



SCHOOL BOARD ACTION REPORT

DATE: August 10, 2018
FROM: Denise Juneau, Superintendent
LEAD STAFF: Beth Mills, Director of Special Education, eamills@seattleschools.org;
Wyeth Jessee, Chief of Student Support Services,
rwjessee@seattleschools.org

For Introduction: September 18, 2018
For Action: October 3, 2018

1. TITLE

Brock's Academy Contracts

2. PURPOSE

This Board Action Report details a contract that totals \$556,875, with Brock's Academy, to provide highly specialized one-on-one tutoring special education program serving Seattle Public Schools' students.

3. RECOMMENDED MOTION

I move that the School Board authorize the Superintendent to execute contracts with Brock's Academy totaling \$556,875 for a highly specialized one-on-one tutoring special education program serving students, in the form of the draft contracts attached to the School Board Action Report, with any minor additions, deletions, and modifications deemed necessary by the Superintendent, and to take any necessary actions to implement the contracts.

4. BACKGROUND INFORMATION

- a. **Background:** There are currently Seattle Public Schools students with an Individualized Education Programs (IEPs) that require one-on-one tutoring and for whom a traditional school has not been successful. These contracts provide the services required by these students' IEPs. Progress will be submitted monthly. This action is being proposed to further compliance with legal requirements regarding student IEP services.
- b. **Alternatives:** Not to approve this motion. This is not recommended because the students' legally mandated IEP-service needs must be with appropriate placement. The district does not currently have an appropriate setting for these students. Through the proposed contracts, Brock's Academy can provide a flexible schedule to meet the needs of students in a one-on-one tutoring program.
- c. **Research:** N/A

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be \$556,875.

The revenue source for this motion is State Special Education funding.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

7. EQUITY ANALYSIS

This motion was not reviewed with the Race and Equity toolkit.

8. STUDENT BENEFIT

Approval of this proposed action will benefit students who are identified as in need for a one-on-one setting who would otherwise be inappropriately served or unable to access necessary special education services and supports to make adequate progress.

9. WHY BOARD ACTION IS NECESSARY

Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)

Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)

Adopting, amending, or repealing a Board policy

Formally accepting the completion of a public works project and closing out the contract

Legal requirement for the School Board to take action on this matter

Board Policy No. _____, [TITLE], provides the Board shall approve this item

Other: _____

10. POLICY IMPLICATION

Per Policy No. 6220, Procurement, contracts over \$250,000 require Board approval. Special Education services will be provided under the contract in alignment with Policy No. 2161, Special Education. This will include programs and services that are identified in students' Individualized Education Programs (IEPs).

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Audit & Finance Committee meeting on September 10, 2018. The Committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the contract will be executed with Brock's Academy, and services will be provided per students' IEP for the 2018-19 school year.

13. ATTACHMENTS

- Sole Source Document (for reference)
- Contracts for Brock's Academy (for approval)

SEATTLE PUBLIC SCHOOLS

Personal Services Contract

CONTRACTOR NAME AND ADDRESS <small>(Legal Name – MUST be same as registered with Tax ID Number)</small>	CONTRACT MUST BE FULLY EXECUTED IN ADVANCE OF SERVICES
Name: Brock's Academy	WA State Business License (UBI#): 602-465-248
Doing Business As (DBA):	Email: jennifer@brocksacademy.com
Address: 17636 140th Ave NE	Telephone: 425-483-1353
City, State and Zip: Woodinville, WA 98072	Fax:
Accounting Use: Vendor #207965	PO#

This agreement is made between the Seattle School District ("the District") and the above-named contractor (the "Contractor") District employees, other than personnel in the District Financial Services Department are not authorized to make promises for contractual services, promises for a particular period of time or promises of a particular level of payment. Any verbal or written statements to that effect by District employees other than Financial Services personnel are null and void.

Whereas, the District requires the Contractor's services; and whereas, the Contractor's education and experience qualify the Contractor to perform specified services; it is agreed that the Contractor will provide services as follows:

1. Description of Services and Expected Objective:
Teaching and para-educator for each student, as well as monthly progress reports. Tuition for student 2 will be \$247,500 to be provided by 1 teacher, 5 hours per day at \$150 per hour and 1 para-educator, 5 hours per day at \$125 per hour for 180 days from September 5, 2018 through June 20, 2019.

Dates of Services	
From 9/5/2018	To 6/20/2019

Please attach applicable supplementary information, including pertinent support documentation (i.e. written letters in support, Memorandum of Understanding, or other related written agreements which might provide further explanation and understanding).

2. Payment: Payment is based on the following rates:		
Hourly: \$150/125	Daily:	Other (Specify):

Estimated Total for Services: 247,500.00	Other Reimbursable Expenses (specify):
TOTAL PAYMENT (Services + Approved Expenses)	
ON THIS CONTRACT WILL NOT EXCEED:	\$247,500.00

Compensation for the described services will be by warrant of the Seattle Public Schools after receipt of services. State Law RCW 42.24.080 forbids prepayment of services. The Contractor must submit an invoice to the originating school or department. The originator must then attach a completed Certification of Services Rendered form to the invoice and submit both to the Accounting Department for payment. The warrant will be issued through the Accounting Department.

Contractor shall submit an invoice itemizing actual services and expenses after services have been rendered. **Invoices must meet District invoicing standards.** Payment will be made in one sum unless other approved. Unless otherwise specified, **payment terms**

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Whereas, the District requires the Contractor's services; and whereas, the Contractor's education and experience qualify the Contractor to perform specified services; it is agreed that the Contractor will provide services as follows:

1. Description of Services and Expected Objective:
Tuition for student 1 will be \$309,375 to be provided by 1 teacher, 6.25 hours per day at \$150 per hour and 1 para-educator, 6.25 hours per day at \$125 per hour for 180 days.

Dates of Services	
From 9/5/2018	To 6/20/2018

Please attach applicable supplementary information, including pertinent support documentation (i.e. written letters in support, Memorandum of Understanding, or other related written agreements which might provide further explanation and understanding).

2. Payment: Payment is based on the following rates:		
Hourly: \$150/125	Daily:	Other (Specify):

Estimated Total for Services: 309,375.00	Other Reimbursable Expenses (specify):
TOTAL PAYMENT (Services + Approved Expenses)	
ON THIS CONTRACT WILL NOT EXCEED:	\$ 309,375.00

Compensation for the described services will be by warrant of the Seattle Public Schools after receipt of services. State Law RCW 42.24.080 forbids prepayment of services. The Contractor must submit an invoice to the originating school or department. The originator must then attach a completed Certification of Services Rendered form to the invoice and submit both to the Accounting Department for payment. The warrant will be issued through the Accounting Department.

Contractor shall submit an invoice itemizing actual services and expenses after services have been rendered. **Invoices must meet District Invoicing standards.** Payment will be made in one sum unless other approved. Unless otherwise specified, **payment terms**

Seattle Public Schools Sole Source Justification Form

Instructions

- This form must be completely filled out and must accompany a Personal Services Contract (PSC) over \$25,000 whenever a sole source contract is requested. If purchasing goods and equipment, this form must be completed and accompany the Purchase Requisition (B2B/Market Place) whenever a sole source purchase is requested. For sole source purchases funded from federal grant money, this section must be completely filled out and must accompany any PSC that is over **\$3,500**, if a sole source contract is requested. A sole source purchase is made when only one provider or supplier is available to meet the District's needs. Approvals for sole source requests shall be made in accordance with the thresholds indicated in the Authority matrix.
- The sole source purchase must meet the requirements of RCW 39.04.280, Competitive bidding requirements – Exemptions: (a) Purchases that are clearly and legitimately limited to a single source of supply, or (b) Purchases involving special facilities or market conditions.
- **The District requires competition whenever practicable as part of good business practices. In cases where only one product or service is desired, competition should be used in obtaining the best price/service from dealers and distributors.**
- Completing this form does not guarantee that the proposed supplier will be selected. Additional information may be required. It is the requestor's responsibility to provide all the required information and documentation indicated on this form.

THIS SOLE SOURCE REQUEST IS FOR THE USE OF A SPECIFIC (check appropriate box below):

- Personal or Purchased Service Vendor/Contractor
 Manufacturer, Brand and/or Model of goods, materials, software or equipment

INITIATORS'S DEPARTMENT INFORMATION			
Department		Phone	
Contact Name		E-mail	
Title			
Contract amount: \$			
PROPOSED VENDOR/SUPPLIER INFORMATION			
Company Name			
Address		Phone	
City, State, Zip		Email	
Description of service:		Web Address	
PROPOSED MANUFACTURER INFORMATION (IF SUBMITTING REQUEST FOR A SPECIFIC MANUFACTURER, BRAND AND/OR MODEL)			
Manufacturer			
Description of goods, materials, software or equipment:		Brand/Model #	

PLEASE ANSWER THE FOLLOWING QUESTIONS. Attach additional sheets if needed.

1. Is the vendor or good specifically identified within a grant or sponsored project?

- Yes
- No

If YES, provide backup documentation from the funding source confirming this.

2. For goods, is the product required to match or be compatible with current equipment?

- Yes
- No
- Not Applicable (request is for Services)

If YES, describe.

3. Have you used this vendor for these goods or services in the past?

- Yes
- No

If YES, describe (years, duration)

4. How long into the future do you anticipate utilizing this vendor or manufacturer for these goods or services under a sole source designation?

5. As stewards of public funds, competition is required whenever practicable to obtain the best price for goods or best value of services needed.

a. List the vendors that were contacted and indicate why their services or goods were not considered / appropriate.

b. How did the prices or fees compare to other vendors? Be specific.

6. a. State the reason in detail why the product/service can only be provided by the recommended sole source vendor.

- b. Include any documentation (ex. CV, product specifications, quote, proposal, website address, etc.) that supports your recommendation.**

- 7. If we do not contract with the proposed vendor, how would you accomplish this work? Are other options available?**

Sole Source Justification - Approvals required

This sole source form is to be attached to the Executive Approval Form (Superintendent Procedure 6220SP.A, Attachment 2) to obtain proper approval signatures as noted below.

Sole Source Approvals		Initiator	Manager	Director	Purchasing	Contracting Services	Legal	Accounting	Asst. Supt. for Initiator	Asst. Supt. for B&F*	Superintendent	Board
Personal Services	Up to \$25K	RA	RA					RA,E				
	\$25K - \$75K	RA	RA	RA		RA	RA	RA,E				
	\$75K - \$100K	RA	RA	RA		RA	RA	RA	RA	E		
	\$100K - \$250K	RA	RA	RA		RA	RA	RA	RA	RA	E	
	Over \$250K	RA	RA	RA		RA	RA	RA	RA	RA	E	RA
Goods, Materials, Software, Equipment and Purchased Services	Up to \$75K	RA	RA		RA,E							
	\$75K - \$100K	RA	RA	RA	RA		RA	RA	RA	E		
	\$100K - \$250K	RA	RA	RA	RA		RA	RA	RA	RA	E	
	Over \$250K	RA	RA	RA	RA		RA	RA	RA	RA	E	RA

*Assistant Superintendent for Business and Finance has authority to execute sole source justifications up to \$100K. The Superintendent and Assistant Superintendent for Business and Finance must approve any sole source justification over \$100K.

Sole source documentation or documentation of competition must be included with Personal Services Contract if over \$25K, and must be included with **any** sole source PSC if funded by federal grant money

RA – Review/Approval

E – Execute

I have read and understand the District’s Board Policy 6220 for Procurement and the sole source procedures and certify that this contract meets the guidelines and requirements of sole source procurement.

Department Initiator	Signature	Date	
	Printed Name		
Reviewed and Approved by Department Manager or Director:	Signature	Date	
	Printed Name		