Title: Contracts to Provide Educational Services  
Number: BP 2.14

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Purpose

The Nicolet Area Technical College District Board of Trustees (Board) directs College administration to provide customized training and technical assistance through contracts with private and public entities. This policy delineates the requirements related to contracts to provide educational services to public and private educational institutions, federal and state agencies, local governmental bodies, industries and businesses, pursuant to s.38.14 (3), Wis. Stats., Administrative Rule TCS 8, and Wisconsin Technical College System (WTCS) Board policy.

Definitions

“Business or industry operating within the state” means a business or industry subject to personal jurisdiction of a court of this state under s.801.05 (1) (b) to (d), Wis. Stats.

“Contracts” are legal agreements between a district and a second party under which the district is selling specific goods or services to a particular buyer.

“Foreign government” means any government other than the federal government or any government of a state or a political subdivision of a state.

“Full cost,” for purposes of contracting, is the cost computed by using the total staff salary and fringe reported under the contract plus the indirect cost factor as computed using the methodology outlined in the WTCS Contracts for Services and Contract Reporting System Manual, and special equipment.

“Industry and business” means any organization or enterprise, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association, whether or not operated for profit, including community-based organizations, foundations and other non-profit corporations.

“Local governmental body” means a local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation, including Indian Tribal Governments and Economic Development Corporations.

“Out-of-district contract” is any agreement to provide educational services or technical assistance to a local governmental unit or business or industry operating outside the geographic boundaries of the College district.
“Out-of-state contract” is any agreement to provide educational services or technical assistance to a foreign government, another state, a local governmental unit of another state, or business or industry not operating in this state.

“Private educational institution” means a private non-profit university, college or secondary school accredited by a nationally recognized accrediting agency.

“Public educational institution” means a university, college or school district operating high school grades supported by public taxation or appropriation and includes the University of Wisconsin System and technical college districts.

“Service recipient” means any industry, business, private educational institution, public educational institution or local governmental body receiving services from a district pursuant to a contract.

When a Contract Is Required

A contract is required and is subject to the reporting requirements of Administrative Rule TCS 8 if one or more of the following criteria are met:

- The course or program is not open or formally advertised to the general public that would be eligible to participate in the course or program.
- The course or section is developed or modified specifically for the service recipient.
- The course or section is created solely in response to a specific request by the service recipient and is not open to the general public.

Types of Contracts

Contracts under s.38.14 (3), Wis. Stats. are limited to the types of activities outlined below:

- Customized instruction – Any contract intended to provide instruction resulting in the submission of course records to the system office under the Client Reporting System. All instruction must be done under system office approved course numbers.
- Technical assistance – Non-instructional activities (non-credit generating) which help a service recipient accomplish an organizational purpose, goal or mission. Examples of this are the design of a production line or employee testing.
- Fiscal and management services – Contract activities of a fiscal or management nature which are not intended to result in the service recipient acquiring the skills necessary to conduct these activities in the future. Examples are bookkeeping, accounting and data processing. Such services cannot be provided to business and industry or provided out of state. However, these services can be provided to public and private educational institutions, Wisconsin local government units, the state of Wisconsin, and the federal government.
• Foreign services contracts – contracts for services provided to foreign students and a subcontracting relationship with a foreign government where the ultimate source of funding is a foreign government.

**College Employees Performing a Contracted Service**

College employees performing a contracted service shall be under the supervision of College administration. Accordingly, such employees are subject to all College and WTCS Board policies and procedures, statutes, and administrative rules, including certification requirements of the WTCS Board.

No employee of the College may receive any additional salary, benefits, or reimbursement for expenses based on work performed in the delivery of a contract for services where that employee is currently being compensated by the College for that work under existing conditions of hire with the College.

**Service Delivery Plan**

The College shall have a written service plan consistent with WTCS Board Policy #321, Economic Development, which includes the following:

• A needs assessment process identifying potential service recipients and their training needs.

• An assessment of the College’s training delivery capability to meet client needs taking into consideration the finite College resources and the availability of staff.

• Identification of other potential service providers in the District.

• A strategy for service delivery, including prioritized educational services to be provided by the College under contracts, consideration of the availability and ability of other service providers to meet client needs, and criteria for client selection.

• Provision for service plan review by the College’s private sector relations review committee created under Administrative Bulletin 99-09.

• Targeting of College services to priority training needs.

**Contract Approval**

College personnel authorized to develop and sign contracts for educational services are approved by the Dean of Workforce & Economic Development. An up-to-date listing of authorized personnel is maintained, monitored, and on file in the College Business Office.

Contracts for educational services must be reviewed, approved, and signed by authorized College personnel prior to contract delivery, ensuring the consistent application of College policies and approved pricing.

The Board ratifies all contracts to provide educational services (training and technical assistance) via a summary report at their regular meetings.
Foreign services contracts shall be reviewed by the Dean of Workforce & Economic Development to ensure compliance with state and federal statutes, and WTCS Board policies and administrative rules, as required in WTCS Board policy 320. Copies of all foreign services contracts shall be forwarded to the WTCS Board upon the delivery of the contracted service. The Board will review and ratify foreign services contracts via a summary report at their regular meetings.

Non-Discrimination Certification

As part of every contract service agreement, the service recipient must certify that it does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, ancestry or sexual orientation against:

- Any employee or applicant for employment, in regard to hire, tenure or term, condition or privilege or employment, except where there is a bona fide occupational qualification.

- Any student or any applicant for enrollment in regard to admission or privilege or enrollment.

No district resident on a waiting list to enter a program or course may be displaced by “slotting” an employee or student of a contracting agency into a regularly scheduled course or program.

Contract Pricing and Cost Recovery

Contract pricing for training and technical assistance is reviewed and established annually by the Board for the following academic and fiscal year.

The methodology specified in the WTCS Contracts for Services and Contract Reporting System Manual will be used to determine the full cost of a contract. The Board is provided quarterly reports on contracts not meeting full cost recovery including the estimated full cost of each contract, the amount charged and the rationale for charging less than full cost. The Board is provided the annual report generated by the WTCS Office indicating actual full costs compared to contract revenue.

When contracting for instruction, the College shall charge the service recipient an amount at least equivalent to the uniform program and material fees established under s.38.24 (1m), Wis. Stats. All out-of-state contracts must be priced to recover full cost, as defined by the WTCS Contracts for Services and Contract Reporting Systems Manual, to ensure that no direct or indirect costs associated with the contract are funded by the district.

Exceptions to the Board-approved pricing for training and technical assistance can be made at the discretion of College administration. Any pricing exceptions for clients or donation/consignment agreements resulting in contract pricing exceptions must be reviewed and authorized by the Dean of Workforce & Economic Development before a contract is finalized. In any case, an amount at least equivalent to the uniform program and materials fees established under s.38.24 (1m), Wis. Stats. must be charged to a client in an educational services contract.

All payments received by the College from a contract service recipient will be processed through the College’s Business Office.
Services Provided Outside the District

When contracting with a service recipient located outside the district, but within the state, the College shall follow the current WTCS protocol for delivery of contracted services over college district boundaries. The College shall notify the district where the service recipient is located of the existence of the contract within 30 days of execution of the contract.

New Contract Services

When a new contracted service is being considered by an instructional division or administrative unit, the existence of alternative service providers in the district will be researched and considered. The Board policy on Products and Services Provided by the District must also be carefully reviewed for compliance when considering new contract services.