

REQUEST FOR PROPOSAL (RFP)
RFP #GT-15
NEW YORK STATE EDUCATION DEPARTMENT

Title: EFFECTIVE TEACHER AND PRINCIPAL PRACTICE VIDEO PRODUCTION

The New York State Education Department (NYSED) is seeking proposals for the production of a video resource library that will serve as a professional development resource for educators across the State. As a Race to the Top winner, the New York State Education Department is implementing a reform agenda that requires major shifts in teacher and leader practice. NYSED seeks a video production partner to select representative highly effective educators and leaders working across the state, prepare them for filming, and produce hundreds of high-quality video clips. The resulting video library will provide:

- Professional development aligned to the NYS [Common Core State Standards](#) on the effective implementation of lesson plans in various grades and subjects, in English language learner (ELL) programs, special education programs including, self-contained, and co-teaching classrooms, and with an emphasis on successful practice with over-age under-credited students, African-American and Latino adolescent males, and girls in science and math classrooms;
- Footage and reflections of what effective teaching looks like, specifically in alignment with the New York State Teaching Standards and New York State approved [rubrics](#);
- Footage and reflections of what effective school leadership looks like, specifically in alignment with the Interstate School Leaders Licensure Consortium (ISLLC) standards and New York State approved [rubrics](#);
- Footage of developing teachers and principals to be used for training purposes; and
- Highlights of highly effective teaching/leadership techniques and strategies within the videos.

The eligible applicants for a video production partner for this RFP may include but are not limited to: not-for-profit and for-profit organizations, companies or agencies with demonstrated experience in creating, filming, and producing high-quality short films. Eligible applicants with demonstrated experience in the development and implementation of projects with similar vision and scope are strongly preferred.

NYSED will award **one** contract pursuant to this RFP. The contract resulting from this RFP will be for a term beginning **March 30, 2012** and ending March 31, 2014.

Subcontracting will be limited to **50%** of the annual contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel. Bidders are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) participation goals. The goals are **12%** Minority Business Enterprise (MBE) and **8%** Women-Owned

Business Enterprise (WBE). Please see the section on M/WBE Mandatory Requirements for information regarding NYSED's Minority/Women-Owned Business Enterprise Procurement Policy.

Service Area: Entire state of New York

Mandatory Requirements: See Mandatory Requirements section of the RFP.

Components contained in RFP #GT-15:

1. Description of Services to be Performed
2. Submission Procedures
3. Evaluation Criteria and Method of Award
4. Assurances
5. Submission Documents (separate document)

Timetable:

| Activity | Date |
|--|------------|
| Release of RFP | 12/20/2011 |
| Final Date for Registration to Bidder's Conference | 1/5/2012 |
| Bidder's Conference | 1/12/2012 |
| Final Date for Receipt of Questions | 1/14/2012 |
| Official Responses to Questions | 1/21/2012 |
| Proposal Received Date / RFP Close | 1/30/2012 |
| Projected Contract Start Date | 3/30/2012 |
| Projected Contract End Date | 3/31/2014 |

There will be a pre-proposal bidder's conference for this RFP on January 12, 2012 at 2:00 pm – 3:30 pm EST. While not a mandatory requirement for purposes of submitting proposals, all interested bidders should consider attending this conference because critical project information will be shared followed by a question and answer period. The bidder's conference will be held as an *Illuminate* webinar. Bidders must pre-register for the webinar by sending an email to:

VIDEORFP@mail.nysed.gov by 12:00pm on **1/5/12** with the Subject: Bidders Webinar Reservation.

Once the email is received, directions and a link for the webinar will be sent to you. **IMPORTANT**

NOTE: Go to the following website to check the minimum computer requirements at least one day before the scheduled webinar: <http://www.illuminate.com/Support/?id=62/>. Downloads may be required for successful connection to the webinar. The webinar, and all questions and answers resulting from it, will be posted on the NYSED Race to the Top [website](#).

Questions regarding the RFP must be submitted by E-mail to videorfp@mail.nysed.gov no later than the close of business **1/14/12**. Questions regarding this request should be identified as

Program, Fiscal or M/WBE. A Questions and Answers Summary will be posted to <http://usny.nysed.gov/rttt/rfp/> no later than the close of business on **1/21/12**.

| <u>Program Matters</u> | <u>Fiscal Matters</u> | <u>M/WBE Matters</u> |
|---|---|---|
| John Brock | Lynn Caruso | Joan Ramsey |
| Email address videorfp@mail.nysed.gov | Email Address videorfp@mail.nysed.gov | Email Address videorfp@mail.nysed.gov |

The following documents must be submitted in separately sealed envelopes, as detailed in the Submission section of the RFP, and be received at NYSED no later than **January 30, 2012 by 3:00 PM:**

1. Technical Proposal: Six (6) hard copies, one bearing an original signature in blue ink. Label envelope **Technical Proposal: RFP #GT-15 Do Not Open**
2. Cost Proposal—Three (3) copies (one bearing an original signature in blue ink) submitted in a separate sealed envelope labeled **Cost Proposal - RFP #GT-15 Do Not Open**
3. M/WBE Documents—Three (3) copies (one bearing an original signature in blue ink) in a separate sealed envelope labeled **M/WBE Documents - RFP #GT-15 Do Not Open**
4. Submission Documents CD-ROM: One (1) copy of the technical, cost, and M/WBE proposals must also be submitted in a ".doc" format (Microsoft Word) on a single CD-ROM . Please include it in a separate envelope labeled **Submission Documents CD-ROM: RFP #GT-15 Do Not Open.**
5. Sample Videos CD-ROM: Six (6) CD-ROM's, each featuring three (3) sample videos in ".mp4" format. Please include all 6 CD-ROMs in a separate envelope labeled **Sample Videos CD-ROMs: RFP #GT-15 Do Not Open.**

The mailing address for all the above documentation is:

NYS Education Department
 Bureau of Fiscal Management
 Attn: Lynn Caruso, RFP#GT-15
 Contract Administration Unit
 89 Washington Avenue, Room 505W EB
 Albany, NY 12234

(Facsimile copies of the proposals are NOT acceptable)

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PURPOSE

The purpose of the Effective Teacher and Principal Practice Video Production RFP is to create and provide a high-quality video resource library that will serve as a professional development resource for educators. NYSED seeks to capture teacher and principal practices within all subject areas in a variety of grade and subject configurations, with a particular focus on educators working in high-need schools, and with students seeking a General Educational Development (GED) credential, students performing below grade level, over-age under-credited students, African-American and Latino adolescent males, girls in science and math classrooms, English language learners, and students with disabilities. With these videos, NYSED anticipates that educators will have the opportunity to watch the videos for training purposes, as well as to put into practice teaching methods demonstrated by their highly effective colleagues from across the state. Individual teachers and school leaders will be able to benefit from video clips that tie to their specific professional growth needs.

Note: For additional information, see Attachment A: Additional Background Information.

DEFINITIONS

Boards of Cooperative Educational Services (BOCES)

A public organization that provides shared educational programs and services to component school districts as a formally recognized middle or intermediate unit in New York State's public education system. There are currently 37 BOCES in New York State.

Commissioner

The Commissioner is the chief executive officer of the New York State Education Department and president of the University of the State of New York.

Common Core State Standards (CCSS)

The New York State P-12 Common Core Learning Standards featured on the EngageNY website, <http://engageny.org/resource/new-york-state-p-12-common-core-learning-standards/>.

Data Driven Instruction (DDI)

An inquiry-based approach to improving student learning throughout the year through analysis of data and action planning for improved instruction.

Educator

Solely for the purposes of this RFP, educator refers to both principals and teachers.

English Language Learner (ELL)

An English Language Learner is a student who meets the definition of Section 154.2(a) of the Regulations of the Commissioner.

Highly Effective

For the purposes of this RFP, highly effective means a teacher who is performing at a higher than average level, based on factors such as prior evaluations, student performance or growth on State assessments or other comparable measures, classroom observations and/or other appropriate indicators.

Institutions of Higher Education (IHE)

Public or private institutions of higher education, or systems of higher education institutions if the proposal identifies the specific institutions that will participate and their respective roles in the project.

Local Education Agency (LEA)

Solely for the purposes of this RFP, an LEA is defined as a public school district as defined in Title 2 of the NYS Education Law.

Network Teams

A regionally-selected group of education leaders through which NYSED provides additional professional development capacity in instruction, curriculum, and data to the district leaders, school leaders, and teachers charged with affecting needed change at the school and classroom level. Network teams are tasked with differentiating and providing turnkey NYSED training on New York's four Race to the Top Assurance Areas (standards and assessments, data systems, great teachers and leaders, and school turnaround) and driving a cultural change in schools through professional development – particularly around implementation of the Common Core, Data Driven Instruction/School Based Inquiry, and Teacher/Leader Effectiveness.

SECTION I: DESCRIPTION OF SERVICES TO BE PERFORMED

WORK STATEMENT AND SPECIFICATIONS

This section of the bid package details the services and products to be acquired. Please note that the contract process also includes general New York State administrative terms and conditions, as well as terms and conditions required by New York State law. These terms and conditions address issues related to both the submission of bids and any subsequent contract; they are included separately in this bid package for your information. Please review all terms and conditions.

The successful bidder must provide video production services with an instructional coaching component to successfully fulfill 5 video deliverables outlined in subsequent sections of this RFP. **Bidders should note that the instructional coaching component weighs heavily in scoring.** NYSED will allow a subcontract for the instructional coaching component to the extent it is permitted in the Mandatory Bid Requirements, paragraph 3. In all circumstances, however, NYSED expects that the video production partner will be the primary contractor throughout the entire duration of services required. NYSED will make only one award.

VIDEO PRODUCTION SERVICES

NYSED seeks a video production partner that will produce a groundbreaking video library that will serve as a professional development tool for educators and leaders across the state. **The video production company must be able to start the project immediately upon approval of the contract by the NYS Office of the State Comptroller (OSC).**

The selected video production vendor will:

1. Provide an executive producer to oversee production;
2. Provide a project coordinator who will coordinate all schedules and project logistics and serve as the NYSED point person throughout the project;
3. Provide a direct liaison for district and school personnel, which may or may not be the project coordinator;
4. Provide a minimum of five instructional coaches with demonstrated experience working in education settings and at least one coach with experience working with English language learners and one with experience working with students with disabilities. Coaching experience advising on best practices for creating video for professional development preferred but not required. Coaches will:
 - a. Fulfill the NYSED-supplied process (based on a state-approved rubric) for selecting potential teachers, principals and classrooms to film for this project and present selections to NYSED for final approval;
 - b. Create Common Core-aligned lesson plans and accompanying assessments and provide to teachers selected for filming;
 - Lesson plans must also integrate scaffolding resources for ELL students based on research-based pedagogical practices that develop their academic language, such

as the integration of language and content knowledge and the use of native language where feasible

- Lesson plans supplied by selected teachers, if Common Core-aligned in the manner described throughout this RFP, may be used.
- c. Gather sample student work resulting from the Common Core aligned lesson for interview discussion as necessary;
 - d. Prepare teachers to implement Common Core aligned lesson plans;
 - e. Apply the rubric used at each school selected for the video (NYSED-approved rubrics used may vary based on school) to assess teachers and direct production toward key aspects of the teacher's practice to focus on during pre- and post-classroom observation interviews with the observed teacher;
 - f. Apply the rubric used at each school selected for the video (NYSED-approved rubrics used may vary based on school) to assess principals and direct production toward key aspects of the principal's practice to focus on during pre- and post-school observation interviews with the observed principal;
 - g. Provide content and instructional vision, including script assistance where necessary, for all videos based on and described in the Video Content section and tables included in this RFP; and
 - h. Assist with prepping teachers and students for filming.
5. Upon being supplied a list of interested districts and schools from NYSED, follow up with them immediately to secure partnerships and coordinate all logistics for prep and filming;
 6. Select classrooms and educators to film (subject to NYSED approval);
 7. Manage all activities relating to, and enforce 100% compliance with, all participating adults and students completing appropriate media releases (the form of which are subject to NYSED prior review and approval), and submitting releases to NYSED prior to any scheduled video filming;
 8. Prepare schools and classrooms for filming (including teachers and students) so shoots occur on schedule, and all staff and students have a chance to adequately prepare so they are relaxed when in front of the camera. Such preparations may include, but are not limited to: scout the location prior to the day of filming in order to establish the best filming location(s) and assess potential problems (e.g., loud equipment, lighting of rooms); advise on appropriate clothing and/or provide back-up options; alter the physical environment of the classroom (e.g., move desks, address lighting issues); conduct a dry-run and/or rehearse the lesson with the teacher and/or students;
 9. Film educators and students in classrooms;
 10. Provide NYSED with unedited raw footage and rough cuts of all filming sessions for NYSED to save, review and otherwise use without limitation at any point during and after fulfillment of the contract.
 11. Provide scripts for film participants where applicable;
 12. Provide transcripts/notes of capture footage;
 13. Provide subtitles for any speaker who cannot be heard distinctly on audio;
 14. Create video platform during production and editing that NYSED staff can access for review and approval of videos produced, with the expectation that NYSED will require up to 2 weeks to approve videos;

15. Create video with technical specifications that are compatible with common video formats used in publicly-available hosted sites such as YouTube and Vimeo. These formats would include, but not be limited to the following formats: .mp4, .mov, .wmv and the following resolutions: 1080p, 720p, 480p;
16. Edit to final production professional grade copy and upload to the video hosting site that NYSED specifies, including but not limited to the NYSED's accounts on Vimeo and YouTube;
17. Integrate closed-captioning into videos;
18. Apply metadata tags to all delivered video content. These tags will be aligned with the Common Core State Standards and are required to follow a convention to be determined by NYSED, including, but not limited to the standard adopted by the Learning Resource Metadata Initiative (www.lrmi.net);
19. Provide summary descriptions of videos; and
20. Upload clips to designated storage area.

NYSED ROLE

In support of this project NYSED will:

- Provide a NYSED project manager to oversee the project and serve as a liaison with the vendor;
- Generate a list of potential districts targeted for participation;
- Make initial contact to potential target districts to solicit participation;
- Supply the successful bidder with a list of districts who have indicated an interest in participation and satisfy varieties in school type (urban, suburban, rural, etc.) for the vendor to contact immediately once the contract is awarded (in order to facilitate an immediate start to this project);
- Create and supply to vendor a process and set of criteria for selecting potential teachers, principals and classrooms to film for this project;
- Review and approve the vendor's selection of teachers, principals and classrooms to be filmed within 2 weeks of receipt from the vendor;
- Review and approve the Common Core aligned lesson plans created by the successful bidder within 2 weeks of receipt from the vendor ;
- Review and approve intended film content and key items to capture within 2 weeks;
- Provide a secure server to upload all content;
- Provide direction during the editing process through reviewing edited and partially edited materials;
- Provide a secure link and password log-in to the [EngageNY](https://www.engageNY.org/) online platform to educators and coaches where they will be able to find clips by browsing and using keyword searches; and
- Serve as the final decision maker and approve and/or require changes on all final products.

DELIVERABLES

This RFP will result in 5 video deliverables for NYSED, collectively referred to as the “Video Library”, to be explained in the following tables and sections. NYSED reserves the right to a 1 month review and approval period of for all completed deliverables upon receipt from the vendor.

DELIVERABLE OVERVIEW TABLE

This table is the basis for all vendor cost estimates.

A total of 15-30 schools will be used for filming all deliverables, including filming in at least 3 schools (one each of elementary, middle, high school) in each of 5 regions throughout New York State identified in Attachment B. NYSED reserves the right to change the relative priority of deliverables.

| | Deliverable | Relative Priority of Deliverable | Required # of Videos | Minimum # Minutes per Completed Video | Maximum # Minutes per Completed Video |
|----------------------|--------------------------------|----------------------------------|----------------------|---------------------------------------|---------------------------------------|
| 1 | Common Core Videos | 1 | 100 | 40 | 50 |
| 2 | Teacher Practice Videos | 2 | 227 | 4 | 15 |
| 3 | Principal Practice Videos | 3 | 135 | 4 | 15 |
| 4 | Data Driven Instruction Videos | 4 | 30 | 4 | 15 |
| 5 | Common Core Studio Talk | 5 | 24 | 11 | 20 |
| VIDEO LIBRARY | | TOTAL: | 516 | N/A | N/A |

For the purposes of bidding for this RFP:

Deliverables 1 – 4: Vendors should budget for filming in 15-30 schools to capture all footage required to make the 492 videos for Deliverables 1 – 4 (not including the Documentary episodes and Studio Talk videos). For example, two days of filming at one school could provide a full-length Common Core model lesson video, as well as multiple long and short form clips of teacher and principal practice aligned to specific rubric standards and a focus on data driven instruction, all from one highly effective teacher and principal, or from a number of highly effective educators and principals. For the purpose of the bid, all applicants should consider the filming of each video to be new footage and not edited version(s) from other videos; e.g., the same footage used in a Common Core video should not be used for a Teacher Practice video.

Deliverable 5: Vendors will estimate 5 non-consecutive days of filming in an NYSED-approved professional studio setting over the course of 1 year to produce 24 studio talk videos. The vendor will coordinate the identified, pre-selected “Studio Talk” participants’ shared studio time scheduling. The vendor will organize and provide travel to and from the studio for each “Studio Talk” participant. Filming will occur between June 30, 2013 and September 30, 2013

Probable “Studio Talk” participants include the Commissioner, NYSED staff, Common Core writers, relevant student group experts, and teachers. Framing points and prompts will support discussing Common Core, differentiated instruction, and implications for specific student groups (with a particular focus on over-age under-credited students, students performing below grade level, African-American and Latino adolescent males, students performing below grade level, English language learners (ELLs), and students with disabilities).

The vendor will provide NYSED a detailed framing of each segment, including moderator prompts and discussion points for each video by April 30, 2013 for NYSED approval.

NYSED expects all videos will have professional-grade production features including, but not limited to, the following components where appropriate:

- Wide and tight shots, including focus on details such as what the teacher is writing on the board, work and items posted on the walls around the classroom, and specific student work in the classroom;
- Narration through an entire scene or sequence;
- Voice-over at key moments;
- Short interviews with teachers and students; and
- Screen cues.

DELIVERABLE MILESTONE TABLES

Deliverables 1 – 4: Common Core, DDI, Teacher and Principal Practice Videos

| Milestone Date | June 30, 2012 | December 31, 2012 | June 30, 2013 | December 31, 2013 | March 31, 2014 |
|----------------|---|---|---|---|---|
| Work | <p>4 specific videos completed:</p> <p>Common Core: 2 videos total: <u>Video #1:</u> Topic – Common Core Shifts, Subtopic – Text Based Answers, Grade Band – High School <u>Video #2:</u> Topic – Common Core Shifts, Subtopic – Deep Understanding, Grade Band – Elementary</p> <p>DDI: 2 videos total: <u>Video #1:</u> Subject – ELA, Grade Band – Elementary <u>Video #2:</u> Subject – Math, Grade Band – Middle</p> | <p>Video count “batches” will be as follows:</p> <p>September 30, 2012: 3 total Common Core, 2 total DDI, 11 total Teacher Practice, and 7 total Principal Practice Videos completed.</p> <p>November 16, 2012: 5 total Common Core, 3 total DDI, 16 total Teacher Practice, and 9 total Principal Practice videos completed.</p> <p>December 31, 2012: Complete video counts as follows: 7 total Common Core, 6 total DDI, 45 total Teacher Practice, and 27 total Principal Practice videos completed.</p> | <p>Video count “batches” will be as follows:</p> <p>March 31, 2013: 9 total Common Core, 11 total DDI, 79 total Teacher Practice, and 47 total Principal Practice videos completed.</p> <p>June 30, 2013: Complete video counts as follows: 11 total Common Core, 15 total DDI, 114 total Teacher Practice, and 68 total Principal Practice videos completed.</p> | <p>Video count “batches” will be as follows:</p> <p>September 30, 2013: 17 total Common Core, 21 total DDI, 159 total Teacher Practice, and 95 total Principal Practice videos completed.</p> <p>November 16, 2013: 25 total Common Core, 24 total DDI, 182 total Teacher Practice, and 108 total Principal Practice videos completed.</p> <p>December 31, 2013: 45 total Common Core, AND 100% of DDI, Teacher and Principal Practice Videos completed.</p> | <p>Video count “batch” will be as follows:</p> <p>March 31, 2014: 100 total (100%) Common Core Videos completed.</p> |
| Payment | <p>Quarterly payments will be based on the corresponding bid price per video for Deliverables 1 - 4 and multiplied by the actual number of videos completed and accepted by NYSED by this date. Quarters, according to the NYSED fiscal year, are as follows: June 30th, September 30th, December 31st, March 31st. FOR ALL VIDEO DELIVERABLES, COMPLETION INCLUDES EDITING, PROVIDING IN DESIRED FORMAT(S), AND FINAL APPROVAL BY NYSED.</p> | | | | |

Deliverable 5: Common Core Studio Talk Videos

| Milestone Date | August 30, 2013 | December 31, 2013 |
|----------------|--|--|
| Work | Completion of 12 total Common Core Studio Talk Videos. | Completion of 24 total Common Core Studio Talk Videos. |
| Payment | <p>Quarterly payments will be based on the bid price per video for Deliverable 5 and multiplied by the actual number of videos completed and accepted by NYSED by this date. Quarters, according to the NYSED fiscal year, are as follows: June 30th, September 30th, December 31st, March 31st. FOR ALL VIDEO DELIVERABLES, COMPLETION INCLUDES EDITING, PROVIDING IN DESIRED FORMAT(S), AND FINAL APPROVAL BY NYSED.</p> | |

Other Milestone Tables: QUARTERLY TRAVEL REIMBURSEMENT

Quarterly Travel Reimbursement

| Milestone Date | 1 st Quarter June 30 | 2 nd Quarter September 30 | 3 rd Quarter December 31 | 4 th Quarter March 31 |
|----------------|---|---|---|---|
| Work | Reimbursable travel | Reimbursable travel | Reimbursable travel | Reimbursable travel |
| Payment | 100% of Reimbursable travel expenses upon approval from NYSED | 100% of Reimbursable travel expenses upon approval from NYSED | 100% of Reimbursable travel expenses upon approval from NYSED | 100% of Reimbursable travel expenses upon approval from NYSED |

Travel expenses should not be included in the cost per video deliverable but should be budgeted as a total travel cost for all days of filming, and any other pre- and post-filming travel necessary, to complete the work of this project. Payment will be made quarterly for actual and approved expenses incurred at NYS rates with appropriate documentation.

VIDEO CONTENT TABLES

Regardless of whether specified in these tables, particular focus (but not exclusive focus) of video library will be on educators working in high-need schools, students seeking a General Educational Development (GED) credential, students performing below grade level, over-age under-credited students, African-American and Latino adolescent males, girls in science and math classrooms, English language learners, and students with disabilities.

1. Common Core Videos (100 total)

| <i>Common Core Videos (45 minute length):</i> | | | | | |
|---|--------------------------------------|--|---|------------------|---|
| <i>Teachers and students in classrooms giving/receiving complete common core aligned model lessons.</i> | | | | | |
| Subject | Target Student Groups/Topics | Subtopic | Grade Band | Number of Videos | |
| ELA | 6 Common Core Shifts | <ul style="list-style-type: none"> Balancing Informational and Literacy Text (Pk-5) | Grades K-5 | 3 | |
| | | | Grades 6-8 | 1 | |
| | | <ul style="list-style-type: none"> Building Knowledge in the Disciplines (6-12) | Grades 9-12 | 1 | |
| | | | <ul style="list-style-type: none"> Staircase of Complexity <ul style="list-style-type: none"> Including examples of effectively using grade level text in combination with leveled text, and scaffolding | Elementary | 2 |
| | | | | Middle | 2 |
| | | <ul style="list-style-type: none"> Text-Based Answers | High | 2 | |
| | | | Elementary | 2 | |
| | | | Middle | 2 | |
| | | | | High | 2 |

Common Core Videos (45 minute length):

Teachers and students in classrooms giving/receiving complete common core aligned model lessons.

| Subject | Target Student Groups/Topics | Subtopic | Grade Band | Number of Videos |
|--------------------------------------|---|------------------------|-----------------------|------------------|
| | | • Writing From Sources | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Academic Vocabulary | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | ELLs ¹ | | A combination of K-12 | 2 |
| | Students Performing Below Grade Level | | A combination of K-12 | 2 |
| | Students with Disabilities ² | | A combination of K-12 | 2 |
| | Students Performing Above Grade Level | | A combination of K-12 | 2 |
| Mathematics | 6 Common Core Shifts | • Focus | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Coherence | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Fluency | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Deep Understanding | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Applications | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | | • Dual Intensity | Elementary | 2 |
| | | | Middle | 2 |
| | | | High | 2 |
| | ELLs | | A combination of K-12 | 2 |
| | Students Performing Below Grade Level | | A combination of K-12 | 2 |
| Students with Disabilities | | A combination of K-12 | 2 | |
| Student Performing Above Grade Level | | A combination of K-12 | 2 | |
| Arts | All students | | A combination of K-12 | 3 |
| Science | All students | | A combination of K-12 | 3 |

¹ Vendor will produce ELL videos in a combination of ESL, bilingual and dual language programs in the state; NYSED intends to include schools with such programs in the list of interested schools.

² Vendor will produce videos focusing on students with disabilities in a combination of self-contained and integrated classes and NYSED will select schools with such classes.

Common Core Videos (45 minute length):

Teachers and students in classrooms giving/receiving complete common core aligned model lessons.

| Subject | Target Student Groups/Topics | Subtopic | Grade Band | Number of Videos |
|-----------------------|---------------------------------------|----------|-----------------------|------------------|
| | ELLs | | A combination of K-12 | 1 |
| | Students Performing Below Grade Level | | A combination of K-12 | 1 |
| | Students with Disabilities | | A combination of K-12 | 1 |
| | Student Performing Above Grade Level | | A combination of K-12 | 2 |
| Social Studies | All students | | A combination of K-12 | 3 |
| | ELLs | | A combination of K-12 | 1 |
| | Students Performing Below Grade Level | | A combination of K-12 | 1 |
| | Students with Disabilities | | A combination of K-12 | 1 |
| | Student Performing Above Grade Level | | A combination of K-12 | 2 |
| Total | | | | 100 |

2. Teacher Practice Long and Short-form Clips (227 total)

Short and Long Form Teacher Practice Videos (4 to 15 minute length):

Video of outstanding teachers in classrooms and preparing for lessons. Demonstrate and/or interview teachers about their practice and specific teaching techniques and strategies including setting student learning objectives and ongoing data-driven instruction, assessments, student work samples, classroom routines and norms, exemplars that demonstrate key aspects of the New York Teaching Standards and/or State approved rubrics, and exemplars of the implementation of Common Core lessons. NYSED reserves the right to further refine this list to highlight specific and granular practices within each standard that are the most important to the advancement of student learning (e.g., questioning techniques, specific classroom management practices, effective use of student grouping, scaffolding, setting student learning objectives).

| Teaching Standards | Grades | Subjects & Target Groups | Number of Videos |
|---|--------|----------------------------|------------------|
| Knowledge of Students and Student Learning | K-12 | ELA | 3 |
| | | Mathematics | 3 |
| | | Science | 3 |
| | | Social Studies | 3 |
| | | Arts | 3 |
| | | ELLs | 2 |
| | | Students with Disabilities | 2 |
| Knowledge of Content and Instructional Planning | K-12 | ELA | 3 |
| | | Mathematics | 3 |
| | | Science | 3 |
| | | Social Studies | 3 |
| | | Arts | 3 |
| | | ELLs | 2 |
| | | Students with Disabilities | 2 |
| Instructional Practice | K-12 | ELA | 10 |
| | | Mathematics | 10 |
| | | Science | 10 |
| | | Social Studies | 10 |
| | | Arts | 10 |
| | | ELLs | 5 |
| | | Students with Disabilities | 5 |
| Learning Environment | K-12 | ELA | 10 |

| | | | |
|---|------|----------------------------|------------|
| | | Mathematics | 10 |
| | | Science | 10 |
| | | Social Studies | 10 |
| | | Arts | 10 |
| | | ELLs | 5 |
| | | Students with Disabilities | 5 |
| Assessment for Student Learning | K-12 | ELA | 5 |
| | | Mathematics | 5 |
| | | Science | 5 |
| | | Social Studies | 5 |
| | | Arts | 5 |
| | | ELLs | 3 |
| Professional Responsibilities and Collaboration | K-12 | Students with Disabilities | 3 |
| | | ELA | 3 |
| | | Mathematics | 3 |
| | | Science | 3 |
| | | Social Studies | 3 |
| | | Arts | 3 |
| Professional Growth | K-12 | ELLs | 2 |
| | | Students with Disabilities | 2 |
| | | ELA | 3 |
| | | Mathematics | 3 |
| | | Science | 3 |
| | | Social Studies | 3 |
| Total | | | 227 |

3. Principal Practice Long and Short-form Clips (135 total)

Short and Long Form Principal Practice Videos (4 to 15 minute length):

Video of principals in schools, classrooms, and preparing for their daily activities. Video of principals and teachers in one-on-one and grade/team meeting sessions. Video of principal and leadership cabinet. Video of principals observing, evaluating, and coaching teachers. Interviews with principals about their practice and strategies, with a focus on data driven instruction.

| Leader Standards | Special Emphasis | School Configuration | Target Groups | Number of Videos |
|--|--|----------------------|----------------------------|------------------|
| Promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders. | <ul style="list-style-type: none"> Principal reflection on strategy, vision, and rationale for programs/ initiatives Setting, monitoring, and attaining ambitious and measurable goals Use of data to develop and communicate | Elementary | All students | 5 |
| | | | ELLs | 3 |
| | | | Students with Disabilities | 3 |
| | | | High poverty | 3 |
| | | Middle | All students | 5 |
| | | | ELLs | 3 |
| | | | Students with Disabilities | 3 |
| | | | High poverty | 3 |
| | | High | All students | 5 |
| | | | ELLs | 3 |
| | | | Students with Disabilities | 3 |
| | | | | |

| | | | | | | |
|--|---|--|---|------------|--------------|---|
| | progress toward school goals and vision | | High poverty | 3 | | |
| Promotes the success of every student by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth. | <ul style="list-style-type: none"> • Observation of teachers • Evaluation of teachers • Principal coaching and feedback sessions • Leading professional development sessions • Setting goals, planning, analyzing and using data, and monitoring | Elementary | All students | 9 | | |
| | | | ELLs | 3 | | |
| | | | Students with Disabilities | 3 | | |
| | | | High poverty | 5 | | |
| | | Middle | All students | 9 | | |
| | | | ELLs | 3 | | |
| | | | Students with Disabilities | 3 | | |
| | | | High poverty | 5 | | |
| | | High | All students | 9 | | |
| | | | ELLs | 3 | | |
| | | | Students with Disabilities | 3 | | |
| | | | High poverty | 5 | | |
| Promotes the success of every student by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment. | <ul style="list-style-type: none"> • Team meetings (full faculty meetings, leadership team meetings, IEP meetings) • Group processes • Financial and human capital management decisions (particular focus on entrepreneurial principals who obtain private/public funds, build partnerships with high-performing non-profits, etc) • Disciplinary meetings (particular focus on positive behavior intervention and restorative justice) | Elementary | All students | 3 | | |
| | | | ELLs | 1 | | |
| | | | Students with Disabilities | 1 | | |
| | | | High poverty | 1 | | |
| | | Middle | All students | 3 | | |
| | | | ELLs | 1 | | |
| | | | Students with Disabilities | 1 | | |
| | | | High poverty | 1 | | |
| | | High | All students | 3 | | |
| | | | ELLs | 1 | | |
| | | | Students with Disabilities | 1 | | |
| | | | High poverty | 1 | | |
| | | Promotes the success of every student by collaborating with faculty and community members, | <ul style="list-style-type: none"> • Structured meetings and planned interactions with parents and | Elementary | All students | 3 |

| | | | | |
|--|--|------------|--------------|------------|
| responding to diverse community interests and needs, and mobilizing community resources. | <ul style="list-style-type: none"> community members Schools that have community services and programs integrated within them Partnerships with local businesses, community groups, and institutions of higher education are successfully utilized to strengthen programs and support goals | Middle | All students | 3 |
| | | High | All students | 3 |
| Promotes the success of every student by acting with integrity, fairness, and in an ethical manner. | <ul style="list-style-type: none"> Supervisor/ external visits to the school Reflections about personal and professional values, beliefs, and attitudes and one's impact on others as a leader | Elementary | All students | 1 |
| | | Middle | All students | 1 |
| | | High | All students | 1 |
| Promotes the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context. | <ul style="list-style-type: none"> Town hall meetings to focus on particular topics, such as contextual factors that hinder students post-secondary opportunities Reflections about beliefs, values, and commitment to education as a key to opportunity and social mobility | Elementary | All students | 1 |
| | | Middle | All students | 1 |
| | | High | All students | 1 |
| Total | | | | 135 |

4. Data Driven Instruction Videos (30 total)

Data Driven Instruction Videos (4 to 15 minute length):

Video of teachers, inquiry teams and principals, in meetings and in classrooms, analyzing and using student data to inform and modify instruction, including data specific to ELLs and students with disabilities.

| Grade Band | Subject | Target Populations | Total # of Videos |
|--------------|---------|--------------------|-------------------|
| Elementary | ELA | All students | 5 |
| | Math | All students | 5 |
| Middle | ELA | All students | 5 |
| | Math | All students | 5 |
| High | ELA | All students | 5 |
| | Math | All students | 5 |
| Total | | | 30 |

5. Common Core “Studio Talk” Videos (24 total)

Common Core “Studio Talk” Differentiated Instruction Videos (11 to 20 minute length):

Commissioner, NYSED staff, Common Core writers, relevant student group experts, and teachers, discussing Common Core differentiated instruction and implications for specific student groups with a particular focus on over-age under-credited students, students performing below grade level, African-American and Latino adolescent males, students performing below grade level, English language learners (ELLs), and students with disabilities. The vendor will provide NYSED detailed framing and discussion points for each video segment by April 30, 2013 for approval.

| Subject Area | Student Group | Number of Videos |
|----------------|--|------------------|
| ELA/Literacy | • Over-age under credited students | 6 |
| | • African-American and Latino adolescent males | |
| | • Students performing below grade level | |
| | • ELLs | |
| | • Students with disabilities | |
| Mathematics | • Over-age under credited students | 6 |
| | • African-American and Latino adolescent males | |
| | • Students performing below grade level | |
| | • ELLs | |
| | • Students with disabilities | |
| Social Studies | • Over-age under credited students | 6 |
| | • African-American and Latino adolescent males | |
| | • Students performing below grade level | |
| | • ELLs | |
| | • Students with disabilities | |
| Science | • Over-age under credited students | 6 |
| | • African-American and Latino adolescent males | |
| | • Students performing below grade level | |
| | • ELLs | |
| | • Students with disabilities | |
| Total | | 24 |

MANDATORY REQUIREMENTS

Eligible bidders must agree to the Mandatory Requirements found below and must submit the Mandatory Requirements Certification Form located in "Submission Documents" signed by an authorized person.

Mandatory Bid Requirements

1. For those activities that will be subcontracted, the proposed subcontractors' names, M/WBE status, specific services, and costs must be specifically indicated on the Subcontracting Form located in the "Submission Documents" section of this RFP. NYSED reserves the right to approve all subcontractors. Subcontracting is defined as, "Non-employee direct personal services and related incidental expenses, including travel." Subcontracting will be limited to fifty percent (50%) of the annual contract budget for each respective Service. If subcontractors should change during the contract term, NYSED must be notified immediately and reserves the right to reject any new subcontractor the vendor considers. The Subcontracting Form must be updated annually and submitted to NYSED.
2. The bidder must include with the submission of the technical proposal, at least three current professional references to substantiate qualifications. Current shall mean references for whom the vendor has performed work within the last three years. Do not use NYSED staff as references.
3. All bidders must sign and return the Mandatory Requirements Certification located in "Submission Documents." By signing the Mandatory Requirements Certification Form, the vendor certifies that they agree to provide and/or meet all of the Mandatory Requirements listed. Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

Mandatory Contract Requirements

1. In order to use the benefits of this funded program for future educational purposes, NYSED SHALL OWN ALL MATERIALS (INCLUDING BUT NOT LIMITED TO materials developed, created, or used during provision of contract services by the contractor; methodologies, measures, software, code, documentation, white papers, implementation guidance, training materials, evaluation forms, data compilations, and reports) DEVELOPED UNDER OR USED FOR PERFORMANCE OF THE SERVICES PURSUANT TO THE AGREEMENTS RESULTING FROM THIS RFP. Should the vendor use the services of consultants or other organizations or individuals who are not regular employees of the vendor, the subcontract agreement shall provide that such works produced by such other consultants, organizations or individuals and developed or used for purposes of the agreement shall be the sole and exclusive property of NYSED.
2. The vendor shall reproduce, use, display, and include copies of NYSED's trademarks, trade name, logos, copyrights, and other intellectual property (collectively, the "Marks") on all copies of materials produced for NYSED. The vendor acknowledges that the Marks are owned solely and exclusively by NYSED, and nothing contained in the resulting contract shall give the vendor any ownership right or interest in such Marks or a right to use the Marks except pursuant to this contract.

3. The vendor must design, host, and maintain a secure file transfer protocol (FTP) site as a means of file transfer. Access to this site must be limited to the vendor and NYSED unless further sharing with other parties is authorized in writing by NYSED.
4. All materials are to be held strictly confidential and must not be copied, duplicated, or disseminated in any manner or discussed with anyone other than persons authorized by NYSED.
5. All invoices submitted for payment must include dates of services and an itemized list of activities and costs consistent with the approved Schedule of Deliverables contained in the executed contract. Payment(s) for subcontractor(s) must list the subcontractor's name(s), payment amount(s), and nature of services provided separately on the invoice submitted. Invoices with incomplete information will be returned to the vendor.
6. Any vendor staff travel must be in accordance with the approved NYS rates. New York State rates are available at: <http://www.gsa.gov/portal/category/21287>.
7. All videos must be produced with closed captioning, include transcripts which must, because these will be posted to the web, comply with the following New York State policy: Pursuant to New York State Policy 08-005, web sites must comply with the Web Accessibility of Web-Based Information and Applications guidelines, <http://www.cio.ny.gov/policy/NYS-P08-005.pdf>, developed by the State Chief Information Officer. Policy may be amended, modified or superseded, which requires that state agency web-based information and applications are accessible to persons with disabilities. Web-based information and applications must conform to New York State Enterprise IT Policy NYS-P08-005 as determined by quality assurance testing. Such quality assurance testing will be conducted by (state agency name, contractor or other) and the results of such testing must be satisfactory to (state agency name) before web-based information and applications will be considered a qualified deliverable under the contract or procurement.
8. All video clips must be produced in the appropriate file format and resolution compatible with any host server that will host the videos as determined by NYSED, including but not limited to the following formats: .mp4, .mov, .wmv and resolutions: 1080p, 720p, 480p.

Minority and Women-Owned Business Enterprise (M/WBE) Compliance Requirements

Article 15-A identifies the State's procurement goals for Minority Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) participation as 12% and 8%, respectively, of the annual contract budget or as specifically outlined in the RFP. NYSED's intent is to comply with Article 15-A and all bidders must demonstrate a good faith effort to comply with these goals. Bidders are required to comply with NYSED's Minority and Women-Owned Business Enterprise goals by completing and submitting **M/WBE 100**, Utilization Plan, **M/WBE 102**, Notice of Intent to Participate and **EEO 100**, Staffing Plan. These forms can be found at www.oms.nysed.gov/fiscal/MWBE/forms.html. All firms utilized must be certified with the NYS Division of Minority and Women Business Development before beginning any work on this contract. For additional information and a listing of currently certified M/WBEs, see www.esd.ny.gov/MWBE.html.

Minority and Women-Owned Business Enterprise (M/WBE) participation includes any or all services, materials and supplies purchased from New York State certified minority and women owned firms. Utilizing Minority and Women-Owned firms will be applied toward the goals.

All bidders must comply with the stated NYSED M/WBE goals. The contact person on M/WBE matters is available throughout the application and procurement process to assist bidders in meeting the M/WBE goals. In an effort to meet the M/WBE goals, NYSED reserves the right to approve the addition or deletion of subcontractors to enable bidders to comply with the M/WBE goals.

All bidders must document "good faith efforts" to comply with the M/WBE goals and provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract. NYSED reserves the right to reject any bid for failure to document "good faith efforts" to comply with the stated M/WBE goals.

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) must be reported to NYSED M/WBE Program Unit using **M/WBE 103** Quarterly M/WBE Compliance Report. This report must be submitted on a quarterly basis and can be found at www.oms.nysed.gov/fiscal/MWBE/forms.html

PAYMENTS AND REPORTS, SUBCONTRACTING, STAFF CHANGES, CONTRACT PERIOD

PAYMENTS AND REPORTS

Payment will be made upon approval of deliverables supplied by the successful bidder to NYSED by dates specified in the Deliverable Milestone Tables in this RFP. In most cases, payment will correspond to the deliverable bid price per video as provided in the Bid Form Cost Proposal multiplied by the actual number of videos completed and accepted by NYSED in relation to the dates specified in the Deliverable Milestone Tables. All travel will be reimbursed on a quarterly basis at the NYSED travel reimbursement rate.

ELECTRONIC PROCESSING OF PAYMENTS

In accordance with a directive dated January 22, 2010 by the Director of State Operations - Office of Taxpayer Accountability, all state agency contracts, grants, and purchase orders executed after February 28, 2010 shall contain a provision requiring that contractors and grantees accept electronic payments. Additional information and authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm.

SUBCONTRACTING LIMIT

Subcontracting will be limited to **50%** of the annual contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel.

If the vendor proposes to change subcontractors during the contract period, NYSED must be notified prior to the change. NYSED reserves the right to reject any replacement subcontractors proposed by the vendor and reserves the right to approve all changes in subcontractors. The Subcontracting Form located in the Submission Documents must be updated annually and submitted to NYSED. Using this form, the vendor must also report to NYSED, on an annual basis, actual expenditures incurred for all subcontractors and indicate which subcontracting costs are associated with M/WBE.

Consultant Staff Changes

If this is a contract for consulting services, Contractor will maintain continuity of the consultant team staff throughout the course of the contract. All changes in staff will be subject to NYSED approval. The replacement consultant(s) with comparable skills will be provided at the same or lower hourly rate.

CONTRACT PERIOD

NYSED will award one contract pursuant to this RFP. The contract resulting from this RFP will be for a term beginning March 30, 2012 and ending March 31, 2014.

M/WBE AND EEO REQUIREMENTS

M/WBE AND EQUAL EMPLOYMENT OPPORTUNITIES REQUIREMENTS CONTRACTOR REQUIREMENT AND OBLIGATION UNDER NEW YORK STATE EXECUTIVE LAW, ARTICLE 15-A (PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS)

In an effort to eradicate barriers that have historically impeded access by minority group members and women in State contracting activities, Article 15-A, of the New York State Executive Law §310-318, (Participation By Minority Group Members and Women With Respect To State Contracts) was enacted to promote equality of economic opportunities for minority group members and women.

The New York State Education Department (“NYSED”) has enacted its policies Equal Opportunity, Non-Discrimination and Affirmative Action and on Minority and Women-Owned Business Enterprise Procurements, consistent with the requirements as set forth under the provisions of Article 15-A (the “Article”) incorporated by reference, requiring Contracting Agencies to implement procedures to ensure that the “Contractor” (as defined under Article 15-A, §310.3 shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a state contract, or a bidder in conjunction with the award of a state contract or a proposed party to a state contract, complies with requirements to ensure Equal Employment Opportunities for Minority Group Members and Women, in addition to providing Opportunities for Minority and Women-Owned Business Enterprises on all covered state contracts.

In keeping with the intent of the Law, it is the expectation of the Commissioner and the responsibility of all contractors participating in and/or selected for procurement opportunities with NYSED, to fulfill their obligations to comply with the requirements of the Article and its implementing regulations.

In accordance with these requirements, the contractor hereby agrees to make every good faith effort to promote and assist the participation of certified Minority and Women-Owned Business Enterprises (“M/WBE”) as subcontractors and suppliers on this project for the provision of services

and materials in an amount at least equal to the M/WBE goal (Included in the procurement document) as a percentage of the total dollar value of this project. In addition, the contractor shall ensure the following:

1. All state contracts and all documents soliciting bids or proposals for state contracts contain or make reference to the following provisions:
 - a. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, gender, religion, veteran status, sexual orientation, genetic disposition or carrier status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.

For purposes of the Article, affirmative action shall mean recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination and rate of pay or other forms of compensation.

- b. The contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, marital status, gender, religion, veteran status, sexual orientation, genetic disposition or carrier status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligation herein.

- c. The contractor shall state in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, marital status, gender, religion, veteran status, sexual orientation, genetic disposition or carrier status.

2. The contractor will include the provisions of subdivision one of this section in every subcontract as defined under §310.14, except as provided under §312.6 of the Article, in such a manner that the provisions will be binding upon each subcontractor as to work in connection with the State contract.

3. Contractors or subcontractors shall comply with the requirements of any federal law concerning equal employment opportunity, which effectuates the purpose of this section.

4. Contractors and subcontractors shall undertake programs of affirmative action and equal employment opportunity as required by this section³. In accordance with the provision of the Article, the bidder will submit, with their proposal, Staffing Plan (EEO 100).

5. Certified businesses (as defined under Article 15-A, §310.1 means a business verified as a minority or women-owned business enterprise pursuant to §314 of the Article) shall be given the opportunity for meaningful participation in the performance of this contract, to actively and affirmatively

promote and assist their participation in the performance of this contract, so as to facilitate the award of a fair share of this contract to such businesses⁴.

6. Contractor shall make a good faith effort to solicit active participation by enterprises identified in the Empire State Development (“ESD”) directory of certified businesses, which can be viewed at:

<http://www.esd.ny.gov/MWBE.html>

7. Contractor shall agree, as a condition of entering into said contract, to be bound by the provisions of Article 15-A, §316.

8. Contractor shall include the provisions set forth in paragraphs (6) and (7) above, in every subcontract in a manner that the provisions will be binding upon each subcontractor as to work in connection with this contract.

9. Contractor shall comply with the requirements of any federal law concerning opportunities for M/WBEs which effectuates the purpose of this section.

10. Contractor shall submit M/WBE Utilization Plan⁵ (M/WBE 100) as part of their proposal in response to NYSED procurement.

11. The percentage goals established for this RFP are based on the overall availability of M/WBEs certified in the particular areas of expertise identified under this RFP. These goals should not be construed as rigid and inflexible quotas which must be met, but as targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire Minority and Women-Owned Business Program work.

12. Contractor shall ensure that enterprises have been identified (M/WBE 102) within the Utilization Plan, and the contractor shall attempt, in good faith, to utilize such enterprise(s) at least to the extent indicated in the plan, as to what measures and procedures contractor intends to take to comply with the provisions of the Article.

13. Contractor shall upon written notification from NYSED M/WBE Program Unit as to any deficiencies and required remedies thereof, the contractor, within the period of time specified, will submit compliance reports documenting remedial actions taken and other information relating to the operation and implementation of the Utilization Plan.

³ Notice – Contractors are provided with notice herein, NYSED may require a contractor to submit proof of an equal opportunity program after the proposal opening and prior to the award of any contract. In accordance with regulations set forth under Article 15-A §312.5, contractors and/or subcontractors will be required to submit compliance reports relating to the contractor’s and/or subcontractor’s program in effect as of the date the contract is executed.

⁴ Should the contractor identify a firm that is not currently certified as an M/WBE, it should request that the firm submit a certification application to the NYSED M/WBE Program Unit by the deadline for submission of proposals for eligibility determination. NYSED will work with ESD to expedite the application, however, it is the responsibility of the contractor to ensure that a sufficient number of certified M/WBE firms have been identified in response to this procurement, in order to facilitate full M/WBE participation.

⁵ A Utilization Plan, as defined under Article 15-A, shall mean a plan prepared by a contractor and submitted in connection with a proposed state contract. In developing the Utilization Plan bidders should consider the goals and established time frames needed to achieve results which could reasonably be expected by putting forth every good faith effort to achieve the overall prescribed M/WBE participation percentage (%) goals as set forth under the procurement.

14. Where it appears that a contractor cannot, after a good faith effort, comply with the M/WBE participation requirements, contractor may file a written application with NYSED M/WBE Program Unit requesting a partial or total waiver (M/WBE 101) of such requirements setting forth the reasons for such contractor's inability to meet any or all of the participation requirements, together with an explanation of the efforts undertaken by the contractor to obtain the required M/WBE participation.

For purposes of determining a contractor's good faith efforts to comply with the requirements of this section or be entitled to a waiver, NYSED shall consider at the least the following:

I. Whether the contractor has advertised in general circulation media, trade association publications and minority-focused and women-focused media and, in such event;

a. Whether or not the certified M/WBEs which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and

b. Whether certified businesses solicited by the contractor responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the contracting agency's deadline for submission of proposals.

II. Whether there has been written notification to appropriate certified M/WBEs that appear in the Empire State Development website, found at: <http://www.nylovesmwbe.ny.gov>

All required Affirmative Action, EEO, and M/WBE forms to be submitted along with bids and/or proposals for NYSED procurements are attached hereto. These forms are to be submitted without change to goals specified in the RFP. All M/WBE firms are required to be certified by Empire State Development (ESD) or must be in the process of obtaining certification from ESD.

Failure to comply with the requirements of Article 15-A as set forth under this procurement and in conjunction with the corresponding contract, will result in the withholding of associated funds and other enforcement proceedings set forth under Article 15-A.

SECTION II: SUBMISSION PROCEDURES

This section details the submission document or documents that are expected to be transmitted by the respondent to the State Education Department in response to this RFP. The submission will become the basis on which NYSED will judge the respondent's ability to perform the required services as laid out in the RFP. This will be followed by various terms and conditions that reflect the specific needs of this project.

PROPOSAL SUBMISSION

The proposal submitted in response to this RFP must include the following documents:

1. Technical Proposal: Six (6) hard copies, one bearing an original signature in blue ink.
Label envelope Technical Proposal: RFP #GT-15 Do Not Open
2. Cost Proposal—Three (3) copies (one bearing an original signature in blue ink) submitted in a separate sealed envelope labeled Cost Proposal - RFP #GT-15 Do Not Open
3. M/WBE Documents—Three (3) copies (one bearing an original signature in blue ink) in a separate sealed envelope labeled M/WBE Documents - RFP #GT-15 Do Not Open
4. Submission Documents CD-ROM: One (1) copy of the technical, cost, and M/WBE proposals must also be submitted in a ".doc" format (Microsoft Word) on a single CD-ROM. Please include it in a separate envelope labeled Submission Documents CD-ROM: RFP #GT-15 Do Not Open

The proposal and work sample must be received by **January 30, 2012 by 3:00 PM** at NYSED in Albany, New York.

Proposals should be prepared simply and economically, avoiding the use of elaborate promotional materials beyond those sufficient to provide complete presentation. If supplemental materials are a necessary part of the proposal, the bidder should reference these materials in the technical proposal, identifying the document(s) and citing the appropriate section and page(s) to be reviewed.

The proposal must communicate an understanding of the deliverables of the RFP, describe how the tasks are to be performed and identify potential problems in the conduct of the deliverables and methods to identify and solve such problems.

Bidders should specify all details and dates required to evaluate the technical proposal and should limit aspects of the project plan which are to be determined only after the award of a contract. No optional deliverables to be provided only at an additional cost should be included and will not be considered in the evaluation of the technical proposal. Contractual terms, conditions and assumptions are inappropriate for inclusion in the proposal.

Any proprietary material submitted with the proposal that is considered confidential by the bidder must specifically be so identified, and the basis for such confidentiality must be specifically set forth in the proposal.

CHECKLIST OF DOCUMENTS FOR SUBMISSION

Technical Proposal labeled **Technical Proposal - RFP #GT-15 Do Not Open**

Cost Proposal labeled **Cost Proposal – RFP #GT-15 Do Not Open**

To Include:

- Bid Form
- Budget Summary
- Subcontracting Form
- M/WBE Subcontracting/Supplier Form

Response Sheet for Bids **Signature Required**

Assurances:

To Include:

- Non-Collusion Certification **Signature Required**
- MacBride Certification **Signature Required**
- Certification-Omnibus Procurement Act of 1992 **Signature Required**
- Certification Regarding Lobbying; Debarment and Suspension; and Drug-Free Workplace Requirements **Signature Required**
- Offerer Disclosure of Prior Non-Responsibility Determinations **Signature Required**

M/WBE Documents labeled **M/WBE Documents—RFP #GT-15**

To Include:

- **M/WBE** Cover Letter **Signature Required**
- **M/WBE 100** Utilization Plan
- **M/WBE 102** Notice of Intent to Participate
- **EEO 100** Staffing Plan

Mandatory Requirements Certification Form **Signature Required**

Sample Videos labeled **Sample Videos CD-ROMs: RFP #GT-15 Do Not Open**

Technical Proposal Submission

(70 Points)

The original plus five (5) copies of the Technical Proposal should be mailed or delivered in a separate envelope labeled **RFP #GT-15-Technical Proposal-Do Not Open**. These copies should be organized with tabs clearly labeling each section as detailed below, and must include the following:

1. Response Sheet for Bids. **Signature Required**
2. All Forms and Assurances located in Submission Documents including original signatures where necessary.
3. Mandatory Requirements Certification Form **Signature Required**
4. Project Proposal as outlined below:

The proposal should include the following:

1. Cover page, including company name, contact information, company biography and proposal summary
2. Project Narrative (30 pages double-space, 12 point font maximum) Plan: a) Project Vision, b) Tentative project plan/schedule, including dates for all proposed activities, travel, business processes with NYSED, etc.
3. Organizational Capacity: personnel resumes and summary biographies of the Executive Producer, Project Coordinator, District Liaison, and Instructional Coaches
4. Description of any sub-contractors and their work, including but not limited to personnel resumes and summary biographies of subcontractors who fill the roles listed in #3 (Organizational Capacity) above
5. Description of related project experience
6. At least three (3) samples of relevant video production work products, it is not a requirement that these sample videos be education specific productions. [Note: All applications and submissions become the property of NYSED and will not be returned to the applicant.]
7. Two (2) Common Core Instruction and Planning and Qualities of Effective Principal Practice performance tasks as further described in the next section
8. At least three current professional references (contact information and connection to company). Current shall mean references for whom the vendor has performed work within the last three years. Do not use NYSED staff as references.

The New York State Education Department is not responsible for any violation of copyright, trademark, patent, trade secret, or other rights that may result from disclosure made by response to this RFP.

Cost Proposal Submission

(30 Points)

The original plus two (2) copies of the Cost Proposal, located in Section V – Submission Documents, must be mailed in a separate envelope labeled **Cost Proposal RFP #GT-15, Do Not Open**.

Budgets must be submitted using whole dollar numbers.

The Financial Criteria portion of the RFP will be scored based upon the grand total of the Budget Summary.

M/WBE Documents

The original plus two (2) copies of the completed M/WBE Documents in a separate sealed envelope labeled **M/WBE Documents - RFP #GT-15 Do Not Open** must include the following:

1. M/WBE Cover Letter
2. M/WBE 100 Utilization Plan
3. M/WBE 102 Notice of Intent to Participate
4. EEO 100 Staffing Plan

Signature Required

SECTION III: EVALUATION CRITERIA AND METHOD OF AWARD

This section begins with the criteria the agency will use to evaluate bids, and closes with the “method of award” or how the contractor will be selected. This will be followed by various terms and conditions that reflect the specific needs of this project as well as New York State contract guidelines and requirements.

TECHNICAL CRITERIA

(70 POINTS)

All complete proposals received by the deadline will be reviewed using the following criteria and ratings. Applicants must ensure that all components of this application request have been addressed, the required number of copies has been provided, all forms and assurances have been completed, and the original signatures in blue are included as required. Applicants who failed to submit three samples of relevant video production work will not be scored.

An evaluation committee will complete a review of all proposals submitted. The committee will review each proposal to determine compliance with the requirements described in the RFP. The committee retains the right to determine whether any deviation from the requirements of this RFP is substantial in nature and may reject in whole or in part any and all proposals, waive minor irregularities and conduct discussions with all responsible bidders.

Proposals receiving seventy percent (70%) or more of the points available for the original Technical Score (a total of 49 out of 70 points) will move on to the Financial Review step of the process. When the Financial Review process is complete, the Technical Proposal and Financial Review scores will be summed to create a total score.

Oral Presentations of Finalists

The highest top three scores the on the total score will participate in an Oral Presentation. In the event that multiple vendors have the same score (e.g., a “tie” score) in the “top three” category, then the number of vendors to advance to Oral Presentations will be expanded as necessary. During Oral Presentations, applicants will be expected to clarify language in their proposals, describe in detail how the capacity of their organization is appropriate for this RFP’s scope of work, how prior experience has provided the appropriate technical background to complete this work, and answer other questions as appropriate for the review panel. Also, applicants will be asked to watch a video of a teacher implementing a lesson plan, and provide evaluations aligned to categories of teacher practice in the state approved list of rubrics. Invited applicants will then debrief the video, articulating their top five coaching moves to improve the teacher’s practice in a way that is aligned to the Common Core standards and the state approved rubrics. Coaching must be supported with student and teacher evidence from the video and rationale.

All vendors who participate in the Oral Presentation phase will be asked the same questions (except in instances where clarification of language used in individual proposals is requested), and these questions will be provided in advance. The Oral Presentations will be scheduled by NYSED, and will consist of a 60-75 minute videoconference or in-person meeting with a review panel. Details of the logistics and appropriate content to include in the Oral Presentation will be provided by NYSED.

Reviewers will use the same scoring rubric used in the Technical Proposal to validate or modify the original Technical Scores of Criteria items 2 – 4 below as a result of Oral Presentations.

SCORING:

Technical Proposals for the video production service and the instructional coaching component are rated on a combined maximum total of **70 points**. Applicants that fail to include the required sample materials and/or complete required performance tasks will not be scored.

Proposals will be evaluated using the following rating guidelines:

| Quality Indicator | Description |
|-------------------|--|
| Very Good | The response is specific and comprehensive. There is complete, detailed, and clearly articulated information as to how the criteria are met. The ideas presented are innovative, well-conceived and thoroughly developed. |
| Good | The response is reasonably comprehensive and includes sufficient detail. It contains many of the characteristics of a response that is very good even though it may lack some specificity, support or elaboration in places. |
| Fair | The response is non-specific and lacks focus and detail. The response addresses some of the selection criteria, but not all. Some ideas presented are sound, but others are not responsive to the purpose of the RFP/performance task. Additional information would be needed in order to be reasonably comprehensive and meet the criteria of a response that is good. |
| Poor | The response does not meet many criteria; provides inaccurate information or provides information that would require substantial clarification as to how the criteria are met; lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant’s understanding of the issue in concept and/or ability to meet the requirement in practice. |

Proposals will be judged on the following criteria:

1. **Video Production Experience (18 points)**
 - a. The applicant must include with their proposal a minimum of three sample videos.
 - b. Experience creating high quality films of various lengths. The proposal must describe the vendor’s experience and detail the years of experience with video production, including size, scope, and nature of video projects completed and duration of prior contracts.
 - c. Experience producing professional development videos.

2. **Instructional Coaching Experience (11 points)**
 - a. Demonstrated experience of a minimum of five highly effective coaching staff, in ELA, Math, Science and Social Studies, and the Arts, and previous experience as an outstanding educator. Please include resumes and evidence of improved outcomes in the schools with which they have previously worked or are currently working.

- b. Experience working with English language learners and students with disabilities.
- c. Experience working in New York State schools.
- d. Experience advising on best practices for creating video for professional development (preferred but not required).

3. Organizational Capacity (6 points)

- a. Experience of Executive Producer, Project Coordinator, District Liaison, and Instructional Coaches. The applicant must include with their proposal: for each key staff member, a resume and a detailed description of responsibilities and qualifications.
- b. The proposal should include a description of any limitations on the types of work the vendor is willing to do. The proposal must describe how the vendor will ensure that the work of the contract has the necessary priority within the organization to be completed with the highest quality and on schedule.
- c. The vendor must provide a list of previous clients. Also, the vendor must supply references relevant within the past three years, including reference name, title, organization, address, telephone number, email address, the dates of service and a brief summary of services provided. The vendor should ensure that contact information is current and accurate. NYSED staff may not be used as references.

4. Project Plan and Vision (11 points)

- a. Demonstrates clear understanding of the vision and scope of project.
- b. Demonstrates creativity and imagination.
- c. Demonstrates an organized scope of work and a project plan/schedule to implement the scope of project in a timely manner.
- d. The proposal must describe how staff members will work with NYSED staff, including planning and coordinating status meetings and conference calls, providing summaries and minutes of meetings, developing status reports and project plans, notifying NYSED of any potential problems or changes to dates or deliverables, and submitting all deliverables according to the agreed upon schedule with appropriate time for NYSED review and approval.

5. Performance Task #1: Common Core Instruction and Planning (14 points)

- a. Each applicant must submit a sequence of three lesson plans (within ELA or Math) developed by staff or sub-contractors who would work on the proposed project. The lesson plans must show mastery of a given concept aligned with the Common Core standards in Math or ELA and demonstrate strategic thought by including the appropriate [Common Core ELA or Math shifts](#), described in the appendix, based on the content in the lesson. Teacher action should show, through the appropriate shifts, specific instruction that will lead to student success. **[Note:** In developing the lesson plans, refer to the common core exemplars as a guide, available here: <http://engageny.org/resource/curriculum-exemplars/>.]

Each lesson plan (whether for ELA or Math) must **include and address all** of the following components:

- CCSS aligned student outcome (learning objective) (must include the CCSS standard the lesson plan is aligned to)
- Lesson structure and outline (components of lesson align to the student outcome, appropriate timing for each part of the lesson, key points are clear and engaging, mastery of the lesson would lead to mastery of the proposed student outcome)

- Scaffolded teacher questions throughout lesson that lead to mastery of outcome by end of lesson – (questions about the most important ideas, questions that discern whether or not students understand the key points, questions that increase in complexity over the course of the lesson)
- Scaffolding for students with disabilities and English Language Learners;
- Student handouts that serve as class work (what students should be doing, thinking and writing during the lesson; central text or extensive problem sets)
- Sample, aligned homework assignment that extends or reinforces learning from the day

6. Performance Task #2: Qualities of Effective Principal Practice (10 points)

- a. Each applicant must submit a 3 page, double-spaced, description of the qualities of effective school leadership that are aligned with the following two ISLLC standards developed by staff who would work on the proposed project:
 1. Promotes the success of every student by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.
 2. Promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders.

Please address the following questions in your description:

1. What key qualities does an effective school leader have to put these standards into action?
2. What strategies and structures do they implement to achieve these standards?

Points awarded for criteria items 2 – 4 above are subject to validation or modification of original technical score as a result of Oral Presentations.

FINANCIAL CRITERIA

(30 POINTS)

The Financial Criteria portion of this RFP will be scored based upon the grand total for the Budget Summary.

- The **financial portion** of the proposal represents 30 points of the overall score and will be awarded up to 30 points pursuant to a formula. This calculation will be computed by the Contract Administration Unit upon completion of the technical scoring by the technical review panel.
- The submitted budget will be awarded points pursuant to a formula which awards the highest score of 30 points to the budget that reflects the lowest overall cost. The remaining budgets will be awarded points based on a calculation that computes the relative difference of each proposal

against the lowest budget submitted. The resulting percentage is then applied to the maximum point value of 30 points.

- **NYSED reserves the right to request best and final offers. In the event NYSED exercises this right, all bidders that meet the minimum technical score will be asked to provide a best and final offer. The Contract Administration Unit will recalculate the financial score.**

Budget

Please provide a budget based on total costs per video per deliverable and total costs per deliverable. Total costs for travel are required as well. Refer to the Bid Form Cost Proposal.

AWARD PROCEDURES, RIGHTS AND RESPONSIBILITIES

METHOD OF AWARD

All proposals which are received by the bid due date and meet the mandatory requirements of the RFP will be reviewed by the technical evaluation committee as described above. The cost component will then be calculated for all proposals which receive at least the minimum number of technical points. The total score for each proposal will represent the 70/30 percent split between technical and cost scores. The successful bidder will be that bidder whose aggregate technical and cost scores is the highest among all the proposals rated. In the event that more than one proposal obtains the highest aggregate score, the successful bidder will be the bidder in that group of highest aggregate scores whose proposal reflects the lowest cost.

Prior to making an award based on the original cost scoring, NYSED reserves the right to request that all bidders submit a Final Best Price for their proposal. If Final Best Prices are requested, these prices will be used to calculate the final cost score.

NYSED reserves the right to reject all proposals and cancel the RFP if it is in NYSED's best interest.

NYSED'S RESERVATION OF RIGHTS

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with

the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation; (16) to request best and final offers.

POST SELECTION PROCEDURES

Upon selection, the successful bidder will receive a proposed contract from NYSED. All terms set forth in the selected bidder's technical proposal will be final. The selected bidder may be given an opportunity to reduce its cost proposal in accordance with the agency's right to request best and final offers. The contents of this RFP, any subsequent correspondence during the proposal evaluation period, and such other stipulations as agreed upon may be made a part of the final contract prepared by NYSED. Successful bidders may be subject to audit and should ensure that adequate controls are in place to document the allowable activities and expenditure of State funds.

DEBRIEFING PROCEDURES

All unsuccessful bidders may request a debriefing within five (5) business days of receiving notice from NYSED. Bidders may request a debriefing letter on the selection process regarding this RFP by submitting a written request to the Fiscal Contact person at:

NYS Education Department
Contract Administration Unit
89 Washington Avenue
Room 505W EB
Albany, NY 12234

The Fiscal Contact person will make arrangements with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days, the program staff will issue a written debriefing letter to the bidder.

CONTRACT AWARD PROTEST PROCEDURES

Bidders who receive a notice of non-award may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing letter. The protest letter must be filed with:

NYS Education Department
Contract Administration Unit
89 Washington Avenue
Room 505W EB
Albany, NY 12234

3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.
4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

VENDOR RESPONSIBILITY

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see:

http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm.

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at

http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at

ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Note: Bidders must acknowledge their method of filing their questionnaire by checking the appropriate box on the Response Sheet for Bids (5. Submission Documents).

PROCUREMENT LOBBYING LAW

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between the New York State Education Department ("NYSED") and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of the solicitation through final award and approval of the Procurement Contract by NYSED and, if applicable, Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is identified below. NYSED employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at the following web link:

<http://www.oms.nysed.gov/fiscal/cau/PLL/procurementpolicy.htm>.

Designated Contacts for NYSED

Program Office – **John Brock**

Contract Administration Unit – **Lynn Caruso**

M/WBE – **Joan Ramsey**

CONSULTANT DISCLOSURE LEGISLATION

Effective June 19, 2006, new reporting requirements became effective for State contractors, as the result of an amendment to State Finance Law §§ 8 and 163. As a result of these changes in law, State contractors will be required to disclose, by employment category, the number of persons employed to provide services under a contract for consulting services, the number of hours worked and the amount paid to the contractor by the State as compensation for work performed by these employees. This will include information on any persons working under any subcontracts with the State contractor.

Chapter 10 of the Laws of 2006 expands the definition of contracts for consulting services to include any contract entered into by a State agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services.

To enable compliance with the law, State agencies must include in the Procurement Record submitted to OSC for new consultant contracts, the State Consultant Services Contractor's Planned

Employment From Contract Start Date Through the End of the Contract Term (Form A - see link below). The completed form must include information for all employees providing service under the contract whether employed by the contractor or a subcontractor. Please note that the form captures the necessary planned employment information ***prospectively from the start date of the contract through the end of the contract term.***

Form A: <http://www.osc.state.ny.us/agencies/gbull/g226forma.doc>

Chapter 10 of the Laws of 2006 mandates that State agencies must now require State contractors to **report annually** on the employment information described above, including work performed by subcontractors. The legislation mandates that the annual employment reports are to be submitted by the contractor to the contracting agency, to OSC and to the Department of Civil Service. State Consultant Services Contractor's Annual Employment Report (Form B - see link below) is to be used to report the information for all procurement contracts above \$15,000. Please note that, in contrast to the information to be included on Form A, which is a one-time report of planned employment data for the entire term of a consulting contract on a projected basis, ***Form B will be submitted each year the contract is in effect and will capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31).***

Form B: <http://www.osc.state.ny.us/agencies/gbull/g226formb.doc>

For more information, please visit the OSC web site for G-Bulletin 226 at: <http://www.osc.state.ny.us/agencies/gbull/g-226.htm>.

PUBLIC OFFICER'S LAW SECTION 73

All bidders must comply with Public Officer's Law Section 73 (4)(a), as follows:

4. (a) No statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman or firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to any state agency, or (ii) contract for or provide such goods or services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a state agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This paragraph shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

The term "state officer or employee" shall mean:

(i) heads of state departments and their deputies and assistants other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis;

(ii) officers and employees of statewide elected officials;

(iii) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and

(iv) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, who receive compensation other than on a per diem basis, and employees of such authorities, corporations and commissions.

Public Officer's Law Section 73 can be found at <http://www.nyintegrity.org/law/ethc/POL73.html>.

SECTION IV: ASSURANCES

Appendix A – Standard Clause for all New York State Contracts **WILL BE INCLUDED** in the contract that results from this RFP. Vendors who are unable to complete or abide by these assurances should not respond to this request.

The documents listed below are included in **Submission Documents**, which must be signed by the Chief Administrative Officer. Please review the terms and conditions. Certain documents will become part of the resulting contract that will be executed between the successful bidder and the NYS Education Department.

Appendix A – Standard Clause for all New York State Contracts, contains the following three (3) certifications:

Non-Collusion Certification

(Signature Required - the form is included in 5.) Submission Documents)

MacBride Certification

(Signature Required - the form is included in 5.) Submission Documents)

Certification-Omnibus Procurement Act of 1992

(Signature Required - the form is included in 5.) Submission Documents)

Certification Regarding Lobbying; Debarment and Suspension; and Drug-Free Workplace Requirements

(Signature Required - the form is included in 5.) Submission Documents)

Offerer Disclosure of Prior Non-Responsibility Determinations

(Signature Required - the form is included in 5.) Submission Documents)

M/WBE Documents – **(the forms below are included in 5.) Submission Documents)**

Each set must include the following:

1. M/WBE Cover Letter **(Signature Required)**
2. **M/WBE 100** Utilization Plan
3. **M/WBE 102** Notice of Intent to Participate
4. **EEO 100** Staffing Plan

APPENDIX A
STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are

required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if

this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from

disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess

of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.

In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in

such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS.

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.

Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.

If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING.

To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX

BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false,

then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State. (December 2011)

APPENDIX A-1

Payment and Reporting

- A. In the event that Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.
- B. Variations in each budget category not exceeding ten percent (10%) of such category may be approved by the Commissioner of Education. Any such variations shall be reflected in the final expenditure report and filed in the Office of the State Comptroller. Variations in each budget category which do exceed ten percent (10%) of such category must be submitted to the Office of the State Comptroller for approval.
- C. For each individual for whom costs are claimed under this agreement, the contractor warrants that the individual has been classified as an employee or as an independent contractor in accordance with 2 NYCRR 315 and all applicable laws including, but not limited to, the Internal Revenue Code, the New York Retirement and Social Security Law, the New York Education Law, the New York Labor Law, and the New York Tax Law. Furthermore, the contractor warrants that all project funds allocated to the proposed budget for Employee Benefits, represent costs for employees of the contractor only and that such funds will not be expended on any individual classified as an independent contractor.

Terminations

- A. The State may terminate this Agreement without cause by thirty (30) days prior written notice. In the event of such termination, the parties will adjust the accounts due and the Contractor will undertake no additional expenditures not already required. Upon any such termination, the parties shall endeavor in an orderly manner to wind down activities hereunder.
- B. SED reserves the right to terminate this Agreement in the event it is found that the certification by the Contractor in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, SED may exercise its termination right by providing written notification to the Contractor in accordance with the written notification terms of this Agreement.

Property

- A. The Contractor shall maintain a complete inventory of all realty, equipment and other non-expendable assets including, but not limited to, books, paintings, artifacts, rare coins, antiques and other collectible items purchased, improved or developed under this agreement. The Contractor shall submit a copy of the inventory in a form identical to or essentially similar to, Exhibit A annexed hereto. The term "non-expendable assets" shall mean for the purposes of this agreement any and all assets which are not consumed during the term of this agreement and which have a cost of One Thousand Dollars (\$1,000) or more.

Inventories for non-expendable assets must be submitted with the final expenditure report. In addition to or as part of whatever rights the State may have with respect to the inspection of the Contractor, the State shall have the right to inspect the inventory without notice to the Contractor.

The Contractor shall not at any time sell, trade, convey or otherwise dispose of any non-expendable assets having a market value in excess of Two Thousand Dollars (\$2,000) at the time of the desired disposition without the express permission of the State. The Contractor may seek permission in writing by certified mail to the State.

The Contractor shall not at any time use or allow to be used any non-expendable assets in a manner inconsistent with the purposes of this agreement.

- B. If the Contractor wishes to continue to use any of the non-expendable assets purchased with the funds available under this agreement upon the termination of this agreement, it shall request permission from the State in writing for such continued use within twenty-five (25) days of the termination of this agreement. The Contractor's request shall itemize the non-expendable assets for which continued use is sought. The State may accept, reject or accept in part such request. If the request for continued use is allowed to any degree, it shall be conditioned upon the fact that said equipment shall continue to be used in accordance with the purposes of this agreement.

If after the State grants permission to the Contractor for "continued use" as set forth above the non-expendable assets are not used in accordance with the purposes of this agreement, the State in its discretion may elect to take title to such assets and may assert its right to possession upon thirty (30) days prior written notice by certified mail to the Contractor. The State upon obtaining such non-expendable assets may arrange for their further use in the public interest as it in its discretion may decide.

- C. Upon termination of this agreement, the State in its discretion may elect to take title and may assert its right to possession of any non-expendable assets upon thirty (30) days prior written notice by certified mail to the Contractor. The State's option to elect to take title shall be triggered by the termination of this agreement or by the State's rejection of continued use of non-expendable assets by the Contractor as set forth herein. The State upon obtaining such non-expendable assets may arrange for their further use in the public interest as it in its discretion may decide.
- D. The terms and conditions set forth herein regarding non-expendable assets shall survive the expiration or termination, for whatever reason, of this agreement.

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a writing signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed at the per diem rate in effect at the time for New York State Management/Confidential employees.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.

H. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.

The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

Certifications

- A. Contractor certifies that it has met the disclosure requirements of State Finance Law §139-k and that all information provided to the State Education Department with respect to State Finance Law §139-k is complete, true and accurate.
- B. Contractor certifies that it has not knowingly and willfully violated the prohibitions against impermissible contacts found in State Finance Law §139-j.
- C. Contractor certifies that no governmental entity has made a finding of nonresponsibility regarding the Contractor in the previous four years.
- D. Contractor certifies that no governmental entity or other governmental agency has terminated or withheld a procurement contract with the Contractor due to the intentional provision of false or incomplete information.
- E. Contractor affirms that it understands and agrees to comply with the procedures of the STATE relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6)(b).
- F. Contractor certifies that it is in compliance with NYS Public Officers Law, including but not limited to, §73(4)(a).

Notices

Any written notice or delivery under any provision of this AGREEMENT shall be deemed to have been properly made if sent by certified mail, return receipt requested to the address(es) set forth in this Agreement, except as such address(es) may be changed by notice in writing. Notice shall be considered to have been provided as of the date of receipt of the notice by the receiving party.

Miscellaneous

- A. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208). Contractor shall be liable for the costs associated with such breach if caused by Contractor's negligent or willful acts or omissions, or the negligent or willful acts or omissions of Contractor's agents, officers, employees or subcontractors.
- B. If required by the Office of State Comptroller ("OSC") Bulletin G-226 and State Finance Law §§ 8 and 163, Contractor agrees to submit an initial planned employment data report on Form A and an annual employment report on Form B. State will furnish Form A and Form B to Contractor if required.

The initial planned employment report must be submitted at the time of approval of this Agreement. The annual employment report on Form B will be submitted each year the contract is in effect and will detail actual employment data for the most recently concluded State fiscal year (April 1 – March 31). The first report will be filed no later than May 15 following the conclusion of the State fiscal year. Thereafter, Form B will be filed no later than May 15th of each succeeding year. Copies of the report will be submitted to the NYS Education Department, OSC and the NYS Department of Civil Service at the addresses below.

By mail: NYS Office of the State Comptroller
 Bureau of Contracts
 110 State Street, 11th Floor

Albany, NY 12236
Attn: Consultant Reporting
By fax: (518) 474-8030 or (518) 473-8808

Reports to DCS are to be transmitted as follows:

By mail: NYS Department of Civil Service
Office of Counsel
Alfred E. Smith Office Building
Albany, NY 12239

Reports to NYSED are to be transmitted as follows:

By mail: NYS Education Department
Attn: Lynn Caruso, RFP #GT-15
Contract Administration Unit
Room 505 W EB
Albany, NY 12234
By fax: (518) 408-1716

C. Consultant Staff Changes. If this is a contract for consulting services, Contractor will maintain continuity of the consultant team staff throughout the course of the contract. All changes in staff will be subject to STATE approval. The replacement consultant(s) with comparable skills will be provided at the same or lower hourly rate.

APPENDIX A-2

American Recovery and Reinvestment Act of 2009 (ARRA) ADDITIONAL CONTRACT RECORD KEEPING REQUIREMENTS

This contract, is funded, in whole or in part, by the American Recovery and Reinvestment Act of 2009 (ARRA). The United States Office of Management and Budget (OMB) has released, "Implementing Guidance for Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009." (M-09-21) This guidance provides detailed information on reporting requirements included in Section 1512 of the Recovery Act.

Recipient vendors receiving ARRA funding will be required to submit quarterly information which will include at a minimum the following information:

- Vendor name and zip code of Vendor headquarters;
- Expenditures (per quarter and cumulative);
- Expenditure description; and
- Estimates on jobs created or retained via the expenditure of these funds by the Vendor.

Additional data may be required from vendors as a result of guidance issued by OMB.

Vendors will be required to submit the ARRA data in a form and format to be determined by the New York State Education Department (NYSED). NYSED anticipates that the reporting information will be provided to Vendors no later than August 30th. There will be no additional compensation for this reporting activity and it is anticipated that the Quarterly Reporting forms will be required in both paper and electronic formats.

An employee of any non-federal employer receiving ARRA funds may not be discharged, demoted, otherwise discriminated against as a reprisal for disclosing to law enforcement and other officials information that the employee reasonably believes is evidence of:

- Gross mismanagement;
- Gross waste of covered funds;
- A danger to public health and safety;
- An abuse of authority; or
- A violation of law.

ATTACHMENT A: ADDITIONAL BACKGROUND INFORMATION

On August 24, 2010, U.S. Department of Education (USED) announced that New York State was a winner in the second round of the federal Race to the Top competition. Race to the Top is a competitive USED grant that is open to State Education Agencies. New York State is addressing the Race to the Top challenge through a cohesive plan that leverages and aligns our State resources and practices to improve education outcomes for all our students and closes gaps in achievement. Race to the Top awardees are required to advance reforms around four areas of assurance, of particular note for this RFP is the assurance of: recruiting, developing, retaining, and rewarding effective teachers and principals. See New York State's Race to the Top application, in particular Part D: Great Teachers and Leaders at: <http://usny.nysed.gov/rtt/application/home.html>.

The New York State Board of Regents has committed to the transformation of the preparation, support and evaluation of all teachers and school leaders in New York State and the New York State Legislature has enacted historic legislation (Education Law §3012-c) that fundamentally changes the way teachers and principals are evaluated for decisions relating to promotion, retention, tenure, supplemental compensation, support and professional development, and expedites the disciplinary process for the removal of ineffective teachers and principals.

Pursuant to this legislation, New York State has established a new comprehensive evaluation system for teachers and principals based on multiple measures of effectiveness, which will include student achievement as a significant factor. For the first time, student achievement data will be a significant component of all teacher and principal evaluations. Under the new State law, every teacher and principal must have an annual evaluation, and these evaluations must be used to assign ratings in one of four different categories of effectiveness, which will inform the development of improvement plans, and will support decisions about promotion, termination, retention, and supplemental compensation.

The law specifies that student achievement will comprise 40 percent of teacher and principal evaluations and ratings and the remaining 60 percent will be based on locally developed measures through collective bargaining (e.g., classroom observations by trained evaluators), in accordance with standards prescribed by the Commissioner. The 40 percent of teacher and principal evaluations connected to student achievement is broken down into two components per the following requirements:

- In 2011-2012, classroom teachers in ELA and mathematics in grades 4-8 only and school principals in buildings in which these teachers are employed: 20 percent student growth on State assessments or comparable measures, and 20 percent other locally-selected measures that are rigorous and comparable across classrooms in accordance with standards prescribed by the Commissioner.
- In 2012-2013 and subsequent years before Regents approval of a "value-added" model for any grade and subject teachers and principals: 20 percent student growth on State assessments or comparable measures, and 20 percent other locally-selected measures that are rigorous and comparable across classrooms in accordance with standards prescribed by the Commissioner.

- Subsequent years for teachers or principals with any grade/subject in which the Board of Regents have approved a value-added model: 25 percent student growth on State assessments or comparable measures, and 15 percent other locally-selected measures that are rigorous and comparable across classrooms in accordance with standards prescribed by the Commissioner.

Under the new law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective. Education Law §3012-c(2)(a) requires annual professional performance reviews (APPR's) to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness. The results of the evaluations shall be a significant factor in employment decisions, including but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, as well as teacher and principal professional development (including coaching, induction support, and differentiated professional development).

Regents Reform Agenda

The New York State Board of Regents Reform Agenda prioritizes eight primary goals. The teacher effectiveness learning framework shall, to the extent practicable, bolster these goals and result in increased student learning and performance. The eight goals follow:

1. Improve teacher and school leader preparation and effectiveness – by emphasizing content knowledge; pedagogical skills; and measurable, performance-based evaluation
2. Emphasize early childhood education – by expanding access to high quality learning opportunities
3. Raise graduation rates for at-risk students – by increasing student engagement and ensure college and career readiness
4. Build a statewide curriculum and associated professional development – provide every student with a world-class, rigorous curriculum and train teachers to use it effectively
5. Improve the assessment system – by aligning with common core standards, evaluate college and career ready status, provide data for effective decision-making
6. Build a P-20 data system – that will provide critical information to strengthen decision-making at the classroom, school, district, and state policy levels
7. Replacing failing schools – by closing chronically underperforming schools and working with districts to implement strategies to dramatically improve outcomes for students attending the lowest-performing schools
8. Transforming NYSED – from a compliance-oriented agency to a service-oriented agency leveraging its resources to prepare students to be college and career ready

NYSED's newly adopted Common Core Learning Standards:

The Common Core State Standards (CCSS) Initiative was a joint effort by the National Governors Association Center for Best Practices (NGA Center) www.nga.org and the Council of Chief State

School Officers (CCSSO) www.ccsso.org in partnership with Achieve, ACT, and the College Board. Through this initiative, Governors and state commissioners of education from across the country committed to joining a state-led process to develop a common core of state standards in English language arts (ELA) and mathematics for grades K-12. One of the main goals was to develop standards that are internationally benchmarked, aligned with work and post-secondary education expectations, and inclusive of the higher order skills that students need.

In April 2009, Governor David Paterson and former Education Commissioner Richard P. Mills signed a Memorandum of Agreement (MOA) along with fifty other states and territories to participate in the national dialogue to develop these voluntary standards. In September 2009, the first draft of the College and Career Readiness Standards were released for public feedback. Revisions were incorporated, and a second round of public feedback was taken in March of 2010. Final Common Core State Standards (CCSS) for Mathematics and CCSS for English Language Arts & Literacy in History/Social Studies, Science and Technical Subjects were unveiled June 2, 2010.

On July 19th, 2010, the New York State Board of Regents adopted the CCSS for [Mathematics](#) and CCSS for [English Language Arts](#) & Literacy in History/Social Studies, Science, and Technical Subjects, with the understanding that New York State could add additional expectations to the Common Core. To support the state’s adoption plan, a work group of P-12 and higher education English Language Arts and Mathematics practitioners convened, made recommendations for additions and submitted them for public comment in the fall of 2010. In January, 2011, the Board of Regents approved these additions and approved and adopted the CCSS as New York State's new learning standards. Now known as the NYS P-12 Common Learning Standards for English Language Arts & Literacy and the NYS P-12 Common Core Learning Standards for Mathematics, these standards have been developed for all students, including English Language Learners (ELLs) and students with disabilities.

Starting in the 2011-12 school year, schools throughout the state will begin to implement Common Core aligned instructional units. Beginning in 2012-13, the state will implement new assessments that are Common Core aligned with the goal of full implementation of the new standards and aligned assessments by 2014-15.

Implementation of CCLS will require twelve shifts in order to be truly aligned, in terms of curricular materials and classroom instruction. There are six shifts in Mathematics and six shifts in ELA/ Literacy:

| Shifts in ELA/ Literacy | | |
|-------------------------|--|---|
| Shift 1 | PK-5, Balancing Informational & Literary | Students read a true balance of informational and literary texts. Elementary school classrooms are, therefore, places where students access the world – science, social studies, the arts and literature – through text. At least 50% of what students read is informational. |

| | Texts | |
|---------|------------------------------------|--|
| Shift 2 | 6-12, Knowledge in the Disciplines | Content area teachers outside of the ELA classroom emphasize literacy experiences in their planning and instruction. Students learn through domain-specific texts in science and social studies classrooms – rather than referring to the text, they are expected to learn from what they read. |
| Shift 3 | Staircase of Complexity | In order to prepare students for the complexity of college and career ready texts, each grade level requires a “step” of growth on the “staircase”. Students read the central, grade appropriate text around which instruction is centered. Teachers are patient, create more time and space in the curriculum for this close and careful reading, and provide appropriate and necessary scaffolding and supports so that it is possible for students reading below grade level. |
| Shift 4 | Text-based Answers | Students have rich and rigorous conversations which are dependent on a common text. Teachers insist that classroom experiences stay deeply connected to the text on the page and that students develop habits for making evidentiary arguments both in conversation, as well as in writing to assess comprehension of a text. |
| Shift 5 | Writing from Sources | Writing needs to emphasize use of evidence to inform or make an argument rather than the personal narrative and other forms of decontextualized prompts. While the narrative still has an important role, students develop skills through written arguments that respond to the ideas, events, facts, and arguments presented in the texts they read. |
| Shift 6 | Academic Vocabulary | Students constantly build the vocabulary they need to access grade level complex texts. By focusing strategically on comprehension of pivotal and commonly found words (such as “discourse,” “generation,” “theory,” and “principled”) and less on esoteric literary terms (such as “onomatopoeia” or “homonym”), teachers constantly build students’ ability to access more complex texts across the content areas. |

| Shifts in Mathematics | | |
|------------------------------|--------------------|--|
| Shift 1 | Focus | Teachers use the power of the eraser and significantly narrow and deepen the scope of how time and energy is spent in the math classroom. They do so in order to focus deeply on only the concepts that are prioritized in the standards so that students reach strong foundational knowledge and deep conceptual understanding and are able to transfer mathematical skills and understanding across concepts and grades. |
| Shift 2 | Coherence | Principals and teachers carefully connect the learning within and across grades so that, for example, fractions or multiplication spiral across grade levels and students can build new understanding onto foundations built in previous years. Teachers can begin to count on deep conceptual understanding of core content and build on it. Each standard is not a new event, but an extension of previous learning. |
| Shift 3 | Fluency | Students are expected to have speed and accuracy with simple calculations; teachers structure class time and/or homework time for students to memorize, through repetition, core functions (found in the attached list of fluencies) such as multiplication tables so that they are more able to understand and manipulate more complex concepts. |
| Shift 4 | Deep Understanding | Teachers teach more than “how to get the answer” and instead support students’ ability to access concepts from a number of perspectives so that |

| | | |
|---------|----------------|--|
| | | students are able to see math as more than a set of mnemonics or discrete procedures. Students demonstrate deep conceptual understanding of core math concepts by applying them to new situations, as well as writing and speaking about their understanding. |
| Shift 5 | Application | Students are expected to use math and choose the appropriate concept for application even when they are not prompted to do so. Teachers provide opportunities at all grade levels for students to apply math concepts in “real world” situations. Teachers in content areas outside of math, particularly science, ensure that students are using math – at all grade levels – to make meaning of and access content. |
| Shift 6 | Dual Intensity | Students are practicing and understanding. There is more than a balance between these two things in the classroom – both are occurring with intensity. Teachers create opportunities for students to participate in “drills” and make use of those skills through extended application of math concepts. The amount of time and energy spent practicing and understanding learning environments is driven by the specific mathematical concept and therefore, varies throughout the given school year. |

ATTACHMENT B: REGIONS

Solely for the purposes of this RFP, “Regions” will be defined by a specific aggregate of counties per the table on this page.

NYS Regions for this RFP

| REGIONS | COUNTIES | | | |
|---------------------------------------|---|--|--|---|
| Capitol/ North Country | Albany Clinton Columbia Essex Franklin | Fulton Greene Hamilton Herkimer Montgomery | Otsego Rensselaer Saratoga Schoharie | Schenectady St. Lawrence Warren Washington |
| Central | Broome Cayuga Chemung Chenango Cortland | Jefferson Lewis Madison Oneida Onondaga | Ontario Oswego Schuyler Seneca Steuben | Tioga Tompkins Wayne Yates |
| Hudson Valley | Delaware Dutchess | Orange Putnam | Rockland Sullivan | Ulster Westchester |
| New York City/ Long Island | Bronx Kings | New York Nassau | Queens Richmond | Suffolk |
| West | Allegany Cattaraugus Chautauqua | Erie Genesee Livingston | Monroe Niagara | Orleans Wyoming |

SECTION V: SUBMISSION DOCUMENTS

RESPONSE TO REQUEST FOR PROPOSAL #GT-15 NEW YORK STATE EDUCATION DEPARTMENT

Title: EFFECTIVE TEACHER AND PRINCIPAL PRACTICE VIDEO PRODUCTION

To respond to the RFP, which is noted above, you must complete all the documents that are contained in this package, signing each individual document as required. Attach any other pertinent information that responds to the information requested in the RFP and mail the documents to ensure the documents are received by the due date that is stated on the cover of the RFP, in a sealed envelope labeled:

Submit each of the following documents in separately sealed envelope:

- Technical Proposal labeled **Technical Proposal - RFP #GT-15 Do Not Open**
- Cost Proposal labeled **Cost Proposal – RFP #GT-15 Do Not Open**
- CD-ROM containing technical/ cost proposal labeled **CD-ROM– RFP #GT-15 Do Not Open**
- M/WBE Documents labeled **M/WBE Documents—RFP #GT-15 Do Not Open**
- Sample Videos CD-ROM: labeled **Sample Videos CD-ROMs: RFP #GT-15 Do Not Open.**

To:

**NYS Education Department
Bureau of Fiscal Management
Contract Administration Unit
Attn: Lynn Caruso, RFP #GT-15
89 Washington Avenue, Room 505W EB
Albany, NY 12234**

Index of Documents:

- | | |
|---|---------------------------|
| 1. Response Sheet to Bids | Signature Required |
| 2. Assurances: | Signature Required |
| • Non-collusion Certification | |
| • MacBride Certification | |
| • Certification-Omnibus Procurement Act of 1992 | |
| • Certifications Regarding Lobbying; Debarment and Suspension; and Drug-Free Workplace Requirements | |
| • Offerer Disclosure of Prior Non-Responsibility Determinations | |
| • NYSED Substitute Form W-9 (If bidder is not yet registered in the SFS centralized vendor file. If registered, insert NYS Vendor ID in “Response Sheet for Bids”) | |
| 3. Mandatory Requirements Certification Form | Signature Required |
| 4. Bid Form Cost Proposal | |
| 5. Budget Summary | Signature Required |
| 6. Subcontracting Form | |
| 7. M/WBE Subcontracting/Supplier Form | |
| 8. M/WBE Documents: | Signature Required |
| • M/WBE Cover Letter | |
| • M/WBE 100 Utilization Plan | |
| • M/WBE 102 Notice of Intent to Participate | |
| • EEO 100 Staffing Plan | |
| • Contractor’s Good Faith Efforts | |

Response Sheet for Bids

Please complete the bidder section on this sheet even if you choose not to bid. Read the detailed specifications, terms, and conditions, and submit this form along with your completed bid form and supporting materials.

Agency and Bid-Delivery Information

Bids may not be faxed. To ensure the confidentiality of your bid before the bid opening, enclose your bid within an envelope labeled

**Bid Proposal #GT-15
DO NOT OPEN**

Place this sealed envelope within another envelope labeled with the delivery information.

Bidder Information—Please Complete This Section

Please complete the following even if you are choosing not to bid; responses must be legible. By signing, you indicate your express authority to sign on behalf of yourself, or your company or other entity and full knowledge and acceptance of the terms and conditions of the bid. You also affirm that you understand and agree to comply with the procedures of the NYSED relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

| | |
|---------------------------------------|--|
| <u>Name of Company Bidding</u> | <u>Employer's Federal Tax ID Number</u> |
| | <u>NYS Vendor ID</u> |

| | | | | |
|----------------|---------------|-------------|--------------|-----------------|
| Address | <i>Street</i> | <i>City</i> | <i>State</i> | <i>Zip Code</i> |
|----------------|---------------|-------------|--------------|-----------------|

Check one of the following:

I certify that my organization has filed its Vendor Responsibility Questionnaire online via the New York State VendRep System and that the current questionnaire was certified within the past six months.

I am including a completed paper copy of the Vendor Responsibility Questionnaire with the bid proposal.

My entity is exempt based on the OSC listing.

Other, explanation: _____

I am not submitting a bid. (Please complete and submit this sheet only; in addition, please indicate why you have chosen not to bid.) _____

| | | |
|---------------------------|--------------|---------------|
| Bidder's Signature | <i>Date</i> | <i>E-mail</i> |
| | <i>Phone</i> | <i>Fax</i> |

Print Name as Signed and Title

The New York State Education Department reserves the right to request any additional information deemed necessary to properly review bids.

NON-COLLUSIVE BIDDING CERTIFICATION

In accordance with Section 139-d of the State Finance Law and paragraph 7 of Appendix A (Standard Clauses for NYS Contracts), the bidder hereby affirms, under penalty of perjury:

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMEMNT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this ____ day of _____, 20__ as the act and deed of said corporation of partnership.

The person signing on behalf of the bidder further affirms that he/she is authorized and responsible for signing this certificate.

Identifying Data

Name of Potential Contractor _____

Street Address _____

City, State, zip code: _____

Telephone: _____

Name: _____

Title: _____

Signature: _____

Joint or combined bids by companies or firms must be certified on behalf of each participant.

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By: _____
Name

Name

Title

Title

Street Address

City, State, Zip Code

IF BIDDER(S) ARE A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS

LEGAL RESIDENCE

IF BIDDER(S) ARE A CORPORATION, COMPLETE THE FOLLOWING:

NAME

LEGAL RESIDENCE

President:

Secretary:

Treasurer:

President:

Secretary:

Treasurer:

MacBride Certification

**NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND:
MacBRIDE FAIR EMPLOYMENT PRINCIPLES**

In accordance with section 165 of the State Finance Law, the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership, or any individual or legal entity that holds a 10% or greater ownership in the bidder, either:

(Answer Yes or No to one or both of the following, as applicable)

1. Has business operations in Northern Ireland:

_____ Yes _____ No

If yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of compliance with such principles.

_____ Yes _____ No

Company Name: _____

Printed Name and Title of Authorized Representative:

Signature: _____

Date: _____

Proposal: _____

Commodity: _____

CERTIFICATION – OMNIBUS PROCUREMENT ACT OF 1992

The Omnibus Procurement Act of 1992 requires that by signing this RFP/bid proposal, contractors certify that whenever the total bid amount is greater than \$1 million:

1. The contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this project, and has retained the documentation of these efforts to be provided upon request to the State;
2. The contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
3. The contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor; or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The contractor agrees to document these efforts and to provide said documentation to the State upon request;
4. The contractor acknowledges notice that New York State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

Name: _____

Title: _____

Company Name: _____

Date _____

Required Assurances

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Professional, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, and zip code)

Check [] if there are workplaces on file that are not identified here.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Professional, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications. The applicant will provide immediate written notice to the NYSED Contract Administration Unit if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

| | | | |
|---|--|---------------------------------------|--|
| NAME OF APPLICANT | | PR/AWARD NUMBER AND / OR PROJECT NAME | |
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | | | |
| SIGNATURE | | DATE | |
| CONTRACT YEAR | | CONTRACT NUMBER | |

Instructions: The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the State Education Department.

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract RFP Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Signature

Name: _____

Title: _____



**NEW YORK STATE EDUCATION DEPARTMENT
 NYSED SUBSTITUTE FORM W-9:
 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER & CERTIFICATION**

TYPE OR PRINT INFORMATION NEATLY. PLEASE REFER TO INSTRUCTIONS FOR MORE INFORMATION.

Part I: Payee/Vendor/Organization Information

AGENCY ID:

1. Legal Business Name:

2. If you use a DBA, please list below:

3. Entity Type (Check one only):

- Sole Proprietor Partnership Limited Liability Co. Business Corporation Unincorporated Association/Business Federal Government
 State Government Public Authority Local Government School District Fire District Other _____

Part II: Taxpayer Identification Number (TIN) & Taxpayer Identification Type

1. Enter your TIN here: (DO NOT USE DASHES)

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

2. Taxpayer Identification Type (check appropriate box):

- Employer ID No. (EIN) Social Security No. (SSN) Individual Taxpayer ID No. (ITIN) N/A (Non-United States Business Entity)

Part III: Address

1. Physical Address:

2. Remittance Address:

Number, Street, and Apartment or Suite Number

Number, Street, and Apartment or Suite Number

City, State, and Nine Digit Zip Code or Country

City, State, and Nine Digit Zip Code or Country

Part IV: Certification of CEO or Properly Authorized Individual

Under penalties of perjury, I certify that I am the CEO or properly authorized individual and that the number shown on this form is my correct Taxpayer Identification Number (TIN).

Sign Here:

_____ Signature

_____ Date

_____ Print Name

_____ Phone Number

_____ Email Address

Part V: Contact Information – Individual Authorized to Represent the Payee/Vendor/Organization

Contact Person: _____
 (Print Name)

Title: _____

Contact's Email Address: _____ Phone Number: (____) _____

Part VI: Survey of Future Payment Methods

Please indicate all methods of payment acceptable to your organization:

- [] Electronic [] Check [] VISA

**NYS Education Department
Instructions for Completing NYSED Substitute W-9**

The NYS Education Department (NYSED) is using the NYSED Substitute Form W-9 to obtain certification of your TIN in order to facilitate your registration with the SFS centralized vendor file and to ensure accuracy of information contained therein. We ask for the information on the NYSED Substitute Form W-9 to carry out the Internal Revenue laws of the United States.

Any payee/vendor/organization receiving Federal and/or State payments from NYSED must complete the NYSED Substitute Form W-9 if they are not yet registered in the SFS centralized vendor file.

Part I: Payee/Vendor/Organization Information

1. **Legal Business Name:** For individuals, enter the name of the person who will do business with NYS as it appears on the Social Security card or other required Federal tax documents. An organization should enter the name shown on its charter or other legal documents that created the organization. Do not abbreviate names.
2. **DBA (Doing Business As):** Enter your DBA name, if applicable.
3. **Entity Type:** Mark the Entity Type doing business with New York State.

Part II: Taxpayer Identification Number (TIN) and Taxpayer Identification Type

1. **Taxpayer Identification Number:** Enter your nine-digit Social Security Number, Individual Taxpayer Identification Number (ITIN)⁶ or Employer Identification Number.
2. **Taxpayer Identification Type:** Mark the type of identification number provided.

Part III: Address

1. **Physical Address:** List the location of where your business is physically located.
2. **Remittance Address:** List the location where payments should be delivered.

Part IV: Certification of CEO or Properly Authorized Individual

Please sign, date and print the authorized individual's name, telephone and email address. An email address will facilitate communication and access to Vendor Self Service.

Part V: Contact Information

Please provide the contact information for an individual who is authorized to make legal and financial decisions for your organization. An email address will facilitate communication and access to Vendor Self Service.

Part VI: Survey of Future Payment Methods

Payment methods are needed for informational purposes. To expedite payments, vendors are strongly encouraged to consider accepting payment via VISA credit card.

⁶ An ITIN is a nine-digit number used by the United States Internal Revenue Service for individuals not eligible to obtain a Social Security Number, but are required to file income taxes. To obtain an ITIN, submit a completed W-7 to the IRS. The IRS will notify you in writing within 4 to 6 weeks about your ITIN status. In order to do business with New York State, **you must submit IRS Form W-8** along with our NYSED Substitute Form W-9 showing your ITIN. IRS Form W-8 certifies your foreign status. To obtain IRS Forms W-7 and W-8, call 1-800-829-3676 or visit the IRS website at www.irs.gov.

MANDATORY REQUIREMENTS CERTIFICATION
New York State Education Department
EFFECTIVE TEACHER AND PRINCIPAL PRACTICE VIDEO PRODUCTION

By signing this form, the undersigned agrees it can provide and/or meet all of the requirements listed below:

Mandatory Bid Requirements

- 1) For those activities that will be subcontracted, the proposed subcontractors' names, M/WBE status, specific services, and costs must be specifically indicated on the Subcontracting Form located in the "Submission Documents" section of this RFP. NYSED reserves the right to approve all subcontractors. Subcontracting is defined as, "Non-employee direct personal services and related incidental expenses, including travel." Subcontracting will be limited to fifty percent (50%) of the annual contract budget for each respective Service. If subcontractors should change during the contract term, NYSED must be notified immediately and reserves the right to reject any new subcontractor the vendor considers. The Subcontracting Form must be updated annually and submitted to NYSED.
- 2) The bidder must include with the submission of the technical proposal, at least three current professional references to substantiate qualifications. Current shall mean references for whom the vendor has performed work within the last three years. Do not use NYSED staff as references.
- 3) All bidders must sign and return the Mandatory Requirements Certification located in "Submission Documents." By signing the Mandatory Requirements Certification Form, the vendor certifies that they agree to provide and/or meet all of the Mandatory Requirements listed. Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

Mandatory Contract Requirements

- 1) In order to use the benefits of this funded program for future educational purposes, NYSED SHALL OWN ALL MATERIALS (INCLUDING BUT NOT LIMITED TO materials developed, created, or used during provision of contract services by the contractor; methodologies, measures, software, code, documentation, white papers, implementation guidance, training materials, evaluation forms, data compilations, and reports) DEVELOPED UNDER OR USED FOR PERFORMANCE OF THE SERVICES PURSUANT TO THE AGREEMENTS RESULTING FROM THIS RFP. Should the vendor use the services of consultants or other organizations or individuals who are not regular employees of the vendor, the subcontract agreement shall provide that such works produced by such other consultants, organizations or individuals and developed or used for purposes of the agreement shall be the sole and exclusive property of NYSED.
- 2) The vendor shall reproduce, use, display, and include copies of NYSED's trademarks, trade name, logos, copyrights, and other intellectual property (collectively, the "Marks") on all copies of materials produced for NYSED. The vendor acknowledges that the Marks are owned solely and exclusively by NYSED, and nothing contained in the resulting contract shall give the vendor any ownership right or interest in such Marks or a right to use the Marks except pursuant to this contract.
- 3) The vendor must design, host, and maintain a secure file transfer protocol (FTP) site as a means of file transfer. Access to this site must be limited to the vendor and NYSED unless further sharing with other parties is authorized in writing by NYSED.

- 4) All materials are to be held strictly confidential and must not be copied, duplicated, or disseminated in any manner or discussed with anyone other than persons authorized by NYSED.
- 5) All invoices submitted for payment must include dates of services and an itemized list of activities and costs consistent with the approved Schedule of Deliverables contained in the executed contract. Payment(s) for subcontractor(s) must list the subcontractor's name(s), payment amount(s), and nature of services provided separately on the invoice submitted. Invoices with incomplete information will be returned to the vendor.
- 6) Any vendor staff travel must be in accordance with the approved NYS rates. New York State rates are available at: <http://www.gsa.gov/portal/category/21287>.
- 7) All videos must be produced with closed captioning, include transcripts which must, because these will be posted to the web, comply with the following New York State policy: Pursuant to New York State Policy 08-005, web sites must comply with the Web Accessibility of Web-Based Information and Applications guidelines, <http://www.cio.ny.gov/policy/NYS-P08-005.pdf>, developed by the State Chief Information Officer. Policy may be amended, modified or superseded, which requires that state agency web-based information and applications are accessible to persons with disabilities. Web-based information and applications must conform to New York State Enterprise IT Policy NYS-P08-005 as determined by quality assurance testing. Such quality assurance testing will be conducted by (state agency name, contractor or other) and the results of such testing must be satisfactory to (state agency name) before web-based information and applications will be considered a qualified deliverable under the contract or procurement.
- 8) All video clips must be produced in the appropriate file format and resolution compatible with any host server that will host the videos as determined by NYSED, including but not limited to the following formats: .mp4, .mov, .wmv and resolutions: 1080p, 720p, 480p.

Proposals that do not include the signed Mandatory Requirements Certification or fail to comply with all Mandatory Requirements will be disqualified and removed from further consideration.

| | | |
|-------------------------|--|-------------|
| <i>Vendor Signature</i> | | Date |
| Printed Name | | |
| Title | | |
| Company Name | | |
| Company Address | | |

BID FORM COST PROPOSAL FOR SERVICES

**NEW YORK STATE EDUCATION DEPARTMENT
Bid Form Cost Proposal for Services**

TOTAL COSTS FOR RFP#GT-15

| Video Production | | |
|--|-----------------------------|-------------------|
| DELIVERABLE | TOTAL COST PER VIDEO | TOTAL COST |
| Deliverable 1: Common Core Videos (100 videos total) | | |
| Deliverable 2: Teacher Practice Videos (227 videos total) | | |
| Deliverable 3: Principal Practice Videos (135 videos total) | | |
| Deliverable 4: Data Driven Instruction Videos (30 videos total) | | |
| Deliverable 5: Common Core Studio Talk Videos (24 videos total) | | |
| TOTAL, Deliverables 1 - 5 | | |

| Travel | |
|--|-------------------|
| Travel expenses should be budgeted as a total travel cost for all days of filming, and any other pre- and post-filming travel necessary, to complete the work of this project. | TOTAL COST |
| Travel Cost | |

| | | | |
|-------------------------|--|--------------|--|
| <i>Vendor Signature</i> | | Date: | |
| Printed Name | | | |
| Company Name | | | |
| Company Address | | | |

Subcontracting is limited to 50% of non-employee direct personal services and related incidental expenses, including travel

BUDGET SUMMARY

NEW YORK STATE EDUCATION DEPARTMENT

**Budget Summary
Total Length: 32 Months**

TOTAL COST

| | Video Production | Travel | <u>Grand Total</u> |
|------------------------|-----------------------------|---------------|---------------------------|
| GRAND TOTAL | | | |

The financial criteria portion of the RFP will be based on the grand total.

| | Date |
|----------------------------|-------------|
| Vendor Signature | |
| Printed Name | |
| Company Name | |
| Company Address | |

Subcontracting Form
 New York State Education Department
 (whole dollar figures only)

EFFECTIVE TEACHER AND PRINCIPAL PRACTICE VIDEO PRODUCTION
 Subcontracting For Year One — Three

| Name of Subcontractor | M/WBE | Work Description & Estimated Hours/Days | Projected Cost |
|-----------------------|-------|--|----------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

*Indicate with an "X" which subcontractors are M/WBE.

| Total Subcontracting Cost | Total Project Budget | Percent of Subcontracting to Total Budget |
|---------------------------|----------------------|---|
| | | |

| Subcontracting | Total Year 1 | Total Year 2 | Total Year 3 | Grand Total Subcontracting |
|--|--------------|--------------|--------------|-------------------------------|
| Percent of Subcontracting to Annual Budget | | | | |

New York State Education Department
(whole dollar figures only)

EFFECTIVE TEACHER AND PRINCIPAL PRACTICE VIDEO PRODUCTION
M/WBE Purchases

Table 1-- Minority Business Enterprise

| Name of Vendor | Type of Services or Supplies | Cost |
|--|------------------------------|------|
| | | |
| | | |
| | | |
| | | |
| Total MBE Costs | | |
| Total Budget | | |
| Total MBE Costs divided by Total Budget (%) | | |

Table 2-- Women-Owned Business Enterprise

| Name of Vendor | Type of Services or Supplies | Cost |
|--|------------------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| Total WBE Costs | | |
| Total Budget | | |
| Total WBE Costs divided by Total Budget (%) | | |
| M/WBE Purchases | | Grand Total |
| % MBE Purchases to Budget | | |
| % WBE Purchases to Budget | | |

M/WBE Documents

Minority & Woman-Owned Business Enterprise Requirements

NAME OF FIRM _____

In accordance with the provisions of Article 15-A of the NYS Executive Law, 5 NYCRR Parts 140-144, Section 163 (6) of the NYS Finance Law and Executive Order #8 and in fulfillment of the New York State Education Department (NYSED) policies governing Equal Employment Opportunity and Minority and Women-Owned Business Enterprise (M/WBE) participation, it is the intention of the New York State Education Department to provide real and substantial opportunities for certified Minority and Women-Owned Business Enterprises on all State contracts. It is with this intention the NYSED has assigned M/WBE participation goals to this contract.

In an effort to promote and assist the participation of certified M/WBEs as subcontractors and suppliers on this project for the provision of services and materials, the bidder is required to comply with NYSED’s participation goals. The goals are 12% Minority Business Enterprise (MBE) and 8% Women-Owned Business Enterprise (WBE). These participation goals shall be applicable to the contract as a whole and will be monitored by NYSED M/WBE Program Unit for compliance.

Bidders are required to respond to the participation goals by completing and submitting **M/WBE 100**, Utilization Plan, **M/WBE 102**, Notice of Intent to Participate and **EEO 100**, Staffing Plan in this RFP or at www.oms.nysed.gov/fiscal/MWBE/forms.html.

| |
|---|
| By my signature on this Cover Letter, I certify that I am authorized to bind the Bidder’s firm contractually. |
| Typed or Printed Name of Authorized Representative of the Firm |
| Typed or Printed Title/Position of Authorized Representative of the Firm |
| Signature/Date |

M/WBE UTILIZATION PLAN

INSTRUCTIONS: All bidders submitting responses to this procurement must complete this M/WBE Utilization Plan and submit it as part of their proposal. The plan must contain detailed description of the services to be provided by each Minority and/or Women-Owned Business Enterprise (M/WBE) identified by the bidder.

Bidder's Name _____ Telephone: _____
 Address _____ Federal ID No.: _____
 City, State, Zip _____ RFP No.: _____

| Certified M/WBE | Classification (check all applicable) | Description of Work (Subcontracts/Supplies/Services) | Annual Dollar Value of Subcontracts/Supplies/Services |
|--|---|---|--|
| NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No. | NYS ESD Certified MBE _____ WBE _____ | | \$ _____ |
| NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No. | NYS ESD Certified MBE _____ WBE _____ | | \$ _____ |

PREPARED BY (Signature) _____ DATE _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-1, 5 NYCRR PART 143 AND THE ABOVE REFERENCE SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME AND TITLE OF PREPARER: _____
 (print or type)
 TELEPHONE/E-MAIL _____
 DATE _____

| | |
|--|------------|
| REVIEWED BY _____ | DATE _____ |
| UTILIZATION PLAN APPROVED YES/NO _____ | DATE _____ |
| NOTICE OF DEFICIENCY ISSUED YES/NO _____ | DATE _____ |
| NOTICE OF ACCEPTANCE ISSUED YES/NO _____ | DATE _____ |

M/WBE 100

**M/WBE SUBCONTRACTORS AND SUPPLIERS
NOTICE OF INTENT TO PARTICIPATE**

INSTRUCTIONS: Part A of this form must be completed and signed by the Bidder/Contractor. Parts B & C of this form must be completed by MBE and/or WBE subcontractors/suppliers. The bidder/contractor must submit a separate M/WBE Notice of Intent to Participate form for each MBE or WBE as part of the proposal.

Bidder Name: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City _____ State _____ Zip Code _____ E-mail: _____

Signature of Authorized Representative of Bidder's Firm _____
Print or Type Name and Title of Authorized Representative of Bidder's Firm

Date: _____

PART B - THE UNDERSIGNED INTENDS TO PROVIDE SERVICES OR SUPPLIES IN CONNECTION WITH THE ABOVE PROCUREMENT:

Name of M/WBE: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City, State, Zip Code _____ E-mail: _____

BRIEF DESCRIPTION OF SERVICES OR SUPPLIES TO BE PERFORMED BY MBE OR WBE:

DESIGNATION: MBE Subcontractor WBE Subcontractor MBE Supplier WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

The undersigned is a certified M/WBE by the New York State Division of Minority and Women-Owned Business Development (MWBD).

The undersigned has applied to New York State's Division of Minority and Women-Owned Business Development (MWBD) for M/WBE certification.

THE UNDERSIGNED IS PREPARED TO PROVIDE SERVICES OR SUPPLIES AS DESCRIBED ABOVE AND WILL ENTER INTO A FORMAL AGREEMENT WITH THE BIDDER CONDITIONED UPON THE BIDDER'S EXECUTION OF A CONTRACT WITH THE NEW YORK STATE EDUCATION DEPARTMENT.

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm

Date

Printed or Typed Name and Title of Authorized Representative

EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN

Instructions on Page 2

Bidder Name: _____
 Address: _____
 City, State, ZIP: _____

Telephone: _____
 Federal ID No.: _____
 RFP No: _____

Report includes:

Reporting Entity: _____

Work force to be utilized on this contract

Contractor

Contractor/Subcontractor's total work force

Subcontractor - Name: _____

Enter the total number of employees in each classification in each of the EEO-Job Categories identified.

| EEO - Job Categories | Total Work Force | Race/Ethnicity - report employees in only one category | | | | | | | | | | | | | | | | | | |
|---|------------------|--|--------|------------------------|---------------------------|---|-------|----------------------------------|-------------------|----------|---------|-------|------------------|---|-------|----------------------------------|-------------------|----------|---------|--|
| | | Hispanic or Latino | | Not-Hispanic or Latino | | | | | | | | | | | | | | | | |
| | | Male | Female | Male | | | | | | | | | Female | | | | | | | |
| | | | | White | African-American or Black | Native Hawaiian or Other Pacific Islander | Asian | American Indian or Alaska Native | Two or More Races | Disabled | Veteran | White | African-American | Native Hawaiian or Other Pacific Islander | Asian | American Indian or Alaska Native | Two or More Races | Disabled | Veteran | |
| Executive/Senior Level Officials and Managers | | | | | | | | | | | | | | | | | | | | |
| First/Mid-Level Officials and Managers | | | | | | | | | | | | | | | | | | | | |
| Professionals | | | | | | | | | | | | | | | | | | | | |
| Technicians | | | | | | | | | | | | | | | | | | | | |
| Sales Workers | | | | | | | | | | | | | | | | | | | | |
| Administrative Support Workers | | | | | | | | | | | | | | | | | | | | |
| Craft Workers | | | | | | | | | | | | | | | | | | | | |
| Operatives | | | | | | | | | | | | | | | | | | | | |
| Laborers and Helpers | | | | | | | | | | | | | | | | | | | | |
| Service Workers | | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | | | | | | | | | |

PREPARED BY (Signature): _____

DATE: _____

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NAME AND TITLE OF
PREPARER: _____

TELEPHONE/EMAIL: _____

(print or type)

EEO 100

STAFFING PLAN INSTRUCTIONS

General Instructions: All Bidders and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (EEO 100) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's or subcontractor's total work force, the Bidder shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's or subcontractor's total work force, the Bidder shall complete this form for the contractor's or subcontractor's total work force.

Instructions for Completing:

1. Enter the RFP number that this report applies to, along with the name, address, and federal ID number of the Bidder.
2. Check off the appropriate box to indicate if the work force being reported is just for the contract or the Bidder's total work force.
3. Check off the appropriate box to indicate if the Bidder completing the report is the contractor or subcontractor.
4. Enter the total work force by EEO job category.
5. Break down the total work force by gender and race/ethnic background and enter under the heading Race/Ethnicity. Contact the Designated Contact(s) for the solicitation if you have any questions.
6. Enter the name, title, phone number and/or email address for the person completing the form. Sign and date the form in designated areas.

RACE/ETHNIC IDENTIFICATION

For purposes of this form NYSED will accept the definitions of race/ethnic designations used by the federal Equal Employment Opportunity Commission (EEOC), as those definitions are described below or amended hereafter. (Be advised these terms may be defined differently for other purposes under NYS statutory, regulatory, or case law). Race/ethnic designations as used by the EEOC do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. The race/ethnic categories for this survey are:

- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian (Not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

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- **Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.
- **Disabled** - Any person who has a physical or mental impairment that substantially limits one or more major life activity; has a record of such an impairment; or is regarded as having such an impairment
- **Vietnam Era Veteran** - a veteran who served at any time between and including January 1, 1963 and May 7, 1975.

EEO 100

5 NYCRR 142.8 CONTRACTOR'S GOOD FAITH EFFORTS

(a) The contractor must document its good faith efforts toward meeting certified minority- and women-owned business enterprise utilization plans by providing, at a minimum:

- (1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;
- (2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;
- (3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;
- (4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;
- (5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;
- (6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

(b) In addition to the information provided by the contractor in paragraph (a) above, the State agency may also consider the following to determine whether the contractor has demonstrated good faith efforts:

- (1) whether the contractor submitted an alternative utilization plan consistent with the subcontract or supplier opportunities in the contract;
- (2) the number of certified minority- and women-owned business enterprises in the region listed in the directory of certified businesses that could, in the judgment of the State agency, perform work required by the State contract scope of work;
- (3) The actions taken by the contractor to contact and assess the ability of certified minority- and women-owned business enterprises located outside of the region in which the State contract scope of work is to be performed to participate on the State contract;

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(4) whether the contractor provided relevant plans, specifications or terms and conditions to certified minority- and women-owned business enterprises sufficiently in advance to enable them to prepare an informed response to a contractor request for participation as a subcontractor or supplier;

(5) the terms and conditions of any subcontract or provision of suppliers offered to certified minority- or women-owned business enterprises and a comparison of such terms and conditions with those offered in the ordinary course of the contractor's business and to other subcontractors or suppliers of the contractor;

(6) whether the contractor offered to make up any inability to comply with the certified minority- and women-owned business enterprises goals in the subject State contract in other State contracts being performed or awarded to the contractor; and

(7) any other information that is relevant or appropriate to determining whether the contractor has demonstrated a good faith effort.
