



**Agenda Item No. 2
January 2, 2013 Meeting**

DATE: December 14, 2012
TO: Children and Families Commission of Orange County
FROM: Christina Altmayer, Acting Deputy Executive Director 
SUBJECT: Status Report on Capacity Building Grant Awards

SUMMARY:

The Capacity Building Grant Cycle focused on one-time funding that will support capital projects for service expansion and new program development. Consistent with prior Commission practice for Capacity Building agreements and with the intent to focus on expanded services, these agreements will structure payments around grantee submission of deliverables that document progress towards the expanded services. This staff report requests approval of the proposed structure of the agreement and related terms and conditions.

Capacity Building Grant Process

At the June 2012 meeting, the Commission approved a Capacity Building Grant Cycle. The Request for Applications (RFA) was released on June 30, 2012 and completed applications were due to the Commission on August 17, 2012. The review of the applications was completed and funding awards for 27 new capacity building projects were approved by the Commission at the November 2012 meeting.

The new grant agreement will include a minimum of three payments tied to completion of project specific deliverables. The first payment will be provided at execution of the agreement and will assist in covering start up costs. A second payment will be issued upon submission of a project and implementation plan that has been reviewed and approved by the agency's board of directors. The project and implementation plan must include thorough descriptions of sustainability planning, evaluation framework and implementation strategies, outreach to referral or partnering organizations, and a service delivery plan. The third payment will be made after a final report of the project and implementation plan is approved by the agency's board of directors and submitted to the Commission. The final report will include key findings and implications of the initial service delivery and sustainability plan update.

Staff recommends this agreement structure as it provides start up funding for the new projects while focusing agency efforts on achieving targeted outcomes established in their approved applications. Attachment 1 includes a summary of the major differences between the Commission's standard cost reimbursement and the Capacity Building template that is structured as a deliverable based agreement.

Commissioners

Acting Deputy Executive Director

STRATEGIC PLAN & FISCAL SUMMARY:

The proposed Agreements have been specifically reviewed in relation to the Strategic Plan, and the recommended actions are designed to further the Capacity Building Goal, among others. Funding for this agenda item is available in the FY 2012/13 Budget in the Capacity Building Grants category.

PRIOR COMMISISON ACTIONS:

- November 2012- Approved funding awards
- October 2012- Received Progress Report on Application Review Process
- June 2012- Approved to Initiate Request for Applications

RECOMMENDED ACTION:

Approve structure of capacity building agreement.

ATTACHMENT:

1. Summary of significant differences between cost reimbursement and deliverable based agreements

Contact: Kim Goll

**SUMMARY OF SIGNIFICANT DIFFERENCES BETWEEN
COST REIMBURSEMENT AND DELIVERABLE BASED AGREEMENTS**

While the majority of standard terms and conditions, such as indemnification, insurance, representations and warranties, confidentiality, overpayments, records retention, copyright access, ownership of intellectual property rights, termination, and default, remain the same between Cost Reimbursement and Deliverable-based agreements, the following lists some significant differences between these two types of agreements:

| Section Heading | Cost Reimbursement Agreements | Deliverable Based Agreements | Section Reference to Cost Reimbursement Agreement Template |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Technical Requirements for PCs and Software | Contractor required to obtain and maintain computer hardware and software necessary to meet Commission's online data reporting obligations. | Not required as Contractor is not required to perform online data reporting for deliverable based agreements. | Section 8.3 |
| Real Property Disclosure | Contractor required to disclose ownership interest and other information regarding the location where services are to be provided under the Agreement. | Not required as Contractor is not performing ongoing services under this Agreement. | Section 11.3 |
| Confidentiality | Contractor required to comply with Commission's Confidentiality and Data Sharing Protocols. | Contractor is required to comply with standard confidentiality provisions but references to Commission's Confidentiality and Data Sharing Protocols has been deleted as Contractor is not performing online data reporting of confidential client information. | Section 12 |
| Audits | Contractor required to complete a fiscal audit of agreement performed by a CPA in order to release retention held on invoices. | Fiscal audit is not required as Contractor is paid for deliverables completed and not reimbursed for expenses incurred; however, Commission maintains the right to inspect and audit records as needed. | Section 15 |
| Maximum Payment Obligation/Schedule of Compensation | Maximum Payment Obligation specified for each fiscal year and payment is made upon submission of invoices for reimbursement of actual costs incurred to provide services. Payment intervals are monthly or quarterly in arrears and retention is held on each payment pending receipt of a fiscal audit. | Schedule of Compensation sets forth specific amounts to be paid upon completion of specified deliverables. No retention is withheld on payments. | Section 16 and Exhibit B |

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| Contractor Obligation to Provide Data for Commission's Evaluation and Contracts Management System | Contractor obligated to provide online data reporting into Commission's GEMS reporting system. | Not required for deliverable based agreements. | Section 20 |
| Ownership of Final Project and Implementation Plan | Not applicable. | Acknowledges Commission ownership of the final Project and Implementation Plan developed by Contractor under this Agreement. | Section 21 (Capacity Building Template only) |
| Reversion of Assets | Upon termination or expiration of the Agreement, Contractor required to transfer to Commission any unexpended and unencumbered funds and disposition of real or personal property assets acquired under the Agreement. | Not applicable as Contractor is paid in arrears for completed deliverables. | Section 26 |
| Work Plan/GEMS reporting | Contractor required to enter monthly data in Commission's internet-based evaluation system (GEMS) to report services completed as set forth in the approved Work Plan attached to the Agreement. | No Work Plans and no GEMS reporting required. | Exhibit A-1 |
| Project Budget | Project Budget sets forth detailed line items based on the approved budget for Staffing, Direct Project Expenses, Indirect/Administrative Expenses, Capital Expenses, and Subcontract Expenses. Contractor required to submit claims for reimbursement of actual costs incurred in compliance with the approved budget. | Schedule of Compensation sets forth specific amounts to be paid upon completion of deliverables. Project Budget serves as reference for the Capacity Building Grant Award amount. | Exhibit B |