

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 8 – J
DATE: June 26-28, 2018

SUBJECT

Joint Powers Agreement Amendment – SDSU & Dept. of Agriculture

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

The South Dakota Department of Agriculture (DOA) entered into a joint powers agreement with South Dakota State University (SDSU) to fund a graduate student. The student will complete a two-year study to collect and analyze data and prepare a report covering the efficacy and cost-benefit analysis of the direct and indirect actions on mountain pine beetle infestation rates and tree mortality versus the no action alternative. This research project was approved by the Board at its [March/April 2016](#) meeting. The graduate student working on the project had to leave campus for a year, which delayed the conclusion of the project. The graduate student has remained in contact during his hiatus and is returning to campus, and is now ready to finish out the project. As such, the parties now wish to amend to the agreement as set forth in Attachment I, to change the end date from September 30, 2018 to September 15, 2019.

BOR Policy 5:3 (“Contracts Requiring Board Action...D. Joint powers agreements”), requires Board approval of Joint Powers Agreements (JPA), to include any subsequent amendments or addendums thereto. As such, Board approval of the amendment to the JPA set forth in Attachment I is necessary.

IMPACT AND RECOMMENDATION

The proposed amendment will allow the project to move forward in a timeframe that is manageable and agreeable to all parties.

Staff recommends approval.

DRAFT MOTION 20180626_8-J:

I move to approve the amendment to the Joint Powers Agreement set forth in Attachment I.

**ADDENDUM TO MANAGEMENT OF A MOUNTAIN PINE BEETLE OUTBREAK
VERSUS THE NO ACTION ALTERNATIVE: AN ANALYSIS
JOINT POWERS AGREEMENT**

The parties to the above referenced document hereby agree to amend the Management of a Mountain Pine Beetle Outbreak Versus the No Action Alternative: An Analysis Joint Powers Agreement by altering the following paragraph of the above agreement. All other terms, conditions, and amendments remain the same.

In Section I General Provisions, paragraph 2, change the end date from 30th Day of September 2018 to 15th Day of September 2019:

I. General Provisions:

2. SDSU services under this Agreement shall commence on May 1, 2016, and end on the 15th Day of September 2019, unless terminated pursuant to terms hereof.

By affixing their signatures below, all parties agree to the amendment to extend this agreement. This addendum will become effective upon receipt of signatures of both parties.

SDDA

By: _____ Date: _____
Mike Jaspers, Department Secretary

And By: _____ Date: _____
William Smith, Director

SDSU

By: _____ Date: _____
James Doolittle, Associate VP Research Assurance and Sponsored Programs