



**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
December 14, 2015**

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

Agenda Item Number: 7
December 14, 2015

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

Dr. Wormack

RESOURCE PERSON

Ms. Porter

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

Resolution Number: **15-12-103**
Adopted on: **12/14/2015**

Agenda Item Number: 7
December 14, 2015

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 October 1, 2015, through October 31, 2015; 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 October 1, 2015, through October 31, 2015

STAFF

STAFF EMPLOYMENTS

Effective

Date	Name	Position Title	Grade	Department
10/12/2015	Evans, Tracey	Senior Instructional Assistant	H	Engineering/Comp Sci Dean
10/12/2015	Foster, Keith C	MCTV Production Manager	L	MCTV10 - Mont College TV

STAFF SEPARATIONS

Effective

Date	Name	Position Title	Grade	YOS	Department
10/02/2015	Awwad, Ana G	Human Resources Manager	L	8	Human Res/Strategic Talent Mgt
10/29/2015	Duncan, Liselle M	Cust Serv (Retail Ops Tech)	E	6	Bookstore - RV
10/30/2015	Kahle, Shannon A	Senior Research Analyst	L	4	Institute Research & Analysis
10/31/2015	Martinez, Ruben	Building Services Supervisor	H	15	Facilities - Central Admin
10/08/2015	Sicard, Holli	Building Services Worker	B	1	Facilities Operations - GT
10/09/2015	Smith, Jacia T	Dir of Empl & Labor Rel & Recr	N	6	General Counsel

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	1	0	0	0	1
Male	1	0	0	0	0	1
TOTAL	1	1	0	0	0	2

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	2	2	1	0	0	5
Male	0	0	1	0	0	1
TOTAL	2	2	2	0	0	6

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS: None

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

Agenda Item Number: 8
December 14, 2015

**ACCEPTANCE OF THE MONTGOMERY COLLEGE AUDITED FINANCIAL
STATEMENTS FOR JUNE 30, 2015 AND 2014**

BACKGROUND

Montgomery College is required to conduct an annual audit of the College's financial statements.

The audit of financial statements for June 30, 2015 and 2014 was conducted by CliftonLarsonAllen, LLC Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president.

The annual audit report was presented to the Board's Audit Review Subcommittee and to the Board's Audit Committee for review and comment.

RECOMMENDATION

It is recommended that the Board of Trustees accept the audited financial statements for June 30, 2015 and 2014.

BACKUP INFORMATION

Board Resolution
Audited Financial Statements for June 30, 2015 and 2014 (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSON

Ms. Sherman

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

Resolution Number: **15-12-104**
Adopted on: **12/14/2015**

Agenda Item Number: 8
December 14, 2015

Subject: Acceptance of the Montgomery College Audited Financial Statements for June 30, 2015, and 2014

WHEREAS, Montgomery College is required to conduct an annual audit of the College's financial statements; and

WHEREAS, The audit of financial statements for June 30, 2015, and 2014, was conducted by CliftonLarsonAllen, LLP, Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president; and

WHEREAS, The audit report was conducted in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, issued by the comptroller general of the United States; and

WHEREAS, The annual audit report was presented to the Board's Audit Review Subcommittee and to the Board's Audit Committee for review and comment; and

WHEREAS, The Board of Trustees was informed that the College's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses; and

WHEREAS, The president of the College and the Audit Committee recommends that the Board of Trustees accept the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the audited financial statements for June 30, 2015 and 2014.

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

Agenda Item Number: 9
December 14, 2015

**NAMING OF THE JUDY E. ACKERMAN MATH/SCIENCE CENTER
ON THE ROCKVILLE CAMPUS**

BACKGROUND

In preparation for its first capital campaign to construct a building with private support, the Board of Trustees approved a policy allowing College facilities to be named for individuals and organizations whose contributions to the College have been of an outstanding nature.

For 43 years, Dr. Judy E. Ackerman has served the College with distinction as a faculty member and administrator on the Rockville Campus. She has played critical roles in community college math education, collegewide honors programs, and the visual and performing arts. For the past 12 years, she has served as the vice president and provost of the campus, leading academic areas from business to hospitality management, to education and social sciences. In this leadership role, she has helped transform the campus with the construction of the Science Center and numerous other renovation projects.

Externally, she has served in leadership roles with the American Mathematical Association of Two-Year Colleges (AMATYC), the Mathematics Association of America (MAA) and the National Council of Teachers of Mathematics. Locally, she has played a pivotal role in connecting the Rockville Campus to the greater community, serving on several boards including Rockville Economic Development, Inc. (REDI), the Rockville Chamber of Commerce, and Rockville Science Center, Inc. A national expert in community college mathematics education, she has published numerous articles and presented on topics such as math anxiety, public school partnerships with community colleges, and gender equity in science, technology, engineering, and mathematics disciplines.

In addition, Dr. Ackerman has been a philanthropist to the Montgomery College Foundation. Most recently, she and her husband established the Judy E. and Michael Ackerman ACES Endowed Scholarship to continue her legacy of supporting need-based scholarships for students studying mathematics, computer science, STEM disciplines, or STEM education.

Because her dedication, philanthropy, and commitment has had an immeasurable impact on the College, its students, faculty, and staff, this proposal seeks to recognize Judy Ackerman by naming the Math/Science Center on the Rockville Campus in her honor. Based on her efforts and impact, this is commensurate with past naming of spaces within existing buildings.

RECOMMENDATION

It is recommended that the Montgomery College Board of Trustees approve the name of The Judy E. Ackerman Math/Science Center for the Math/Science Center on the Rockville Campus in its current location and as the Judy E. Ackerman STEM Center or STEM Learning Center when the center moves to its new home in the renovated Science West Building.

BACKUP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Mr. Sears

RESOURCE PERSON

Ms. Rogrud

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

Resolution Number: **15-12-105**
Adopted on: **12/14/2015**

Agenda Item Number: 9
December 14, 2015

**Subject: Naming of the Judy E. Ackerman Math/Science Center
on the Rockville Campus**

WHEREAS, Dr. Judy E. Ackerman began her career at Montgomery College as a professor in the Mathematics Department at the Rockville Campus in 1972; and

WHEREAS, Prior to being named vice president and provost in 2003, she served in several key positions, including collegewide honors coordinator, Math Center coordinator, Rockville mathematics department chair, and instructional dean of science, engineering, and mathematics; and

WHEREAS, Dr. Ackerman led several academic areas, including Business, Economics, Accounting, Computer Applications, Hospitality Management, and Paralegal Studies; Visual, Performing, and Media Arts; English and Reading; and Education and Social Sciences; and

WHEREAS, She has also provided leadership to the School of Art and Design, Arts Institute, Robert E. Parilla Performing Arts Center, The Gordon and Marilyn Macklin Business Institute, the Hillman Entrepreneurs Program, and the Marriott Hospitality Center; and

WHEREAS, She headed the operations of the Rockville Campus, including major renovation and construction efforts that improved the quality of the campus and academic environment, including the Science Center; and

WHEREAS, She represented the College externally in leadership roles with the American Mathematical Association of Two-Year Colleges, the Mathematics Association of America and the National Council of Teachers of Mathematics; and

WHEREAS, As Project Director for a Mathematics Association of America Tensor Foundation Women and Mathematics Project grant, Dr. Ackerman established the College's Sonya Kovalevsky Day program for middle school girls and their teachers; and

WHEREAS, Dr. Ackerman served as Co-principal Investigator for a National Science Foundation Advanced Technical Education planning grant, and Principal Investigator for a National Science Foundation Instrumentation and Laboratory Improvement grant that brought the first computers to the Rockville Department of Mathematics, and introduced computer laboratory projects into a general education mathematics course; and

WHEREAS, Locally, she has played a pivotal role in connecting the Rockville Campus to the greater community, serving on the boards of the Rockville Economic Development, Inc., the Rockville Chamber of Commerce, and the Rockville Science Center, Inc.; and

WHEREAS, Dr. Ackerman has served as a national expert in community college mathematics education and produced numerous articles and presentations on topics such as math anxiety,

public school partnerships with community colleges, and gender equity in science, technology, engineering, and mathematics disciplines; and

WHEREAS, In 2009, Dr. Ackerman received the Montgomery College “On Her Shoulders We Stand” Award, and the Smart CEO BRAVA Women Business Achievement Award; and

WHEREAS, Dr. Ackerman was also recognized with the awards related to teaching mathematics, including the Maryland Council of Teachers of Mathematics Outstanding College Professor Finalist, the George B. Thomas Scholarship Award, and the Association of Community College Trustees Northeast Region Faculty Member Award; and

WHEREAS, Dr. Ackerman and her husband, Michael Ackerman, have established a named, need-based ACES endowed scholarship for students in mathematics, computer science, STEM disciplines, and STEM education; and

WHEREAS, the senior vice president for academic affairs, the senior vice president for advancement and community engagement, and the vice president of facilities and security recommend naming the Math/Science Center on the Rockville Campus as The Judy E. Ackerman Math/Science Center; and

WHEREAS, senior vice president for academic affairs, the senior vice president for advancement and community engagement, and the president have carefully considered the implications of this request and support this recommendation; now therefore be it

Resolved, That the Board of Trustees approves the naming of the Math/Science Center on the Rockville Campus as The Judy E. Ackerman Math/Science Center in its current location and as the Judy E. Ackerman STEM Center or STEM Learning Center when the center moves to its new home in the renovated Science West Building in recognition of Dr. Judy Ackerman’s tremendous contributions to the College and its students.

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

Agenda Item Number: 10A
December 14, 2015

POLICY MODIFICATION: 38002–HONORARY DEGREES

General Information

Policy Number:	38002
Contained in Chapter:	Chapter Three
Policy Title:	Honorary Degrees
Policy Creation Date:	October 16, 1995
Most Recent Modification Date:	April 27, 2015

Changes, Additions, Deletions

Line Number	Purpose
3-7	Added language that clarifies the purpose of awarding honorary degrees and the role of the Board in the approval process.
9-11	Added new heading, Criteria for Honorary Degree, and created new list for this section.
39-44	Added new language here to align with similar Board policy on Naming of Buildings and Campuses to clarify that honorary degrees must be a positive reflection on the College and that the College reserves the right to rescind an honorary degree if such recognition damages the College's reputation.
48-49	Added language that specifies that the Board shall approve all recipients.
55	Deleted this heading to be consistent with other Board policies.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 38002–Honorary Degrees.

BACKUP INFORMATION

Resolution
Policy 38002–Honorary Degrees (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Mr. Sears

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

Resolution Number: **15-12-106**
Adopted on: **12/14/2015**

Agenda Item Number: 10A
December 14, 2015

Subject: Policy Modification: 38002–Honorary Degrees

WHEREAS, The Board of Trustees created Policy 38002–Honorary Degrees in 1995; and

WHEREAS, The policy has served an important purpose in setting forth the authority and requirements for the awarding of Honorary Degrees; and

WHEREAS, The policy has been reviewed and updated; and

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

Resolved, That Policy 38002–Honorary Degrees be amended as indicated in the attached draft; and be it further

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

Chapter: Personnel

Modification No. 004

Subject: **Honorary Degrees**

1 I. Purpose

2
3 The purpose of awarding honorary degrees is to honor and recognize individuals **who**
4 **meet the criteria established by the Board of Trustees. The Board of Trustees shall**
5 **approve the names of all honorary degree recipients. The Board of Trustees shall**
6 **consider all relevant criteria and will determine honorary degree recipients on a**
7 **case-by-case basis.**

8
9 **II. Criteria for Honorary Degrees**

10
11 **A. Prospective recipients of honorary degrees shall be distinguished**
12 **individuals who meet one of the following criteria:**

- 13
14 1. have shown a history of leadership and service to the community;
15
16 2. have acquired a national or international reputation in a selected field;
17
18 3. hold a distinguished record of public or community service or service in
19 education;
20
21 4. have provided exceptional educational service to enhance the success of
22 individuals at any and all levels of education;
23
24 5. have made a notable donation to Montgomery College or one of its
25 affiliates; or
26
27 6. have given significant volunteer service to Montgomery College.

28
29 B. Additionally, where criteria for award are met, honorary degrees may be awarded
30 posthumously.

31
32 C. An Honorary Degree is traditionally awarded to the commencement speaker,
33 unless they are already an alumnus/a of Montgomery College in which case
34 he/she is awarded a medallion and hood.

35
36 D. Current Trustees, faculty, staff, and administrators are not eligible for an
37 honorary degree until their service to the college is completed.

38
39 **III. The awarding of an honorary degree must be a positive reflection on the College**
40 **and comport well with the purpose and mission of Montgomery College.**

41
42 **The College reserves the right to rescind an honorary degree if that recognition**
43 **damages the College's reputation or in the event of a change of circumstances**
44 **with the degree recipient.**

45
46 II. Award

47
48 **A. The Board of Trustees shall approve all honorary degree recipients.**

49
50
51
52
53
54
55
56
57
58
59
60

B. The Honorary Degree shall be conveyed by a framed diploma signed by the Chair of the Board of Trustees and President, a hood, and shall be accompanied by the award of an inscribed medallion.

III. Implementation of Policy

The President is authorized to established procedures to implement this policy.

Board Approval: October 16, 1995; September 18, 2000; April 27, 2015; , 2015.

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

Agenda Item Number: 10B
December 14, 2015

POLICY MODIFICATION: 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 18, 2012

Changes, Additions, Deletions

Line Number	Purpose
177-183	Added language here regarding Procurement Through Other Agency (PTOA).
238-240	Added reporting requirement on use of PTOAs.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 63001–Procurement.

BACKUP INFORMATION

Resolution
Policy 63001–Procurement (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSON

Mr. Johnson

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

Resolution Number: **15-12-107**
Adopted on: **12/14/2015**

Agenda Item Number: 10B
December 14, 2015

Subject: Policy Modification: 63001–Procurement

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

WHEREAS, The policy has served an important purpose in fostering effective, broad-based competition, efficiency, and compliance in purchasing that supports College operations; and

WHEREAS, The College recognizes that leveraging its purchasing power directly and through other governmental entities to meet educational and institutional needs in a timely, economical, effective, and responsible way serves the mission of the College; and

WHEREAS, The policy has been reviewed and updated; and

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

Resolved, That Policy 63001–Procurement be amended 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. **016**

Subject: Procurement

1 I. General

2
3 A. Policy

4
5 The purposes of this policy creating a procurement system for the College
6 include:

- 7
8 1. Providing for confidence in College procurements;
9
10 2. Ensuring fair and equitable treatment of all persons who deal with the
11 College procurement system;
12
13 3. Providing safeguards for maintaining a College procurement system of
14 quality and integrity, consistent with conflicts of interests requirements
15 and other requirements of law, regulations and grants;
16
17 4. Fostering effective broad-based competition to the extent practicable;
18
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
23 6. Providing increased efficiency and timeliness in College procurements;
24
25 7. Assuring compliance with changing requirements of law and regulations;
26
27 8. Supporting governmental priorities and responsibilities, including
28 appropriate encouragement and support for minority contracting and use
29 of environmentally conscientious materials and services; and
30
31 9. Ensuring that the College utilizes and leverages its purchasing power
32 directly, and through other governmental entities, to meet educational
33 and institutional needs in a timely, economical, effective and responsible
34 way.
35

36 B. Responsibility

37
38 The responsibility for meeting the procurement requirements of the College is
39 delegated to the President. The President may sub-delegate this responsibility
40 and may promulgate procedures that ensure that procurements by the College
41 are consistent with this Policy.
42

43 C. Awarding Authority

- 44
45 1. Board of Trustees.
46
47 a. Consistent with its powers and duties set forth in State Law, the

- 48 Board of Trustees has authority to enter into agreements for the
- 49 establishment and operation of the College as it deems
- 50 advisable.
- 51
- 52 b. The Board of Trustees delegates this power to procure and enter
- 53 into agreements for materials and services to the President (who
- 54 may sub-delegate) as follows, subject to the additional provisions
- 55 below:
- 56
- 57 1. Competitive sealed bid awards up to \$250,000;
- 58
- 59 2. Competitive sealed proposals up to \$250,000;
- 60
- 61 3. All contract changes, modifications or supplemental
- 62 services up to \$250,000, or an addition to original
- 63 contract value of no more than 25% if originally approved
- 64 by the Board of Trustees;
- 65
- 66 4. Sole source awards below \$100,000;
- 67
- 68 5. Special Procurements listed below.
- 69
- 70 c. For all procurements for which the Board of Trustees is the
- 71 awarding authority and the authority to procure is not delegated
- 72 to the President, the Board of Trustees shall approve the
- 73 procurement by resolution, upon recommendation from the
- 74 President.
- 75

76 II. Methods of Procurement

77

78 A. Competitive Sealed Bidding

79

80 All contracts shall be awarded by competitive sealed bids unless such contract is

81 below the threshold required for such competitive sealed bids, the contract is

82 determined to be more appropriate for award as a result of competitive sealed

83 proposals (see B below), the contract is a Special Procurement as defined below

84 or the Director of Procurement determines that:

- 85
- 86 1. Specifications cannot be prepared that permit an award on the basis of
- 87 lowest bid price or lowest evaluated bid price; or
- 88
- 89 2. The price of any service or supply required is regulated by the Public
- 90 Service Commission; or
- 91
- 92 3. There is only one available source (Sole Source); or
- 93
- 94 4. There is an unanticipated emergency which leaves insufficient time to
- 95 use this method; or
- 96
- 97 5. There is some other reason in the best interest of the College to use one
- 98 of the other authorized methods.
- 99

100 B. Competitive Sealed Proposals

- 101
102 Competitive sealed proposals may be used if:
103
104 1. The procurement is for educational or consultant services;
105
106 2. The procurement is for any building, improvement, equipment, or
107 supplies and the Director of Procurement determines that specifications
108 cannot be prepared that allow an award based on the lowest bid price,
109 the lowest evaluated bid price, or the bid most favorable to the College;
110 or
111
112 3. The Director of Procurement determines that:
113
114 a. The need to use a method other than competitive sealed bids is
115 sufficiently compelling to override the general public policy that
116 favors awarding procurement contracts on the basis of
117 competitive sealed bids; and
118
119 b. The use of competitive sealed bidding for that procurement
120 contract is not practicable or not advantageous to the College.
121
122 4. A procurement contract based on the use of competitive sealed
123 proposals may be awarded by the Awarding Authority, after obtaining
124 any approval required by law, to the responsible offeror who submits the
125 proposal or best and final offer determined to be the most advantageous
126 to the College considering the evaluation factors set forth in the request
127 for proposals.
128
129 C. Special Procurements
130
131 1. Purchases of print and non-print library and learning resource material.
132
133 2. Merchandise purchased for re-sale.
134
135 3. Any awards made through contracts issued or purchases made by or for
136 a public entity or state or local government for the College under
137 procedures authorized by the Montgomery County Charter or state law
138 shall be made by the President, or designee. The College will determine
139 in each instance:
140
141 a. That the public entity or entity purchasing on behalf of the public
142 entity has complied substantially with the formal competitive
143 bidding requirements of the Annotated Code of Maryland,
144 Section 16-408; and
145
146 b. That the terms and conditions of the agreement are consistent
147 with the needs of the College.
148
149 4. Consistent with the provisions of Section 213 of the Montgomery County
150 Charter and the provisions of the Montgomery County Code 11B-4(a),
151 contracts for the services of special legal counsel or for the services of
152 experts, consultants and investigators, deemed appropriate by the
153 General Counsel, whether in anticipation of litigation or in preparation for

- 154 a trial or a compliance issue.
155
156 5. Emergency procurements in which the Director of Procurement
157 determines that there is not sufficient time to procure through a sealed
158 competitive bid or proposal in order to timely meet a bona fide
159 requirement of the College, including emergency repairs and other urgent
160 procurement actions.
161
162 6. Cooperative purchases.
163
164 The Director of Procurement shall have the authority to join other units of
165 state and local government which may include third party entities in
166 cooperative purchasing plans when the best interests of the College
167 would be served, in order to take advantage of maximum volume
168 discounts.
169
170 7. Inter-governmental purchases
171
172 The Director of Procurement shall have the authority to contract for
173 goods and services with a Federal, State or local government or agency,
174 political subdivision of a state or a state school or school system when
175 the best interests of the College would be served thereby.
176
177 **8. Procurement Through Other Agency (PTOA)**
178
179 **The Director of Procurement shall have the authority to contract for**
180 **goods or services that are the subject of a current contract of a**
181 **Federal, State, or local government or agency, political subdivision**
182 **of a state school system where the contract was the subject of**
183 **appropriate competition, and is in the best interest of the College.**
184
185 9. Contracts governed by other applicable Board policies.
186
187 D. Sole Source Procurement Contracts
188
189 If the President, or designee, determines that there is only one available source
190 for the subject of a procurement contract, a procurement contract may be
191 awarded without competition to that source. Sole source procurement may be
192 awarded in accordance with the Awarding Authority contained in this Policy.
193
194 E. Compliance
195
196 1. The procedures promulgated to administer the procurements under the
197 procurement system created by this Policy and the Procurement Office
198 charged with administration of the procurement system shall comply with
199 all applicable laws, regulations, and the policies of the Board of Trustees,
200 including specifically the purposes set forth in I.A. of this Policy.
201
202 2. Except as otherwise provided, a contract which is entered into in violation
203 of the Awarding Authority or the Methods of Procurement as contained in
204 this Policy is void, unless it is determined, upon review, that good faith
205 has been shown by all parties, and that there has been substantial
206 compliance with these policies and procedures. If a contract is void, any

207 contractor who entered the agreement in good faith and without
208 knowledge of any violation or contribution to any violation prior to award
209 may be compensated for actual costs incurred.
210

211 III. Reporting

- 212
- 213 A. Procedures promulgated to administer the procurement system shall provide for
214 regular reports to the President, on a least an annual basis or as may otherwise
215 be required in this Policy.
216
- 217 B. The Procurement Office shall produce and deliver to the President a summary
218 report of all procurements in the following categories in such form and detail as
219 may be required in procedures:
220
- 221 1. All procurements below thresholds and exempt from competitive sealed
222 bids and competitive sealed proposals, over a minimum specified
223 threshold.
224
 - 225 2. All sole source procurements not sent to the Board of Trustees for award.
226
 - 227 3. All Special Procurements except those authorized to be made by
228 General Counsel, over a minimum specified threshold.
229
- 230 C. The Procurement Office shall report as soon as practicable to the President all
231 emergency procurements over a minimum specified threshold, in accordance
232 with procedures.
233
- 234 D. The General Counsel shall produce and deliver a report to the President of
235 Special Procurements made by the General Counsel, in accordance with
236 procedures.
237
- 238 **E. To determine if the use of PTOAs is in the best interest of the College, the**
239 **Procurement Office shall produce and deliver a report to the President**
240 **semi-annually of all PTOAs, in accordance with the procedures.**
241
- 242 F. The Procurement Office shall produce and deliver a report to the President on the
243 results of Minority Business Utilization Program, in accordance with procedures.
244
- 245 G. The Procurement Office shall produce and deliver in accordance with
246 procedures, a summary report to the President on a semi-annual basis that
247 includes all contract awards resulting from the competitive sealed bid and
248 competitive sealed proposal process that are less than \$250,000, along with sole
249 source contract awards greater than \$25,000, but less than \$100,000.
250

251 IV. Miscellaneous Matters

252

253 A. Public Notice

254

255 The Director of Procurement shall advertise for competitive sealed bids or
256 proposals in such media and in such timeframes as may be specified by
257 procedure.
258

259 B. Multi-Year Contracts

- 260
261 The College may enter into multi-year contracts for goods and services pursuant
262 to any procedures that may specify or limit terms of such agreements that extend
263 beyond the current fiscal year.
264
- 265 C. Prohibited Contract
266
267 The College shall not enter into a contract where any part of the compensation is
268 based on a cost-plus-a-percentage-of-cost of the work performed or goods
269 provided.
270
- 271 D. Irrevocability and Withdrawal of Offers
272
273 Bids, proposals and best and final offers are irrevocable for the period specified in
274 the request for bids, request for proposals or request for best and final offers
275 except the President or designee, upon recommendation from the Director of
276 Procurement, may permit the withdrawal of a bid, proposal or best and final offer.
277
- 278 E. Bid and Contract Security
279
280 The Director of Procurement is authorized to require a bid or performance bond if
281 the circumstances warrant. This bond shall be provided by a surety company
282 authorized to do business in the State of Maryland, or the equivalent in cash, or in
283 a form satisfactory to the President. No bid, performance or payment bond may
284 be required for contracts less than the minimum set by state law, unless
285 otherwise required by law or a grant.
286
- 287 F. Resolution of Protests and Disputes
288
289 Pursuant to the procedures, the Director of Procurement may, consistent with the
290 budget and all applicable laws, regulations, and Board policies, negotiate and
291 resolve protests and disputes relating to the formation of a procurement contract
292 with the College. The Director shall inform the President of controversies
293 involving the formation of contracts pursuant to the procedures. Protests may be
294 addressed to the Board only through the President.
295
- 296 V. Special Programs
297
- 298 A. Minority Business Utilization Program
299
300 In accordance with applicable procedures, the president or designee shall
301 establish a minority business utilization program to facilitate the participation of
302 responsible certified minority business enterprises in contracts awarded by the
303 President or designee or the Board of Trustees in accordance with competitive
304 sealed bids or proposals, with the result that minority businesses receive a fair
305 share of College contracts. Nothing shall be construed as authorizing awards
306 that are fiscally disadvantageous to the College, or that confer any special
307 privilege or status upon any minority business or group or individual representing
308 a minority business. Certified minority business enterprises shall be defined in
309 the procedures.
310
- 311 B. Preference for Montgomery County Products
312

313 In purchasing goods and services for the College, the president or designee shall
314 encourage participation in the bidding process from Montgomery County-based
315 firms, and shall give preference in accordance with procedures to these firms
316 whenever such purchases would not be disadvantageous to the College.
317

318
319 _____
320 Board Approval: November 19, 1984; June 16, 1986; July 20, 1987; May 16, 1988; July 17,
321 1989, effective July 1, 1989; October 16, 1989; June 18, 1990; December 16, 1991; November
322 15, 1993; February 26, 1996; June 17, 1996; June 15, 1998; December 10, 2001; June 18, 2012;
 _____, 2015

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

Agenda Item Number: 10C
December 14, 2015

POLICY MODIFICATION: 68003–GIFTS ACCEPTABLE TO MONTGOMERY COLLEGE

General Information

Policy Number:	68003
Contained in Chapter:	Chapter Six
Policy Title:	Gifts Acceptable to Montgomery College
Policy Creation Date:	July 20, 1970
Most Recent Modification Date:	July 20, 1970

Changes, Additions, Deletions

Line Number	Purpose
12-13	Added boilerplate language that authorizes the president to establish procedures to be consistent with other Board policies.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 68003–Gifts Acceptable to Montgomery College.

BACKUP INFORMATION

Resolution
Policy 68003–Gifts Acceptable to Montgomery College (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Mr. Sears

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

Resolution Number: 15-12-
Adopted on:

Agenda Item Number: 10C
December 14, 2015

Subject: Policy Modification: 68003–Gifts Acceptable to Montgomery College

WHEREAS, The Board of Trustees created Policy 68003–Gifts Acceptable to Montgomery College in 1970; and

WHEREAS, The policy has served an important purpose in facilitating donor relations and gifts that further the College’s mission; and

WHEREAS, The policy has been reviewed and updated; and

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

Resolved, That Policy 68003–Gifts Acceptable to Montgomery College be amended 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. **002**

Subject: **Gifts Acceptable to Montgomery College**

- 1 I. Gifts are voluntary conveyances of money and property, or the furnishing of services,
2 made gratuitously and not upon any consideration.
3
- 4 II. Gifts may be accepted by the College for programs or activities approved either generally
5 or specifically by the Board of Trustees. Gifts to the College shall be considered as
6 property of the Board of Trustees of Montgomery Community College. The Board has
7 authorized the receipt, and disposition under the authority of the College, of such gifts
8 through the President, except gifts of land and buildings which should be received by
9 formal action of the Board and should be properly deeded to the Board of Trustees of
10 Montgomery Community College.
11
- 12 **III. The President is authorized to establish procedures necessary to implement this**
13 **policy.**
14
- 15 Board Approval: July 20, 1970; _____, 2015.