

FOLLOW ALL PROCEDURES ON BACK OF THIS FORM

Contract # 230033
Number Assigned by Purchasing Dept.



CONTRACT REVIEW

BOARD MEETING DATE:
12/8/2022
WHEN BOARD APPROVAL IS REQUIRED DO NOT PLACE ITEM ON AGENDA UNTIL REVIEW IS COMPLETED
 Must Have Board Approval over \$100,000.00

Date Submitted: August 25, 2022

Name of Contract Initiator: Ryan Widdowson Telephone #: 904-336-6908

School/Dept Submitting Contract: Academic Services Cost Center # 9106

Vendor Name: Penda Learning

Contract Title: Penda Web-based Instructional Management - Science - add third grade

Contract Type: New Renewal Amendment Extension Previous Year Contract # 210122

Contract Term: Through July 31, 2024 Renewal Option(s):

Contract Cost: \$60,500.44

BUDGETED FUNDS – SEND CONTRACT PACKAGE DIRECTLY TO PURCHASING DEPT
Funding Source: Budget Line # 445.5100369.9106.0000.4910.000.2
Funding Source: Budget Line # _____

NO COST MASTER (COUNTY WIDE) CONTRACT - SEND CONTRACT PACKAGE DIRECTLY TO PURCHASING DEPT

INTERNAL ACCOUNT - IF FUNDED FROM SCHOOL IA FUNDS – SEND CONTRACT PACKAGE DIRECTLY TO SBAO

REQUIRED DOCUMENTS FOR CONTRACT REVIEW PACKAGE (when applicable):

Completed Contract Review Form

SBAO Template Contract or other Contract (NOT SIGNED by District / School) approved contract #210122

____ SIGNED Addendum A (if not an SBAO Template Contract)*

*This Statement MUST BE included in the body of the Contract:
"The terms and conditions of Addendum A are hereby incorporated into this Agreement and the same shall govern and prevail over any conflicting terms and/or conditions herein stated."

____ Certificate of Insurance (COI) for General Liability & Workers' Compensation that meet these requirements:
COI must list the School Board of Clay County, Florida as an Additional Insured and Certificate Holder. Insurer must be rated as A- or better.
General Liability = \$1,000,000 Each Occurrence & \$2,000,000 General Aggregate.
Auto Liability = \$1,000,000 Combined Single Limit (\$5,000,000 for Charter Buses).
Workers' Compensation = \$100,000 Minimum
[If exempt from Workers' Compensation Insurance, vendor/contractor must sign a Release and Hold Harmless Form. If not exempt, vendor/contractor must provide Workers' Compensation coverage].

____ State of Florida Workers Comp Exemption (<https://apps.fldfs.com/bocexempt/>) (If Applicable)

____ COVID-19 Waiver (If Applicable)

____ Release and Hold Harmless (If Applicable)

RECEIVED
AUG 26 2022
PURCHASING

RECEIVED
9/09/2022
SBAO

****AREA BELOW FOR DISTRICT PERSONNEL ONLY ****

CONTRACT REVIEWED BY:	COMMENTS BELOW BY REVIEWING DEPARTMENT
Purchasing Department <u>B78</u> Review Date <u>9/6/2022</u>	<u>Dept Needs Amendment because they are Adding Grade 3 @ \$60,500.44 to the remaining Term through 7/31/2024!!</u> <u>Needs to Go to Board</u>
School Board Attorney <u>B</u> Review Date <u>9/19/22</u> <u>11/1/22</u>	<u>(Need the Amendment)</u> <u>Amendment provided herein & sent to B. Staefe in word format</u>
Other Dept. as Necessary Review Date	
PENDING STATUS: <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, HIGHLIGHTED COMMENTS ABOVE MUST BE CORRECTED BY INITIATOR
FINAL STATUS	<input checked="" type="checkbox"/> APPROVED <u>[Signature]</u> DATE: <u>11.18.22</u>

**AMENDMENT 1 TO THE INDEPENDENT CONTRACTOR SERVICES
AGREEMENT BETWEEN THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA AND
LEARNING 2020, INC. D/B/A/ PENDA LEARNING**

This Amendment 1 to the independent Contractor Services Agreement between the School Board of Clay County, Florida (“SBCC”) and Learning 2020, Inc. DBA. Penda Learning (“Penda” or “Contractor”) collectively referred to as the “Parties”, which original Agreement was entered into on August 5, 2021 by the Chairman of SBCC, shall become effective on the date last executed by either of the parties and shall serve to modify the original Agreement only as set forth herein.

WHEREAS, Penda agreed to provide a science subscription service to SBCC for grade levels four (4) through ten (10), serving a total student population of 20,560 students and on-site professional development for 8 teachers, and

WHEREAS, the Agreement was for a period of three years at a total cost, after discounts, of \$618,425.82 cents, and

WHEREAS, the purpose of the subscription service was to provide cloud based science content including science activities, simulations and grade level assessment activities all of which are designed to remediate and also to accelerate student progress in science, and

WHEREAS, after utilizing the product for a period of time, SBCC has determined that it could best serve its students by providing the program to all third grade students in the district, and

WHEREAS, Penda has proposed making their subscription service available to all third grade students (3022) in the SBCC district for the remaining term of the original Agreement for an additional total cost, after discounts, of \$60,500.44, the details of which proposal are set forth in Exhibit A which is attached hereto,

NOW THEREFORE, the Parties agree to modify the terms of the original Agreement as follows:

1. Penda, in addition to providing their subscription service as set forth in the original Agreement dated August 5, 2021, agrees to provide their cloud based

science content subscription service to all third grade students served by the SBCC throughout the Clay County School District.

2. The provision of the additional services set forth in the previous paragraph shall commence immediately upon full execution of this Agreement by all parties and shall terminate on July 31, 2024, on the same date as the termination of the original Agreement to which this serves as an amendment.

3. The additional cost of adding the additional services set forth in the paragraph numbered 1 and referred to in the previous paragraph shall be \$60,500.44, which amount when added to the full discounted amount of the original Agreement executed on August 5, 2021, (\$618,425.82) shall make the total price of the original Agreement, coupled with the cost of the additional services provided for by this Amendment \$678,926.26.

4. The only effect of this Amendment is to modify the terms of the original Agreement signed by the SBCC Chairman on August 5, 2021, as set forth herein.

5. All other terms and conditions of the original Agreement, together with all attachments to the original Agreement shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties, by the execution of this Amendment by their authorized representatives below, bind themselves to all terms of this Amendment to the original Agreement and to the remaining unmodified terms of the original Agreement.

LEARNING 2020, INC., DBA PENDA

**THE SCHOOL BOARD OF CLAY
COUNTY, FLORIDA**

By: *Brad Baird*
Brad Baird (Nov 18, 2022 10:50 MST)

Brad Baird

Printed Name and Title

Date: Nov 18, 2022

By: *Ashley Gilhousen*

Ashley Gilhousen, School Board of Clay County Chair

Printed Name and Title

Date:

Exhibit A



Penda Learning Subscription Quote

Quote Name	2023 - 2024 Penda Learning District Student Count License Subscription For Grade 3 - All Schools	Created Date	8/24/2022
		Created By	Corey Peloquin
Type	New: District Student Count License	Expiration Date	11/30/2022
Quote Number	00000453		

Prepared For

Clay County District Schools
 900 Walnut St
 Green Cove Springs, FL 32043-3199
 904-336-6908

Contact:
 Ryan Elizabeth Widdowson
 ryan.widdowson@myoneclay.net

Quantity	Product	List Price	Discount	Live Discount	Total Price
3,022.00	Penda Science Student Count Subscription	\$13.00	23.00%	-\$9,035.78	\$30,250.22
3,022.00	Penda Science Student Count Subscription	\$13.00	23.00%	-\$9,035.78	\$30,250.22
		Subtotal		\$78,572.00	
		Discount Total		-\$18,071.56	
		Discount		23.00%	
		Grand Total		\$60,500.44	

Additional Notes

- Subscription of Penda Science through July 31, 2024 to be in-step with existing districtwide Penda implementation, per Clay purchase order # P2201873 **Contract # 210122**
- Based upon enrollment of 3,022 provided by Katie Ruelas on August 18, 2022 for all elementary schools across the district for grade 3 add-on of Penda Science.
- Penda Learning student subscription price of \$13.00 has been volume discounted to \$10.01 per student (\$9,035.78 savings per year x 2 years = \$18,071.56) - approved by Corey Peloquin, 08.18.2022

Subscription Includes

Penda Learning Products - cloud-based digital science content for grades 3-10

- **Align** - content alignment to district scope and sequence by grade, subject, course via Penda pacing assistance service (PAS)
- **Assign** - student activities assigned weekly based on Penda PAS alignment
- **Assess** - automated reporting as follows:
 - Weekly Assignment Mastery Reports, Late Assignment Reports, and teacher Class Mastery Reports by student delivered via email to teachers that support data-driven instruction and RTI
 - Monthly School Administrator Reports and Grade-Level Mastery Reports delivered via email to school administrators that support data-driven instruction
- **Achieve** - Penda features/functionality that support research-based best teaching practices
 - Data-Driven Instruction – weekly automated Class Mastery Reports sent to teachers via email
 - RTI (All Tiers) – intervention group feature, ability to assign activities to whole class (Tier 1), intervention group (Tier 2), or individual student (Tier 3), advanced report filters for intervention groups, and school achievement gap classifications (lower quartile, ELL, SED, SWD, ethnicity)

- Differentiated Instruction -- Penda Activity Builder tool allows teachers to create custom activities or tailor existing activities to differentiate instruction (content, product, process).

Penda Learning Services:

◦ **Technical Services:**

- Single sign-on via Clever or ClassLink
- Auto data rostering via OneRoster or ClassLink
- Immersive reader (with read-aloud capability)
- Language translator (60+ languages available and read-aloud capability in native language)
- Canvas LMS or Schoology LMS integration via LT1 1.3 Advantage

◦ **Implementation & Support Services:**

- Professional partnership planning session
- Teacher and administrator access to on-demand professional development video library
- Dedicated ongoing customer support

Learning 2020, Inc. DBA Penda Learning
P.O. Box 7505
Loveland, CO. 80537
888-919-0404
www.pendalearning.com

LEARNING 
High Quality Content for Exceptional Learning