

# TITLE III

# POLICIES AND PROCEDURES



**Trenholm State**  
COMMUNITY COLLEGE

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Reference: Uniform Grants Guidelines & OMB Circular A21

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## MISSION OF THE COLLEGE

Our mission is to provide comprehensive and accessible educational opportunities, including academic transfer and technical programs, designed to promote economic development, enhance workforce development, and improve the quality of life for the community.

## INTRODUCTION

The Title III Policies and Procedures is prepared to assist College personnel in the implementation of activities funded by the Title III grant awarded to Trenholm State Community College by the U.S. Department of Education. This manual serves as a resource document in carrying out the approved Plan of Operation. It is designed to provide specific policies and procedures unique to the Title III HBCU program, to support the proper monitoring and evaluation of program activities and to ensure the appropriate expenditures of program funds.

Compliance with the guidelines and regulations included in this manual will ensure that the federal grant is administered in accordance with Title III, Part B of the 1965 Higher Education Act, the U.S. Department of Education General Administrative Regulations (**EDGAR\***) and other federal directives, and affirms that Trenholm State Community College has the documentation necessary to show compliance.

Procedures for the Title III HBCU funded activities will follow the approved policies and practices of Trenholm State Community College. Please note: federal law (EDGAR) requirements and federal auditing practices (OMB Circulars) may conflict with College policies and practices. **In all cases**, federal law will supersede the policies and practices of Trenholm State Community College.

As grant requirements change, revisions or additions to this manual will be necessary to ensure compliance. All Activity Directors must become familiar with the grant requirements included herein, keep up-to-date on all administrative procedures and ensure that policies and procedures are followed carefully. All persons using Title III funds should refer to this manual before charging expenditures. Questions concerning Title III matters should be directed to the Title III administrative personnel. (\*Department of Education General Administration Regulations (2008): [e-CFR: Title 34](#))

## AN OVERVIEW OF THE TITLE III PROGRAM

The Strengthening Historically Black Colleges and Universities (HBCU) Program is governed by the Higher Education Act of 1965 as amended by the U.S. Congress. Federal grants awarded through this program may be used to carry out operational, as well as developmental activities. Each participating institution is expected to develop proposals for funding based upon planning priorities set forth in the institutions long-range plans. Conceptually, the supplemental funding provides a means to start up new programs, enhance, or strengthen existing programs and services.

The purpose of Title III financial assistance is to help eligible institutions of higher education solve problems that threaten their ability to survive, and stabilize their management and fiscal operations so that they may achieve self-sufficiency.

## **HBCUs (Strengthening Historically Black College and Universities; Title III-B, Section 323) LEGISLATIVE ALLOWABLE ACTIVITIES**

1. Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes. \*
2. Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications and technology equipment or services. \*
3. Support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the field of instruction of the faculty.
4. Academic instruction in disciplines in which Black Americans are underrepresented. \*
5. Purchase of library books, periodicals, and other educational materials, including telecommunications program material. \*
6. Tutoring, counseling, and student service programs designed to improve academic success.
7. Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.
8. Joint use of facilities, such as laboratories and libraries.
9. Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.
10. Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification. \*
11. Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.
12. Establishing or improving an endowment fund.
13. Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.
14. Education or financial information designed to improve financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under Title IV.
15. Services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two

percent of the grant amount may be used for this purpose.

16. Other activities that a grantee proposes in its application that contribute to carrying out the purposes of the Title III legislation and are approved by the Secretary as part of the review and acceptance of the grant application.

In addition to LAAs 1, 2, 4, 5, and 10 (marked with asterisk (\*) above) SAFRA funds may also be utilized for:

Other activities, consistent with the institution's comprehensive plan and designed to increase the institution's capacity to prepare students for careers in the physical or natural sciences, mathematics, computer science or information technology or sciences, engineering, language instruction in the less-commonly taught languages or international affairs, or nursing or allied health professions

Federal assistance under these programs may not be used to cover any general operating and maintenance expenses of grantees or to supplant what an institution would otherwise spend to carry out activities allowed in the programs.

## **TITLE III PROGRAM OFFICE**

Institutional Services (IS) in Washington, D.C., administers programs authorized under Title III, Title V, and Title VII of the Higher Education Act of 1965, as amended. The Aid for Institutional Development programs (commonly referred to as the Title III programs) support improvements in educational quality, management and financial stability at qualifying postsecondary institutions. Funding is focused on institutions that enroll large proportions of minority and financially disadvantaged students with low per-student expenditures. From its inception, one of the primary missions of Title III programs has been to support the nation's Historically Black Colleges and Universities (HBCUs).

## **LEGISLATION, REGULATIONS, AND GUIDANCE**

### **Legislation**

- Title III, Part B, Sections 321-327 of the Higher Education Act, as amended (20 U.S.C. 1060-1063c)
- Title III, Part F, Section 371 of the Higher Education Act, as amended (20 U.S.C. 1067q)

### **Regulations**

- 34 CFR Part 608
- Education Department General Administrative Regulations (EDGAR), Parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98 and 99

## HOW TITLE III FUNDS ARE ALLOCATED

The HBCU Title III, Part B Program is authorized by Title III, Section 322 of the Higher Education Act of 1965, as amended (HEA), and the Code of Federal Regulations (34 CFR 608); and the Part F Program is authorized by Title III, Section 371 of the Higher Education Act of 1965, as amended (HEA). Mandatory funding for the program is provided under the Student Aid and Fiscal Responsibility Act (SAFRA), a part of the Health Care and Education Reconciliation Act of 2010, (Pub. L 111-152).

The HBCU – Parts B and F are discretionary grants that provide formula based awards to institutions of higher education that must be legally designated as a Title III eligible historically Black colleges and universities to apply for funding. In order to receive continuation funding, institutions must submit statutory required data for program staff to calculate award amounts as well as maintain their accreditation.

Funds are allocated by a formula which is based upon the number of Pell Grant recipients at the institution, the number of students who graduated from the institution, and the number of graduates who have been admitted to and are in attendance in graduate or professional schools in a degree program of discipline in which Blacks are underrepresented.

### *The Grant Allocation Formula*

1. Number of Pell Grant recipients at the institution during the school year immediately preceding the year of application x 50% of appropriations.

*Number of Pell Grant recipients at all applicant institutions during the school year immediately preceding the year of application.*

2. Number of graduates at the institution during the school year immediately preceding the year of application x 25% of appropriations.

*Number of graduates at the institution during the school year immediately preceding the year of application.*

3. Number of graduates, who within five years of graduating with baccalaureate degrees, are in attendance in graduate or professional schools and enrolled in degree programs in disciplines in which Blacks are underrepresented x 25% of appropriations.

The sum of the percentages of those graduates of all applicant institutions.

*Number of graduates who within five years of graduating with baccalaureate degrees, are in attendance in graduate or professional schools and enrolled in degree programs in disciplines in which Blacks are underrepresented of appropriations the sum of the percentages of those graduates of all applicant institutions.*

4. Add the amounts obtained in 1, 2, and 3.

## **TITLE III-B HBCU FUNDED ACTIVITIES**

### **Activity I: Strengthening the Office of Institutional Effectiveness and Research**

The purpose of this unit is to maintain a historical database of college data; assists with the systematic evaluation of educational support services, administrative processes, and fiscal resources to identify the strengths and challenges of the College. The office will help the College to maintain its status as an accredited institution, and continue demonstrating how well it is fulfilling its mission by documenting quality, effectiveness and student learning outcomes by employing a variety of assessment strategies.

### **Activity II: Improving Instructional Facilities**

This activity utilizes a multi-pronged approach to alleviating the deficiencies in the physical facilities of the College. This activity will focus on repairs/renovations of existing campus buildings that currently house academic programs/courses to ensure a conducive learning environment.

### **Activity III: Strengthening Fund Management, Administrative Management, and Acquisition of Equipment**

This activity is designed to address the problems in the College's current system of managing and collecting information. Since the computer system is the pivotal component of this activity, the administrative computing system will continue to be enhanced and secured through utilization of needed software and hardware updates.

### **Activity IV: Strengthening the Library Resources through Cutting-Edge Technology**

This activity is designed to provide the latest technology for student use and improve library resources by increasing library books, periodicals, microfilm, audiovisual materials and equipment, computer software, telecommunications software and equipment and other educational materials.

### **Activity V: Tutoring, Counseling, and Student Service Programs Designed to Improve Academic Success**

This activity is designed to improve academic success through tutoring, counseling and other student service programs. This activity will address critical issues pertaining to retention. Through retention monitoring and early warning intervention systems, high-risk students will be identified and provided the assistance needed to enhance their learning experience.

### **Activity VI: Enhancing Professional Development for Faculty and Staff**

This activity is designed to provide ongoing and systematic professional development opportunities for faculty and staff to increase productivity and effectively meet the needs of students. Professional development opportunities will include workshops, seminars, and conferences. This activity will also support guest lecturers, speakers, and consultants.

### **Activity VII: Strengthening the Effectiveness of the Office of Development and Institutional Advancement**

This activity is designed to expand awareness of, advocacy for, engagement in, and giving to Trenholm State Community College. The activity will strengthen the Office of Development and Advancement in an effort for strengthening institutional growth and sustainability. The focus is to reorganize and strengthen systems and procedures relative to enhancing financial stability.

### **Project Administration**

Project Administration is designed to provide leadership to the overall programmatic operations and fiscal management of all approved grant activities to ensure full compliance with state and federal guidelines.



## **Student Aid and Fiscal Responsibility Act (SAFRA)**

### **Activity I – Developing and strengthening academic programs and services**

Activity I is designed to promote curriculum development and the enhancement of instructional delivery by the purchasing of state-of-the-art equipment to prevent obsolescence and to meet the changing needs within the College service area.

### **Project Administration**

Project Administration is designed to provide leadership to the overall programmatic operations and fiscal management of all approved grant activities to ensure full compliance with state and federal guidelines.

## **ROLES AND RESPONSIBILITIES OF KEY PERSONNEL**

### **The President**

#### The President:

- Provides institutional leadership for the Title III grant.
- Sets Title III Program priorities in keeping with institutional mission.
- Approves and certifies Title III Phase I data.
- Is the final authority on the selection of Title III activities submitted for funding.
- Approves and certifies final Title III proposal application submitted (Phase II).
- Approves all Title III Program amendment requests prior to submission.
- Stays abreast of all regulations and policies pertaining to the Title III grant.
- Ensures that institutional systems are in place for effective, efficient, and compliant grant administration.
- Attends national and regional Department of Education Title III meetings.

### **The President's Role**

The President assumes overall responsibility for the leadership of the Title III, Part B HBCU and SAFRA programs.

## The Title III Director

### The Title III Director:

- Keeps the president/chancellor (or designee) informed of the status of the Title III grant and related regulations/policies.
- Serves as the primary liaison between the institution and the Department of Education Program Officer.
- Provides programmatic and budgetary oversight of the Title III grant.
- Coordinates, in collaboration with activity directors, implementation of the Title III Plan of Operation.
- Provides Title III orientation, training, and technical assistance to project staff, faculty, and institutional personnel to ensure they remain current on regulations, policies, and best practices related to the implementation of the Title III Plan of Operation.
- Ensures that the Title III Program is consistently compliant with all federal regulations and institutional policies.
- Maintains up-to-date program documentation files.
- Maintains up-to-date Title III equipment inventory.
- Approves all Title III expenditure requests.
- Attends national and regional Title III meetings, technical assistance workshops and conferences.
- Develops and implements a communications plan for the Title III grant.
- Monitors progress of all funded Title III activities/objectives.
- Coordinates the preparation, approval, and submission of the annual Title III Plan of Operation.
- Provides for an on-going internal and external evaluation of the Title III grant, as well as the reporting and use of evaluation findings to improve outcomes.
- Provides for assessment of the impact of the Title III grant.
- Ensures that the institution is audit and site review ready.

### Administrative Head of the Project

As the administrator in charge of the project, the director must perform several particular tasks. He or she must make sure the project is well organized. This includes establishing a workable organizational structure and making sure the structure is understood clearly.

Secondly, the director must maintain project control. The Director must see that the activities are carried out in a congruent and interrelated manner. This is accomplished through the establishment of sound policies and procedures and the exercise of leadership.

### Official College Liaison with the Department of Education

The Title III Director is the clear and singular communicant with the Department of Education in all matters related to the grant. All contact between the institution and the Department should be conducted by or through the office of the director. This includes correspondence, phone calls, reports, etc. The Director should maintain copies of all correspondence and records of all phone conversations with the Department and shared with other persons who might be affected by their content.

## The Title III Activity Director

### The Title III Activity Director:

- Provides activity management and budget monitoring.
- Stays abreast of all activity objectives, grant regulations, and institutional policies.
- Ensures implementation of activity objectives in compliance with federal regulations and institutional policies.
- Recommends hiring of activity staff/faculty.
- Supervises and monitors activity staff/faculty.
- Reports activity status/progress.
- Ensures completion and approvals of Time and Effort Reports/Monthly Reports for all activity staff/faculty.
- Ensures timely submission of monthly reports to the Director's Office.
- Approves all activity expenditure requests.
- Ensures all activity expenditures are related to an objective prior to submitting to the Director's Office.
- Maintains up-to-date Title III activity equipment inventory.
- Attends Title III Activity Director's meetings, orientations, workshops, etc.
- Meets routinely with activity staff/faculty to ensure smooth and effective activity implementation.
- Prepares and submits annual Plan of Operation for activity.
- Maintains documentation files on activity/objective implementation.
- Disseminates activity documentation records to the Title III Coordinator/Director.
- Prepares for and participates in internal and external Title III activity evaluations, site reviews, etc.
- Responds appropriately to evaluation recommendations to improve activity outcomes.
- Prepares programmatic reports required by the funding agency.

## **FISCAL POLICIES AND REGULATIONS**

### **Fiscal Control of the Title III Funds**

H. Council Trenholm State Community College's Business Office oversees the management and accounting for all grants and contract funds. However, the fiscal and reporting policies of the U.S. Department of Education, through guidelines issued in the Education Department General Administrative Regulations (EDGAR) and rules in the Federal Registrar, require a more detailed management and record keeping system than usually practiced by operating units of the College. Federal regulations require a complete accounting of all federal and College time and resources which directly impact the grant's activities.

1. A copy of each project's budget shall be transmitted from the Director's Office to the Business Office, to the Director of Restricted Programs, and to each Activity Director after formal notification of grant approval has been received.
2. The College reserves the right to freeze Title III funds in cases where funds are misused or abused and/or where sufficient evidence exists that programmatic activities are not in compliance with the approved Grant Performance Report.
3. The ultimate authority for the use of funds, not expended at the end of the fifth year budget period, has to be approved for carryover through the Title III Office via the U.S. Department of Education. These requests must be received in the Grants Office 90 days before the end of the budget period in which the funds are unexpended.

## FISCAL ACCOUNTABILITY

### Account Numbers

College business procedures are used to document accountability for Title III regulations. Separate account numbers have been assigned by the Business Office to identify the Title III Grant activities.

All expenditures submitted to the Title III Director for payment must show the designated Activity number and have the signature of the Activity Director.

### Justification of All Purchases

All purchase requisitions must be justified based on the activity's goal before they can be approved and processed by the Title III Office. This information must be included in the comments section of the form.

#### Example:

An activity submits a purchase request to make a purchase. After listing the item(s) in the DESCRIPTION AND SPECIFICATIONS section, include a Title III justification. Identify the specific objective the item is purchased to correspond with. This will ensure that the purchase is listed as part of the approved budget for the year.

**Required Action:** If the item(s) or service requested is not part of the approved budget, a separate amendment to the project budget must accompany the request.

### Purchasing

The purchasing of supplies, services, and equipment must conform to those items listed in the Title III budget line item of the specific activity.

All purchase requisitions using Title III funds must have the appropriate activity title and assigned budget center number.

All purchase requisitions using Title III funds must relate to an objective in the activity. The activity objective number will be written on the requisition.

Requisition for goods that cost \$15,000 or more must go to bid when the items are not covered under state contract. When items are on state contract, the commodities must be purchased from a contracted supplier at the specified price unless there is some special exemption.

All purchase requisitions using Title III funds must be approved by the appropriate Activity Director, Title III Director, Director of Restricted Programs, Dean of Finance and Administrative Services, and the College president prior to the issuance of a purchase order.

If a purchase is made without the proper signatures, then the person(s) approving the purchase will assume liability for the purchase.

Established College procedures need to be followed for ordering and receiving merchandise. All TSCC purchase requests need to be documented and signed by the Activity Director prior to submission to the Title III Director. Activity Directors also need to keep an accurate record of all expenditures (purchase requests, reimbursement forms, transfers, etc.) for their own information and use in reconciling budgets each month.

### **Equipment Purchased with Title III Funds**

All equipment purchased with Title III funds must be identified with a *Purchased Through Title III Fund's* identification strip that can be acquired from the Title III Office. Additionally, all equipment acquired with Title III funds must be available for inspection by the Title III Office, external evaluators, and persons making site visits for the United States Department of Education.

According to regulations, equipment is tangible non-expendable personal property including exempt property charged directly to the award with a useful life of more than one year and an acquisition cost of \$5,000 or more. Education Department General Administrative Regulations (EDGAR). However, the College regulation is \$500; the college has other restrictions that require inventory controls that must be followed.

### **Payment of Expenses**

Requests for payment of activity expenses can be processed by the Title III Director when all required documentation and signatures are submitted.

The budgets for each activity are approved by the Department of Education, and there is no provision for adding items. Therefore, items not specifically identified, such as additional travel or equipment cannot be approved by the Title III Director for reimbursement.

# BUDGETS

## Annual Budget Submittal

The Title III Director is notified via the USDE of the amount awarded each year, and an annual budget report is then generated. The annual budget report for Title III includes the following: (1) a narrative detailing any pertinent budgetary changes for each activity; (2) a detailed narrative reflecting any changes to activity objectives and an updated “Activity Objective/Anticipated Results” Form to include timelines; (3) an Individual Activity Budget Form and accompanying Individual Activity Budget Narrative Form.

The Title III Director is responsible for the submittal of this report to the USDE for approval. The College will then be notified by the Grants Officer once the budget has been approved. A copy of each project’s budget will be transmitted from the Title III Director’s Office to the business office, Director of Restricted Funds, and each Activity Director after formal notification of grant approval has been received.

## Planning and Managing Activity Budgets

### Planning Activity Budgets

Using previous budget submittals as a guide, the activity director will prepare a new budget for submittal to the Title III Director’s Office. Assistance in obtaining current information on personnel costs and fringe benefits can be obtained from the Office of the Director of Restricted Programs. Planned travel costs must be detailed and include the name of conference and location, date of the conference (if known), and estimated hotel, meals, registration and other incidental costs (such as taxis/shuttles). Equipment costs must include a quote from the vendor and should also contain an informational sheet on the product to be included in the Budget Narrative Report.

### Managing Activity Budgets

The Director of Restricted Programs monitors expenditures of all Title III funds and establishes the activity budget center accounts and provides access to the accounts through the AS400 computer system. Through the General Ledger module, this individual is able to access budget reports that provide more detailed expenditure and vendor data. This information can be furnished to the Activity Director upon request. It is the Activity Director’s responsibility to monitor the budgets for expenditures and to ensure they are posted to the correct line item account. Copies of expenditure documentation (requisitions, purchase orders, and invoices) are to be kept on file in the office of the activity director. The Activity Director should forward to the Title III Director, for filing on a monthly basis, any requisitions, purchase orders, and invoices processed for the activity.



## **Budget Modifications**

Programmatic revisions require prior approval from the United States Department of Education.

The following actions (OMB Circular A-110.25) must receive prior approval:

1. Revising the project objectives or scope of activity.
2. Changing key personnel.
3. The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved Project Director.
4. The need for additional federal funding.
5. Transferring amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa.
6. The inclusion, unless waived by the federal awarding agency, of costs that require prior approval in accordance with applicable federal regulations.
7. The transfer of funds allotted for training allowances to other categories of expense.
8. The transfer or contracting out of any work under an award unless described in the approved application. This does not apply to the purchase of supplies, material, equipment, or general support services.

## **Changes and Revisions**

Any revision to the scope or approved program objectives, regardless of budgetary implications, shall be approved by the U.S. Department of Education or another sponsored program agency, prior to implementation.

Transfer of funds between line items shall not exceed 20 percent of the agency-approved budget for both line items. However, federal regulations state that budget transfers among direct cost categories cannot exceed 10 percent of the total budget without the approval of the program officer. Additionally, an appropriate justification for the revision is required. The Title III Office will assist with budget revisions before they are transmitted to the Business Office.

## **Budget Revision Procedures**

Activity budgets are carefully prepared to support the narrative of the activity, and no changes or substitutions can be made without prior approval of the Title III Director and, in some cases, the Department of Education. This is a lengthy process and is discouraged.

When completing the online or paper Budget Transfer Form, a brief reason for the changes requested must be included. For personnel costs, equipment and items not identified in the activity budget, specific details must be provided (i.e., name, position, fringe benefits; description, items, cost; types, number).

Within an activity, there is limited flexibility among some line items. The Activity Director needs to involve the Title III Director in decisions of this nature. However, it is important to note that additional items not approved in the grant cannot be purchased even if the price of an item is reduced from the projected cost.

Please note the following: The Title III Director cannot process requests for payment of activity expenses unless all required documentation including justification is submitted. The various forms needed in the fiscal monitoring of the Title III grant are detailed in this manual. The Activity Director must sign this report prior to its submission to the Title III Office.

### **Budget Transfers - Line Item Transfers**

In some instances, it is necessary to transfer funds from one line item to another in order within a specific year to meet activity objectives. To transfer in the same year, you will need to use the online system. To complete the online form you will log onto your Trenholm Portal and under the Employee Information Center, open the Online Requisitions menu, select the Request Budget Adjustment link to open the Budget Adjustment Center, select the budget center using the drop-down box, on the next page select the account being transfer from and the account being transfer into, enter the amount of transfer in the Transfer Amount box, in the comment box explain the reason for the transfer, (i.e. equipment, software, budget line overage), then select the next button.

Transfers from one activity to another activity should be completed using a paper Budget Transfer Form. The Budget Transfer Form devised by the College business office must be completed in its entirety and submitted to the Title III Director for approval. The form is then forwarded to the Director of Restricted Programs, then to the Dean of Finance, and then to the president (if over \$5,000) for approval. Once the signed copy of the form with all the approval signature affixed has been received by the Director of Restricted Programs, funds are released, and the monies posted to the budget center account. Requisitions should not be submitted that expend funds impacted by budget amendments until monies have been posted to the budget center account.

### **Expending Carryover Funds**

Each fiscal year, unexpended funds are carried over from one budget period to the next without approval. Unexpended funds may be used for any allowable cost that falls within the approved scope of the grant, not just for finishing activities from the previous budget period.

The Program Officer may require a written statement describing how unexpended funds will be used. New funds may be reduced under certain circumstances. Therefore, it is extremely important to expend funds allocated for each fiscal year to meet objectives within that fiscal year.

#### No-Cost Extensions

A one-time extension of the project period may be granted for up to one year with prior approval.

The Grantee must send written notification of planned extension to assigned Department of Education Program Officer no later than ten (10) days before the end of the project period. The notice should include supporting reason(s) for the extension and the revised expiration date.

An extension cannot be merely for the purpose of exhausting unexpended funds, cannot change the scope or objectives of the project, or cannot require the need for additional federal funds.

## CONSULTANT SERVICES

Consultants may be engaged to assist in activities only as described in the activity budget and with prior approval from the Title III Director. Consultants are normally used as workshop presenters or as experts who provide advice and/or service. Information regarding the need for a consultant must be provided on the Consultant Request Form.

Activity Directors may not hire independent consultants to perform tasks included unless:

1. There is a need in the project for the services of that individual;
2. The Activity Director cannot meet the need by using an employee rather an independent consultant.

The following information represents the minimum standards for documentation in support of the use of consultants:

1. Evidence that the services of the consultants are needed and the need cannot be met by direct salaries provided under the grant or by employees of the college;
2. Evidence that the most qualified individual available was selected for the assignment, considering the nature and extent of the services to be required.

### Consultant Forms

The Consultant Request Form should be completed by the Activity Director desiring consultant services and submitted to the Title III Director's Office prior to entering into arrangements with a consultant. Once this form has been signed by the Title III Director, a copy is returned to the activity director for confirmation of approval. After the Consultant Request Form is approved by the Director of Title III, the Professional Service Contract may be initiated. The contract will need to be approved by the Title III Director, Director of Restricted Programs, Dean of Finance, and the president.

The Consultant Service Post-Visit Assessment Form is to be completed by the Activity Director and submitted to the Title III Director's Office within five (5) working days of the completion of consultant services. If the service provided was advice or some other service, the scope of service should be documented with a written report from the consultant indicating his/her findings and a copy attached to the Consultant Service Post-Visit Assessment Form. When a consultant is engaged to provide on-campus training (workshops, seminars, etc.) documentation of this effort in the form of a program agenda or outline, attendance sheets and evaluation of the program by participants must be attached to the Consultant Service Post-Visit Assessment Form. The completed form together with the appropriate documentation must be approved by the Title III Director, Director of Restricted Programs, Dean of Finance, and the president before payment of fees can be made to the consultant.

## Checklist for Consultant Services

- A. Before the assignment starts
  - 1. Identify the problem to be solved.
  - 2. Accent suggestions from those who will be affected by the solution to the problem.
- B. Select a consultant and evaluate his credentials
  - 1. Acquire performance data and resume describing the consultant's specialty.
  - 2. Confer with references (preferably persons who have used the consultant's services) to determine whether the consultant:
    - a. prepares a range of activities that respond to the distinct need of the training audience;
    - b. helps participants resolve their problems by a careful examination of their present behavior.
  - 3. Avoid the "buddy" system prevalent in in-service education programs.
  - 4. Select a consultant who conforms to high standards.
- C. Communicate with the consultant
  - 1. Clearly, state the specific mission of the undertaking during the consultation.
  - 2. Provide a clear description of the services to be rendered.
  - 3. Request examples of the consultant's previous professional work, published manuscripts, position papers, program development activities, etc.
  - 4. Request an estimate of the length of time necessary to complete the task.
  - 5. Finalize the fee and give the method of payment.
- D. Prepare for the consultant
  - 1. Create and submit a written document to the consultant to include the following:
    - a. a clear, precise, and carefully-articulated description of the service to be rendered;
    - b. a fixed maximum fee to include both time and reimbursable expenses;
    - c. estimated completion time for the consultant;
    - d. the number and type of reports that will be required (at least one written report is required.)
  - 2. Confirm whether the consultant will be responsible for travel and other expenses.
  - 3. Select a capable staff member to act as a liaison between consultants and college personnel.
  - 4. Take care of arrangements for meetings, including place, seating arrangements, incidentals; provide office space if necessary.
- E. During the assignment
  - 1. Hold your consultant accountable for completing the task.
  - 2. Use the following checklist to determine how the consultant is performing:
    - a. Did the consultant start on schedule?
    - b. Have substitutions been made in the consulting team specified in the agreement?
    - c. Is the consultant performing the required work?
    - d. Are interviews conducted professionally?
    - e. Are data being generated that will be useful?
- F. After the consultation
  - 1. Ask what date you may expect the consultant's written report and recommendations.
  - 2. Pay your consultant as specified in the agreement.
  - 3. Evaluate the consultant's recommendations to determine what can be accepted and implemented.
- G. Implementation of the recommendations
  - 1. If needed, request help from the consultant.
  - 2. Monitor the implementation and make sure what is being done conforms to what should be done.

H. Submit a copy of the consultant's written report to the Title III Office.

### **Consultant Fees**

Expenses for consultants can be paid by utilizing one of the following options:

1. Activity acquires and pays lodging and fares, then requests a check to cover the consultant's fee;
2. Consultant acquires and pays all travel expenses, and an adjustment is made to his fee to include said expenses.

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### **Workshop Evaluation**

Title III Program participants should evaluate the effectiveness of workshops sponsored through the grant. Each workshop participant should complete an evaluation form. A summary of the evaluation should be sent to the Title III Program Director. An evaluation form is located in the Title III section of the Intranet. Activity directors may, however, revise evaluations forms that relate more directly or address the objectives to be achieved by the workshop.

## TRAVEL

The Title III Grant regulations require specific documentation of all travel funded by the grant. Approved travel is identified in the original grant application. Any request for changes in the approved budgets must be submitted to the Title III Director and authorized before the change is implemented.

Air travel will be by coach class or the lowest fare available. Prior approval from the Title III Director is required for car rental or personal vehicle usage. Reimbursement will not be made for private automobile use when the approved mode is commercial or for commercial travel when the approved mode is private automobile use with one exception below. Reimbursement for travel on an authorized out-of-state trip of 200 miles or more for one employee by private automobile will be the lesser of the prevailing plane fare rate, tourist class, or the usual rate per mile, or the lesser of the two. If an employee desires to use his private automobile on such out-of-state trips and claims tourist class plane fare, he must take annual leave for travel time to and from his destination beyond that time which is required for commercial air travel.

There will be no reimbursement for baggage, taxi, etc. when travel by plane is used instead of private automobile and private automobile use is the *least* expensive mode of travel.

### **In-State Travel**

The per diem rate for travel requiring an overnight stay is currently \$85 per day. For travel requiring stays of two or more nights, the traveler will be paid \$100 per day. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of \$12.75 for a trip from 6 to 12 hours' duration. For travel in excess of twelve hours' duration, the traveler shall be paid \$34.00.

### **Out-of-State Travel**

Meals and incidental expenses will be prorated to 75% of that locations amount for "travel days."

The purpose of the trip must be indicated and be related to the goals and objectives of the activity as stated in the grant application or activity modifications.

For complete details regarding the college's Travel Policy, please visit the Intranet.

### **Travel Eligibility**

Faculty and staff members are eligible to apply for Title III travel funds. Faculty and staff must not be on temporary status. Except under special circumstances, administrators are not eligible for travel using Title III funds. Administrators are defined as presidents and deans.

The following documents are required when submitting travel requests through the Title III grant:

1. Professional Development Request Form,
2. Prior Approval of Travel Form with attached conference flyer or brochure,
3. Employee Leave Request, airfare, mileage, hotel reservation and registration
4. Justification letter from an immediate supervisor.

The following documents must be submitted for travel reimbursement:

1. Completed State of Alabama Statement of Official Travel Form with approval signatures affixed;
2. Original copies of all receipts;
3. Completed Prior Approval of Travel Form with all approval signatures affixed;
4. For employees traveling in private automobiles, current map mileage must be used where mileage is claimed from a physical address to physical address. The mileage may be obtained from several sources including, [www.maps.yahoo.com](http://www.maps.yahoo.com), [www.mapblast.com](http://www.mapblast.com), [www.randmcnally.com](http://www.randmcnally.com), etc. The printout of the current map mileage must be attached to the expense form;
5. Title III Professional Development Report Form.

## **Professional Development Report Form**

All persons whose travel expenses are paid from Title III funds are required to submit the Title III Professional Development Report Form upon completion of travel. This form should be submitted with travel reimbursement documents.

## **Travel Forms**

Current information on faculty/staff development requirements through the Title III Program is posted on the College's Intranet. Title III Faculty/Staff Development Guidelines for travel are posted and include the following documents:

1. A request for travel under the Title III Program;
2. Travel guidelines;
3. Required documents for submitting a request; and
4. Required documents for reimbursement.

## **PROGRAM EVALUATIONS**

Internal evaluations are required by the U.S. Department of Education. Trenholm State Community College also conducts external evaluations for its Title III grant. The Education Department General Administrative Regulations state that “recipients shall monitor the performance of grant and sub-grant supported activities. They shall review each program, function, or activity to assure that adequate progress is being made towards achieving the goals of the grant or sub-grant.” An internal evaluation will be carried out through monitoring reports, annual performance reports, Title III meetings, quarterly budget reviews and site visits. An external evaluation must be completed at least annually. External evaluators will determine progress in achieving the objectives in the approved application; the effectiveness of the project in meeting the purposes of the program, and the effect of projects on the persons being served by the projects.

### **External Evaluation**

An independent external evaluator, at the discretion of the college president, will evaluate the Title III grant as well as the individual Title III activities. The evaluator will conduct both a formative and summative evaluation. Evaluators will look at all aspects of grant activities including a comparison of actual accomplishments to the goals established for the period, documentation of activity progress in meeting measurable objectives, allowability of project expenditures, and the effect of the project in strengthening the overall operation of the college.

### **Internal Evaluations**

#### Quarterly Progress Reports

In order to provide systematic documentation of the achievement of objectives for each of the grant activities, each activity director will complete a report of progress in achieving grant objectives for each quarter. The reports are to be placed on the forms provided by the Title III office. They will be due according to the schedule included in the Internal Reporting Requirements section.

#### Internal Site Reviews

In an effort to keep Activity Directors on target with proposed objectives, timelines, and budgets, the Title III office will conduct visits to discuss activity progress. These visits will be conducted on-site and will focus on the budget tracking system, expenditure recording, the status of unexpended funds, evidence of completion, and adequateness of documentation.

Internal site reviews for all activities will be held a minimum of twice yearly.



# DEPARTMENT OF EDUCATION

## EXTERNAL REPORTING REQUIREMENTS

### Phase I Report

The Phase I Report is compiled of data obtained from the Office of Records and Registration, and the Office of Financial Aid is utilized to complete this report. The report requires the number of graduates, Pell Grant recipients, and specific graduate school attendees for a specific twelve-month time period. (See How *Title III Funds are Allocated* on page 4).

#### Steps to Complete the Report:

- Request Pell Grant recipients' data from the Director of Financial Aid and graduate data from the Director of Admissions and Records for the reporting period beginning July 1 through June 30.
- Following directions provided by the USDE, enter the data on the forms along with the reporting data for the previous four reporting periods.
- Submit the report to the Title III Program Officer or designee.

### Phase II Budget Report

The U.S. Department of Education requires that under a multi-year grant each activity budget must be submitted and approved prior to expending funds for the new fiscal year. The fiscal year runs from October 1 to September 30. The Title III Director will be notified via the USDE of the amount awarded each year, and an annual budget report will then be generated. The annual budget report for Title III includes the following: (1) a narrative detailing any pertinent budgetary changes for each activity; (2) a detailed narrative reflecting any changes to activity objectives and an updated Activity Objective/Anticipated Results Form to include timelines; and (3) an Individual Activity Budget Form and accompanying Individual Activity Budget Narrative Form. Activity Directors will be notified of the due date of the report. The Title III Director is responsible for the submittal of this report to the USDE for approval. The College is notified by the grants officer once the budget has been approved. A copy of each project's budget is transmitted from the Director's Office to the Business Office, Director of Restricted Funds, and each activity director after formal notification of grant approval has been received.

#### Steps to Complete the Report:

- The Grant Award Notification (which details the amount awarded for the upcoming year) is received prior to completing the report;
- All budgeted items are to be reflected in the format provided by the Department of Education, including major items such as personnel, fringe benefits, travel, equipment, contractual services, and others that allow the activity to function as efficiently as intended. An Individual Activity Budget Form and accompanying Individual Activity Budget Narrative Form are required for each activity and are submitted by the Activity Director.
- If objective changes to the approved proposal are required, the Activity Director should submit a detailed narrative reflecting any changes and an updated Activity Objective/Anticipated Results

Form to include timelines.

- A spreadsheet detailing personnel costs for each activity is generated by the Director of Federal Programs, and the Director's Office is responsible for entering the amounts related to each activity's budget.
- The budget and required forms are submitted according to the directions provided by the USDE.

## **Annual Performance Report**

The U. S. Department of Education requires a detailed Grant Performance Report for each new fiscal year under a multi-year grant. Recipients of the Title III Grants must submit an Annual Performance Report that demonstrates that substantial progress has been made toward meeting the objectives of the project. Beginning in FY 2002, this report has been completed and generated to the U. S. Department of Education in electronic format.

Activity Directors are required to submit an Annual Performance Report for their activity. This report, due to the Title III Director's Office by November 30 of each year, must provide the necessary information and data to compile the responses required by the U. S. Department of Education for the Annual Performance Report.

### Steps to Complete the Report:

- The Director's Office emails a document template containing the required reporting information to each activity director by October 15 of each year. The template contains the activity objectives and reporting status, process measures and focus area outcomes for each activity as required by the U.S. Department of Education's reporting system. Financial data for the reporting cycle is provided by the Director of Restricted Programs.
- The Director's Office compiles the activity reports and enters them into the USDE's website. The website is only active and will accept data on dates specified each year by the U.S. Department of Education.

## **Final Report**

Final Performance Reports are due 90 days after the expiration of the grant's project period. If a no-cost time extension from the USDE was received for a grant, the Final Performance Report is due 90 days after the revised project period end date. Program officers may also request an Annual Performance Report that covers the original final budget period from grantees that receive no-cost time extensions.

### Steps to Complete the Report:

- A two-to-three-page Executive Summary is required for Final Performance Reports and is completed by the project director. Highlights of the project's goals, the extent to which the expected outcomes and performance measures were achieved, the population served and the contributions the project has made to research, knowledge, practice, and/or policy are included in this section of the report.
- Actual budget expenditures for the entire previous budget period, the entire final budget period and the entire project period are required for the report and are provided by the Director of Federal Programs.
- Quantitative and/or qualitative data for each associated performance measure and a description of

preliminary findings or outcomes that demonstrate that performance measures have been met must be included in the report. An explanation of how data on performance measures demonstrate that objectives have been met is also included. Complete data on performance measures for the final budget period must be submitted with the Final Performance Report. Activity Directors are responsible for submitting performance data and objective progress for their activity.

- The Director's Office compiles the activity reports and submits the responses on the forms provided by the USDE.

## **Equipment Inventory Reporting**

General grant regulations for Title III require that all equipment be properly accounted for by the Title III Director. The College will maintain the official equipment inventory system, and the grant program will assist this function by maintaining an updated Equipment Inventory Form for all Title III equipment purchases identified with an inventory identification tag, which is present when the item is received at the activity location. This report must be signed by the Activity Director prior to submitting it to the Title III Office.

In addition to the equipment inventory tag, grant regulations require that equipment purchased with federal funds must clearly be marked to identify that it was purchased with federal funds. Labels which identify "Purchased with U.S. Department of Education Funds: Title III" are to be prominently displayed on all Title III equipment purchases.

An inventory of all Title III equipment must be conducted on a quarterly basis, and changes in location, use, and condition, as well as disposition, must be updated. No tagged equipment can be moved and/or discarded without the notification and approval of the Title III Office.

## **Federal Equipment Regulations**

The most recent OMB Circular A-110 defines guidelines for financial management of federal grants to Institutions of higher education. Among the listed items, you will find the uniform administrative requirements for equipment.

Equipment means tangible non-expendable personal including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. However, consistent with recipient policy, lower limits may be established.

This updated information should be applied uniformly to all the college's internal administrative, financial systems that manage federal grants.

## **Equipment Transfers**

It is extremely important to follow procedures regarding equipment transfers. State auditors and risk management require that accurate inventory records be maintained. In addition, if proper transfer procedures are not followed, responsibility rests on the last custodian or user on record. The Title III Director must approve all equipment transfers.

## **Equipment Inventory Disposal**

All equipment purchased with Title III funds remains vested in the Federal Government. No reallocation or disposal of any real property can take place without the written approval from the Title III Director.

### **Loss, theft, fire**

Any equipment missing, stolen, or lost must be reported to the proper law enforcement agency. A copy of this report must be forwarded to the Title III Office.

# STATE BID LAWS

## CHAPTER 16

### Article 2

#### **Competitive Bidding on Public Contracts Generally**

41-16-20. When required.

41-16-21. Exemptions from requirement - Void contracts.

41-16-21.1. Joint purchasing agreements.

41-16-21.2. Exemption of departments and agencies whose principal business is honorariums.

41-16-22. Exemption of purchases from the United States.

41-16-23. Emergency exemptions.

41-16-24. Advertisement for bids - Opening of bids - Splitting of contracts.

41-16-25. Price-fixing agreements or collusion.

41-16-26. Advance disclosure of terms of the bid.

41-16-27. Award of contract - Record of bids - Preference to Alabama commodities, firms, etc.

41-16-28. Bond for faithful performance.

41-16-29. Assignment of contracts.

41-16-30. Criminal offenses.

41-16-31. Injunctions.

41-16-32. Cumulative nature of provisions - Conflict of laws.

## ARTICLE 2

### COMPETITIVE BIDDING ON PUBLIC CONTRACTS GENERALLY.

#### § 41-16-20. When required.

All contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving fifteen thousand dollars (\$15,000) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

#### § 41-16-21. Exemptions from requirement - Void contracts.

(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the State Bureau of Tourism and Travel authorized under Section 41-7-4 or advertising of the state parks by the Department of Conservation and Natural Resources; purchases of alcoholic beverages only by the Alcoholic Beverage Control Board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds on May 29, 1985, operated by any state department, except the Department of Mental Health and Mental Retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority or office; purchases by the Department of Transportation of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the Department of Transportation; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the Department of Corrections; and purchases, contracts, or repairs by the State Docks Department when it is deemed by the Director of State Docks and the Secretary-Treasurer of the State Docks Department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The Director of State Docks and the Secretary-Treasurer of the State Docks Department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the State Docks Department shall be exempt from this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the Department of Finance, Division of Purchases and Stores. The educational and eleemosynary institutions, the State Docks Department, and the other state agencies exempted from this article shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving fifteen thousand dollars (\$15,000) or more. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

(c) Contracts entered into in violation of this article shall be void.

(d) Nothing in this section shall be construed as repealing Sections 9-2-106 and 9-2-107.

**§ 41-16-21.1. Joint purchasing agreements.**

The governing authorities of two or more agencies within the same county or adjoining counties, whose contracts are required under this article to be let by competitive bidding, may provide by joint agreement for the purchase of labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar executive orders or resolutions issued or adopted by each of the participating governing authorities which shall set forth the categories of labor, services or work or the materials, equipment, supplies or other personal property to be purchased or leased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as permitted by this section, may designate a joint purchasing agent and such agent shall have the responsibility to comply with the provisions of this article. Purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article.

**§ 41-16-21.2. Exemption of departments and agencies whose principal business is honorariums.**

All laws to the contrary notwithstanding, any state department or agency whose principal business is honorariums is hereby exempted from the provisions of the state competitive bid laws on purchases and contracts for services made by such department or agency.

**§ 41-16-22. Exemption of purchases from the United States.**

The state may without advertisement or receiving competitive bids purchase materials, equipment, supplies or other personal property from the United States government or any agency, division or instrumentality thereof when such purchase is deemed by the state purchasing agent to be in the best interest of the state of Alabama.

**§ 41-16-23. Emergency exemptions.**

In case of emergency affecting public health, safety or convenience, so declared in writing by the head of the institution or state agency involved, setting forth the nature of the danger to public health, safety or convenience involved in delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. Such action and the reasons, therefore, shall immediately be made public by the awarding authority.

**§ 41-16-24. Advertisement for bids - Opening of bids - Splitting of contracts.**

(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of fifteen thousand dollars (\$15,000) by posting notice thereof on a bulletin board maintained outside the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery County, Alabama, or in any other manner, for such lengths of time as the purchasing agent may determine. The purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items set forth in the request and the other persons, firms, or corporations the purchasing agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be canceled by the purchasing agent.

(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.

(c) If the purchase or contract will involve an amount of fifteen thousand dollars (\$15,000) or less, the purchasing agent may make the purchases or contracts either upon the basis of sealed bids or in the open market.

(d) No purchase or contract involving an amount in excess of fifteen thousand dollars (\$15,000) shall be divided into parts involving amounts of fifteen thousand dollars (\$15,000) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving fifteen thousand dollars (\$15,000) or less shall be void.

**§ 41-16-25. Price-fixing agreements or collusion.**

Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding or otherwise shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement that he has not been a party to such an agreement.

**§ 41-16-26. Advance disclosure of terms of the bid.**

Any disclosure in advance of the terms of a bid submitted in response to an advertisement for bids shall render the proceedings void and require advertisement and award anew.

**§ 41-16-27. Award of contract - Record of bids - Preference to Alabama commodities, firms, etc.**

(a) When purchases are required to be made through competitive bidding, award shall, except as provided in subsection (e), be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges and the dates of delivery provided, that the awarding authority may at any time within five days after the bids are opened negotiate and award the contract to anyone, provided he secures a price at least five percent under the low acceptable bid. The award of such a



negotiated contract shall be subject to approval by the director of finance and the governor. The awarding authority or requisitioning agency shall have the right to reject any bid if the price is deemed excessive or quality of product inferior.

(b) Each bid, with the name of the bidder, shall be entered on a record. Each record, with the successful bid, indicated thereon and with the reasons for the award if not awarded to the lowest bidder shall, after award of the order or contract, be open to public inspection.

(c) The purchasing agent in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms or corporations.

(d) Contracts for the purchase of personal property or contractual services shall be let for periods not greater than three years.

(e) Contracts for the purchase of services for receiving, processing, and paying claims for services rendered recipients of the Alabama Medicaid program authorized under section 22-6-7 which are required to be competitively bid may be awarded to the bidder whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors (technical factors) including understanding of program requirements, management plan, excellence of program design, key personnel, corporate or company resources and designated location, and other factors including financial condition and capability of the bidder, corporate experience and past performance and priority of the business to insure the contract awarded is the best for the purposes required. Each of these criteria shall be given relative weight value as designated in the invitation to bid, with price retaining the most significant weight. Responsiveness to the bid shall be scored for each designated criteria.

If for reasons cited above, the bid selected is not from the lowest bidding contractor, the Alabama Medicaid agency shall present its reasons for not recommending award to the low bidder to the Medicaid interim committee. The committee shall evaluate the findings of the Alabama Medicaid agency and must, by resolution, approve the action of the awarding authority before final awarding of any such contract. The committee shall also hear any valid appeals against the recommendation of the Alabama Medicaid agency from the low bid contractor(s) whose bid was not selected.

#### **§ 41-16-28. Bond for faithful performance.**

Bond in a responsible sum for faithful performance of the contract, with adequate surety, shall be required in an amount specified in the advertisement for bids.

#### **§ 41-16-29. Assignment of contracts.**

No contract awarded to the lowest responsible bidder shall be assignable by the successful bidder without the written consent of the awarding authority and requisitioning agency, and in no event shall a contract be assigned to an unsuccessful bidder whose bid was rejected because he was not a responsible bidder.

#### **§ 41-16-30. Criminal offenses.**

Neither the purchasing agent nor any assistant or employee of his shall be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of or contract for any personal property or contractual service, nor in any firm, partnership, association or corporation furnishing any such personal property or contractual services to the state government or to any of its departments, agencies or institutions. Neither the purchasing agent nor any assistant or employee of his shall accept or receive, directly or indirectly, from any person, firm, association or corporation to whom any contract may be

awarded, by rebate, gifts or otherwise, any money or thing of value whatsoever or any promise, obligation or contract for future reward or compensation, nor shall any person willfully make any purchase or award any contract in violation of the provisions of this article.

Any violation of this section shall be deemed a misdemeanor, and any person who violates this section shall, upon conviction, be imprisoned for not more than 12 months or fined not more than \$500.00 or both. Upon conviction thereof, any such purchasing agent, assistant or employee of his or any person who willfully makes any purchase or awards any contract in violation of the provisions of this article shall be removed from office.

**§ 41-16-31. Injunctions.**

Any taxpayer of the area within the jurisdiction of the awarding authority and any bona fide unsuccessful bidder on a particular contract shall be empowered to bring a civil action in the appropriate court to enjoin execution of any contract entered into in violation of the provisions of this article.

**§ 41-16-32. Cumulative nature of provisions - Conflict of laws.**

This article shall be cumulative in its nature. All conflicting provisions of law are hereby expressly repealed; however, this article shall in no manner repeal any of the provisions of chapter 36 of Title 16 of this Code or chapters 2 and 5 of Title 39 of this Code or article 5 of chapter 4 of this title.

# INTERNAL REPORTING REQUIREMENTS

## Time and Effort Reporting

### Time Reporting and Record Keeping

The federal government requires that grant recipients conduct timekeeping for all full-time and part-time employees assigned to grant projects. To facilitate understanding, the following steps will be used:

- The Title III Director’s Office will provide Time and Effort Forms based on approved position descriptions for all individuals working on the grant project.
- The Time and Effort Form for the Title III Director will be signed by the college president.
- Time and Effort Forms for Activity Directors will be signed by the Title III Director.
- Time and Effort Forms for staff will be signed by the employee and countersigned by the Activity Director.

### Time and Effort Reporting Requirements

Each person paid from Title III funds, in whole or in part, must complete a Time and Effort Form. The form lists the percentage of time devoted to each job duty on a monthly basis. It is to be submitted to the Title III Director’s Office no later than ten (10) business days after the end of each month.

NOTE: Activity Directors will be held accountable to ensure that personnel funded through Title III comply with reporting requirements.

## Progress Report

This report is generated on a quarterly basis by the Activity Director. They document the status of activity objectives and current activity expenditures. Quarterly, Mid-Year and End-of-Year progress reports are due on the tenth (10<sup>th</sup>) business day of the months listed below:

- Report 1 (October 1-December 31).....January**
- Report 2 (January 1-March 31).....April (Mid-Year)**
- Report 3 (April 1-June 30).....July**
- Report 4 (July 1-September 30).....October (Year-End)**

## Budget Reconciliation Report

This report is generated on a monthly basis by the activity director to document current activity expenditures. It is due to the Director’s Office no later than ten (10) business days after the end of each month.

# **Trenholm State Community College**

## **Title III Policies and Procedures**

**POST OFFICE BOX 10048  
1225 AIR BASE BOULEVARD  
MONTGOMERY, ALABAMA 36108  
PHONE: 334-420-4235**