



Title: CONTRACTS FOR SERVICES	Code B0301
Authority: Wis. Stats. § 38.04(14); 38.14(3); 118.15(2)(a and c); WTCSB Administrative Code, TCS Chapter 8; Board Minutes, 2/16/83; 1/22/85; 1/21/86; 10/25/88; 4/22/91; 7/20/92; 5/24/93; 3/28/95; 11/16/99; 8/22/00; 9/23/03; 12/18/18	Original Adoption: 2/16/83 Revised/Reviewed: 10/26/18 Effective: 12/18/18

Pursuant to the provisions of Wis. Stats. § 38.14 (3) and Chapter TCS 8 of the Wisconsin Administrative Code, the MATC District Board may enter into contracts to provide services to businesses and industries, local governments, public and private educational institutions and under certain conditions to foreign governments and businesses not operating in Wisconsin.

CLASSIFICATION OF CONTRACTS

All contracts for service will be classified as (1) within district; (2) out of district, but within State; and (3) foreign governments or businesses. Contracts will be subject to the following provisions:

A. Within District:

MATC may contract with businesses, industries and other organizations located within its district. The delivery of such services shall be in accordance with an annual business outreach plan. The plan shall be developed on the basis of a needs assessment, an assessment of training capability, the identification of other potential service providers, and the strategy for service delivery.

The pricing of service provided by the district shall be established so as to make every effort to recover 100 percent of direct costs and the administrative costs associated with MATC's Workforce Solutions on an annual aggregate basis. In no case shall the cost recovery on individual contracts be less than an amount equivalent to cover tuition and fees for instructional contracts needing aid. The president or the president's designee have the authority to approve contract pricing at less than 100 percent of direct and administrative cost recovery per Procedure BB0301. In addition, some contract pricing may exceed 100 percent of direct and administrative cost as determined by prevailing market conditions so as to not unfairly compete with other public and private vendors of similar services.



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B. Out of District, But Within State:

MATC may contract with a service recipient located outside the district, but within the State. MATC will notify the President of the district where the service recipient is located of the existence of said contract within 30 days of its initiation. Pricing guidelines for these contracts shall be the same as those established for in-district.

C. Out of District, But Not Operating Within the State:

MATC may contract with a foreign government or any business *that is not operating in this state*, if it demonstrates that the district will receive a direct and measurable benefit from the contract and that the contract will not result in a reduction in the quality of education by the district and if all of the following conditions are met:

1. For contracts with a foreign government, the contract satisfies all the provisions of Policy D0109 (International Programming).
2. The contract meets all of the requirements for a District Board contract.
3. The contract provides for full cost recovery so that no direct or indirect costs, per the WTCS Board prescribed formula, will be funded by the District.
4. The Finance Division will conduct an audit, on at least an annual basis, to determination that no state aids or district tax funds are spent in the execution of the contracts.

CONTRACT DEVELOPMENT AND REVIEW

A review process will be established to ensure consistent application of MATC policies and state regulations. Contracts may be initiated by designated personnel responsible for external contracting activity. Each contract will be assessed for compliance by the president's designee prior to execution. Contracts not subject to 100 percent direct and administrative cost recovery per Procedure BB0301 must have prior approval by the President or his/her designee.



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ASSURANCE OF NON-DISCRIMINATION

The district shall require contractual assurances that the service recipient does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, ancestry, or sexual orientation against:

- A. Any employee or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.
- B. Any student or any applicant for enrollment in regard to admission or privilege of enrollment.

STUDENT DISPLACEMENT

District residents currently on waiting lists to enter MATC programs or courses may not be displaced by "slotting" an employee or student of a contracting party into a regularly scheduled course or program. For purposes of furthering programs federally legislated, such as affirmative action, etc., the district board may approve programs intended to reserve slots as appropriate. Supplementary courses such as establishment of additional sections on a contractual basis is not construed as displacement.

EMPLOYEE RESTRICTIONS

No MATC employee may receive additional salary, benefits or reimbursement for work performed pursuant to a contract for services where the employee is already being compensated for the same work by MATC. Subject to the previous conditions, employees may receive additional salary, benefits, or reimbursement pursuant to a contract for service provided that such employment is consistent with district board Policy C0700 (Employee Code of Ethics).

RECEIPT OF REVENUES

All payments received by the district from a service recipient through a contract for services must be deposited into a district account.



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ALTERNATIVE SERVICE PROVIDERS

MATC shall assure that private sector alternative service providers are given due consideration for fair competition in regard to pricing and service prior to the decision to enter into contracts.

PRIVATE SECTOR PROVIDER COMPLAINT AND APPEALS

Provisions for reviewing and handling private sector complaints are provided in Policy B0501 (Private Sector Use of District Property and Facilities).

- a) MATC shall maintain a written private sector provider complaint and appeal process. The private sector relations committee, as provided for in Policy B0502, shall review disputes with private sector providers, which are forwarded to the district in writing regarding district outreach contracting. The committee shall issue an advisory opinion within 20 days, with a final decision rendered by the district within 30 days after receiving the dispute.
- b) The private sector committee shall refer private sector provider disputes, which are appealed following a decision to the MATC board for final review.

REPORTING

MATC will maintain contracts on file pursuant to Wisconsin Statutes and comply with provisions of Wisconsin Administrative Codes as transmitted by WTCSB. MATC will submit reports in compliance with State Board requirements. All instructional contracts shall be in writing and in the format prescribed by Wisconsin Administrative Code. MATC staff will provide annually to the District Board a summary report of contracting cost recovery as determined by the WTCSB and a summary report of contracting direct and administrative cost recovery.

The MATC District Board shall receive a report of the contracts, which were entered into during the previous quarter for which less than full-cost is being charge. Full cost will be determined employing the methodology specified by the WTCSB. The report shall identify the estimated cost of each contract, the amount charged, and the rationale for charging less than full cost.