framework for the orderly development of all capital improvements to support the role and mission of the institution, and that institutions regularly review the plans and update them “whenever major changes occur to the role and mission statements, or other plan components which have significant facilities implications;” and

WHEREAS, The update to the plan is a report on the status of the projects in the current Capital Improvements Program, which includes several deferred maintenance projects and introduces proposed changes to accommodate new programs in partnership with Montgomery County Public Schools; and

WHEREAS, On February 1, 2016, in resolution 16-01-003, the Board of Trustees approved and adopted the 2013 to 2023 Collegewide Facilities Master Plan that has guided the development of the College since that time; and

WHEREAS, On December 12, 2016, in resolution 16-12-139, the Board of Trustees approved and adopted an amendment to the 2013 to 2023 Collegewide Facilities Master Plan to include the acquisition of a building to centralize and consolidate central services in a new location – Central Services (CT); and

WHEREAS, On June 25, 2018, in resolution 18-06-042, the Board of Trustees approved and adopted an Annual Status Report of the Capital Improvement Projects and Technical Update to the 2013 to 2023 Facilities Master Plan to report on the status of the projects in the current Capital Improvements Program (CIP) and to include several deferred maintenance projects so that they may be deemed eligible for the Facilities Renewal Grant Program that was signed into law by the governor on May 15, 2018; and

WHEREAS, The vice president of facilities requests approval of the update to the approved and adopted 2013 to 2023 Collegewide Facilities Master Plan; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees approves the update to the approved and adopted 2013 to 2023 Collegewide Facilities Master Plan; and be it further

Resolved, That the president is authorized to transmit the update to the 2013 to 2023 Collegewide Facilities Master Plan to the Maryland Higher Education Commission and other State agencies as required.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 12
January 29, 2019

**MEMORANDUM OF AGREEMENT BETWEEN
MONTGOMERY COLLEGE AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES, AFL-CIO, COUNCIL 67, LOCAL 2380**

BACKGROUND

Representatives of Local 2380, Council 67, of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME) have voted to ratify a Memorandum of Agreement (MOA) with the College on January 21, 2020, pursuant to the reopen clause in the AFSCME Collective Bargaining Agreement with the College. The MOA includes changes to the current Collective Bargaining Agreement, which will expire on June 30, 2022. The changes affect the following three (3) articles to the agreement:

1. Article 3: Counseling, Discipline and Discharge
2. Section 7.7: Salary Adjustments
3. Article 12.3: Educational Assistance Program

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution, approving the Memorandum of Agreement; authorizing the senior vice president for administrative and fiscal services to execute the Memorandum of Agreement; and delegating to the president the authority and responsibility to implement and administer the agreement.

BACKUP INFORMATION

Resolution

Memorandum of Agreement—Ratified by AFSCME Local 2380 Members on January 21, 2020
AFSCME Collective Bargaining Update (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSONS

Ms. Leitch Walker
Mr. Scrimenti

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **20-01-010**
Adopted on: **1/29/2020**

Agenda Item Number: 12
January 29, 2019

Subject: Memorandum of Agreement between Montgomery College and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380

WHEREAS, Local 2380, Council 67, of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME Local 2380), is the exclusive representative authorized to negotiate on behalf of certain staff members at Montgomery College; and

WHEREAS, The current collective bargaining agreement between Montgomery College and AFSCME Local 2830 calls for certain “reopener” negotiations of select sections of the collective bargaining agreement; and

WHEREAS, The members of AFSCME Local 2380 voted on January 21, 2020, to ratify the memorandum of agreement, which makes certain modifications to the existing collective bargaining agreement pursuant to reopener negotiations; and

WHEREAS, Within the memorandum of agreement there are a total of three (3) articles that will have substantive changes, articulated in Article 3: Counseling, Discipline and Discharge; Article 7: Wages; Article 12: Insurance and Other Benefits; and

WHEREAS, The Board negotiating team recommends approval of the memorandum of agreement by the Board; and

WHEREAS, The president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees approves the memorandum of agreement set forth in the attached, as ratified by Local 2380, Council 67, of the American Federation of State, County, and Municipal Employees, AFL-CIO on January 21, 2020; and be it further

Resolved, That the Board of Trustees authorizes the senior vice president for administrative and fiscal services to execute the memorandum of agreement between the Board of Trustees of Montgomery College and Local 2380, Council 67, of the American Federation of State, County, and Municipal Employees, AFL-CIO; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 13
January 29, 2020

THE FY21 CURRENT, ENTERPRISE, AND OTHER FUNDS BUDGETS

BACKGROUND

During the December 16, 2019 public meeting of the Board of Trustees, the president presented the proposed FY21 Current, Enterprise, and Other fund budgets. The Board expressed understanding of developing a budget that is sustainable and affordable within the current fiscal environment. The Board also expressed its recognition of the need to meet the College's mission by (a) protecting and enhancing student access, (b) providing a quality education through programs and services, and (c) maintaining reasonable tuition and fee rates. The proposed budget expresses the Board's and president's desire and commitment to student learning, access, and completion, and their commitment to support salary improvements.

The proposed Current Fund budget is \$268,000,660, which represents an approximately 1.2 percent increase compared to the FY20 College budget. The Current Fund budget assumes \$184,453,461 in support from the county and state.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the proposed FY21 Current, Enterprise, and Other fund budgets.

BACKUP INFORMATION

Board Resolutions

Part A: The FY21 Current and Enterprise Budgets

Part B: The FY21 Other Funds Budgets

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Schena

RESOURCE PERSON

Ms. Greaney

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **20-01-011**
Adopted on: **1/29/2020**

Agenda Item Number: 13
January 29, 2020

Subject: The FY21 Current and Enterprise Budgets

WHEREAS, During the December 16, 2019, meeting of the Board of Trustees, the president presented the proposed FY21 Current, Enterprise, and Other fund budgets; and

WHEREAS, The Board expressed understanding of developing a budget that is sustainable and affordable within the current fiscal environment; and

WHEREAS, The Board also recognizes the College's need to meet its mission by (a) protecting and enhancing student access, (b) providing a quality education through programs and services, and (c) maintaining reasonable tuition and fee rates; and

WHEREAS, This budget expresses the Board's and president's desire and commitment to student learning, access, and completion, and their commitment to support salary improvements; and

WHEREAS, The Current Fund budget assumes \$184,453,461 in support from the county and state; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees adopts the FY21 operating budget in the amount of \$268,000,660 for the Current Fund, \$20,712,172 for the Workforce Development & Continuing Education Fund, and \$1,941,300 for the Auxiliary Enterprises Fund; and be it further

Resolved, That the budgeted amounts are subject to funding and appropriate action by the Montgomery County Government, and the amounts are subject to further technical refinement before the budget is submitted for recommendation to the county executive and the county council.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **20-01-011**
Adopted on: **1/29/2020**

Agenda Item Number: 13
January 29, 2020

Subject: The FY21 Other Funds Budgets

WHEREAS, The College endeavors to obtain funding from external sources for specific purposes in keeping with its mission and goals; and

WHEREAS, The exact funding of special College projects and/or proposals is not certain at this time; and

WHEREAS, Amounts shown in the budget document for cable television, emergency plant maintenance and repair fund, major facilities reserve fund, transportation fund, and federal, state, and private grants and contracts are the best estimates at this time and actual amounts may be more or less than the budgeted amounts; and

WHEREAS, It is essential to the success of these special programs for the president to have flexibility to deal with the changing external circumstances associated with these programs; now therefore be it

Resolved, That the Board of Trustees hereby approves the aforementioned sections of the budget as presented with the understanding that these amounts are estimates; and be it further

Resolved, That the president is hereby authorized to negotiate for, accept, and expend such "other funds" as indicated in the budget and as may become available during FY21, provided expenditures do not exceed revenues.