

**Common Core Institute with Sponsored Common Core Institute Fellowship  
Request for Proposals # SA-18**

**ANNOUNCEMENT OF FUNDING OPPORTUNITY**

<b>Legislative Authority</b>	Race to the Top (RTTT) through New York State Education Department (NYSED)		
<b>Purpose</b>	The primary purpose of this request for proposals (RFP) is to grant school districts, Board of Cooperative Education Services (BOCES), and charter schools, from across the state, resources to allow the organization to serve as a Common Core Institute (CCI) and sponsor selected educators as Common Core Institute Fellows to support professional development and capacity-building, specifically through the enhancement of the optional and supplemental curricular modules currently posted on EngageNY.org.		
<b>Eligible Applicants</b>	<p>Eligible applicants are:</p> <ul style="list-style-type: none"> <li>• New York State public school districts (“Districts”);</li> <li>• Board of Cooperative Educational Services (BOCES);</li> <li>• New York State charter schools.</li> </ul> <p>Each eligible application must nominate one full-time educator or two part-time educators (each 50 percent of an FTE) for one of the grade levels in Grades K-12 Mathematics or Grades 3-12 ELA, or one full-time or two part-time ELL educators for two grades in an ELA grade band (3-4, 5-6, 7-8, 9-10, 11-12).</p>		
<b>Funding</b>	<p>Source: Race to the Top Estimated Funds Available: \$ 5,000,000</p> <p align="center"><b><u>Awards will be made subject to availability of funding by the U.S. Department of Education. New York anticipates supporting its Common Core Institute grants and activities with a portion of its federal Race to the Top funds, pending approval from the U.S. Department on a related amendment request.</u></b></p>		
<b>Important Dates for Awarding Grants</b>	Applications must be received by: October 7, 2014	Anticipated Preliminary Award Notification: December 2014	Anticipated Project Period: January 2015- June 30, 2015
<b>Questions and Answers</b>	<ol style="list-style-type: none"> <li>1. Questions about this RFP must be sent to <a href="mailto:CCINSTITUTE@mail.nysed.gov">CCINSTITUTE@mail.nysed.gov</a> no later than September 17, 2014.</li> <li>2. A written Questions and Answers summary will be posted by September 24, 2014 to <a href="http://usny.nysed.gov/rtt/rfp/sa-18/">http://usny.nysed.gov/rtt/rfp/sa-18/</a>.</li> </ol>		
<b>SED Contacts</b>	Program Matters: Vicki Jones <a href="mailto:CCINSTITUTE@mail.nysed.gov">CCINSTITUTE@mail.nysed.gov</a>	Fiscal Matters: Nell Brady <a href="mailto:CCINSTITUTE@mail.nysed.gov">CCINSTITUTE@mail.nysed.gov</a>	M/WBE Matters: Joan Ramsey <a href="mailto:CCINSTITUTE@mail.nysed.gov">CCINSTITUTE@mail.nysed.gov</a>

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Note: All entities, except for public entities exempted by the State Comptroller, are required to go through the contract process. Any agency that has not previously received funding with the State Education Department should complete and submit a [Payee Information Form](#) with their application.

## **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.

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## Application Guidance

### Purpose

The primary purpose of this request for proposals (RFP) is to grant school districts, Board of Cooperative Education Services (BOCES), and charter schools, from across the state, resources to allow the organization to serve as a Common Core Institute (CCI) and to sponsor selected educators as Common Core Institute Fellows to support local professional development and capacity-building, specifically through the enhancement of the optional and supplemental curricular modules currently posted on EngageNY.org.

### Background

Over the past two years, NYSED has worked with curriculum vendors to create optional and supplemental [Common Core curricular materials](#). NYS educators played a critical role serving as reviewers in the development of these materials. As the curriculum resources have been made available for use in classrooms, NYSED has collected feedback on the strengths of the modules and areas in need of additional enhancements. This proposed grant aims to secure, through release time from their school district, BOCES, or charter school employer, the additional participation of highly qualified NYS educators to revise and enhance currently available curricular materials posted on EngageNY.org, resulting in upgrades, enhancements, supplements, and additional materials to be released over time.

Educators will participate full-time or part-time in this work and remain based in their local school, district, or BOCES with the capacity for online and teleconference collaboration and occasional travel to Albany and other regional locations.

### Scope of Work

This grant is designed to provide school districts, BOCES, or charter schools with a **Common Core Institute Award, with a Sponsored Common Core Institute Fellowship**. The Awardees will be recognized statewide as Common Core Institutes (CCI) that will serve as sites that are committed to implementing the Common Core Learning Standards (CCLS) to the fullest extent. The CCIs will each sponsor a Common Core Fellow in the continued enhancement of New York's Common Core optional and supplemental curricular materials and build capacity by providing professional development to colleagues to deepen their understanding and implementation of the CCLS. CCIs across the state will share resources, successes and areas for improvement that can meet the needs of all educators and students in rising to the challenge of these higher standards.

This award would be made available to a school district, BOCES, or charter school to secure one or more educators in one of the grade levels in the areas of Grades K-12 Mathematics, or Grades 3-12 ELA or ELL

educators for two grades in Grades 3-12 ELA for school year 2014-2015 to support the enhancement of curricular modules, and to support local common core implementation / professional development.<sup>1</sup>

Applicants can nominate a full-time educator or two part-time educators (each 50 percent of an FTE) for a particular grade level and content area (e.g., Grade 5 math or Grade 9 ELA). Part-time educator pairs will be treated as one Common Core Fellow for the purpose of selection, assignment of enhancements, and coaching and feedback. Each Math or ELA educator or educator pair must represent one particular grade level and content area. Each ELL educator or educator pair must represent two ELA grade levels (3 and 4, 5 and 6, 7 and 8, 9 and 10, 11 and 12). Common Core Institute Fellows will be based in their local school, district, or BOCES with the capacity for online and teleconference collaboration and occasional travel to Albany and other regional locations. Grant funds will be used to support the following:

- 26 Mathematics Fellows (2 for each grade, K-12)
- 20 ELA Fellows (2 for each grade, 3-12)
- 5 ELL Fellows (1 for each grade band, 3-4, 5-6, 7-8, 9-10, 11-12)

While applicants are encouraged to submit multiple proposals to increase the chances of becoming a Common Core Institute, separate applications are required for each educator / educator pair and supervisor. The Supervisor identified for each educator or educator pair may vary as he/she must have the qualifications and experience related to the Fellow's particular grade level/band and content area.

The award will support the cost to release one full-time Common Core Institute Fellow (or equivalent with two part-time Fellows; for the purpose of this document, the term "Fellow" will refer to either a full-time Fellow or two part-time Fellows, each at 50 percent) for the grant period (including salary and benefits of the Common Core Institute Fellow), partial salary and benefits of identified Supervisor (not to exceed 10% of full-time employee or equivalent), allowable administrative overhead, supplies, and travel. The Common Core Institute Fellow will participate in the process of reviewing and enhancing curricular materials and providing Common Core aligned capacity building and professional development. In the case where two part-time educators are selected, NYSED will cover 50% of salary and benefits for each educator, for the period, as well as other necessary expenses for both educators. Please see the Budget Guidance section of the RFP for additional information on allowable expenses.

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<sup>1</sup> The Core Knowledge Language Arts curriculum (the comprehensive P-2 literacy curriculum found on EngageNY.org) is a standards-based iteration of a research driven, proven program that has been in use in classrooms in New York and across the country for over a decade. This iteration of the curriculum already includes many of the enhancements that NYSED seeks to make to other grade bands and content areas. The Core Knowledge Language Arts curriculum on EngageNY.org includes specific scaffolds for struggling learners, strategically sequenced decodable reading, images with stories specifically focused on building vocabulary and background knowledge, a supplementary guide for the literacy curriculum, an Assessment and Remediation Guide for the phonics program, and parent letters and recommended reading in which parents can engage their children.

For more information about the research base that support these resources, see: Research-Based Methods of Reading Instruction for English Language Learners, Grades K-4 (<http://www.ascd.org/publications/books/108002/chapters/Phonics-and-Word-Study.aspx>); National Reading Panel 2000 Findings: Phonics and Word Study (<http://www.ascd.org/publications/books/104134/chapters/Phonics-and-Word-Study.aspx>); More Than Words: An Early Grades Reading Program Builds Skills and Knowledge (<http://www.aft.org/pdfs/americaneducator/fall2012/Dubin.pdf>); National Evaluation of Core Knowledge Sequence Implementation (<http://www.csos.jhu.edu/crespar/techReports/report49.pdf>); and , Taken for Granted: Why Curriculum Content is Like Oxygen (<http://www.aft.org/pdfs/americaneducator/summer2014/Gosse.pdf>)

## Details Regarding the Award

A Common Core Institute (CCI) is a school district, BOCES, or charter school that will be recognized statewide as a site that is committed to implementing the Common Core to the fullest extent. Each Institute will sponsor a Common Core Fellow in the continued enhancement of New York's Common Core optional and supplemental curricular materials and build capacity by providing professional development to colleagues to deepen their understanding and implementation of the Common Core. CCIs across the state will share resources, successes and areas for improvement that can meet the needs of all educators and students in rising to the challenge of higher standards.

A Common Core Institute Fellow(s) is an educator who will be selected as part of the overall application with respect to their qualifications and experience in a particular grade or grade band and content area (within K-12 Math, 3-12 ELA and ELL educators for 3-12 ELA). Fellows will be based in their school, district, BOCES or charter school and must have the capacity for online and teleconference collaboration and occasional travel to Albany and other regional locations. They will spend January through June of school year 2014-2015 on special assignment (while employed by their school, district, BOCES or charter school) and may continue to accrue seniority/tenure during this special assignment.

During the grant period the Fellows will be focused on the following activities:

1. Training with NYSED in order to prepare for the enhancement work. This training will occur both before the beginning of the enhancement process, and at set intervals during the enhancement process. Training will be provided by NYSED staff or NYSED designee. Training will be differentiated by grade level or band and content area.
2. Enhancing the current curricular modules based on feedback from NYS educators, through a cycle of feedback and coaching.
  - Each Math and ELA Fellow will be paired with another Fellow with the same grade and content area expertise. Each ELA and Math pair of Fellows will be responsible for enhancing one grade/content area during the 2014-15 school year. ELA and Math pairs will collaborate on the enhancement of curricular materials that are posted on EngageNY, as well as the development of all supporting resources. Coaching and monthly feedback will be provided by NYSED staff and/or NYSED designee, and will be focused on the development of high quality instructional materials. Fellows will have regular access to NYSED staff or designee.
3. Enhancing current curricular modules by developing and integrating additional scaffolds.
  - Each Math and ELA pair of Fellows will develop and integrate additional scaffolds for struggling learners. The development and integration of these scaffolds will be done in parallel to the enhancement of curricular materials. Each pair of Fellows will create and integrate the scaffolds for struggling learners directly into curricular materials during the enhancement process. Coaching and feedback will be provided by NYSED staff and/or NYSED designee with expertise in developing scaffolds for struggling learners.
  - Each ELL Fellow will develop and integrate scaffolds for English Language Learners for particular grade bands in 3-12 ELA. Fellows will create and integrate the scaffolds for English Language Learners directly into curricular materials. Coaching and feedback will be provided by NYSED staff and/or NYSED designee with expertise in developing scaffolds for English Language Learners.

4. Supporting their respective district, charter school, and/or BOCES and region with Common Core implementation through peer professional development, coaching, local lesson review, etc. These are the activities that will help build a supportive community around the Common Core Institute and strengthen its commitment to implementing the Common Core to the fullest extent.

Supervision of the Common Core Institute and Common Core Institute Fellow(s): Applicants will also identify a Supervisor who will ensure the successful implementation of the Common Core Institute by managing the activities described in the Work Plan/Time Line and supervising the Common Core Institute Fellow. Management activities during the grant period include:

- Coordinating the professional development sessions which may involve working with the awardee on topics, time and place of delivery, and the audience for each session;
- Overseeing the Fellow(s)' work on the two aspects of this proposal: 1) enhancements of the modules; and 2) local Common Core Implementation;
- Conducting a total of three meetings with the Fellow(s); and
- Participate in a conference call or webinar with NYSED and other Supervisors as indicated on the Common Core Institute Deliverable Time Line.

### **The Enhancement Process**

The enhancement process for all instructional materials will occur in six stages:

#### Stage I: Training, Feedback Collection and Organization

Upon award, Fellows are expected to review all lessons, assessments and overviews of the curriculum modules for their grade level/content area and create a proposed list of enhancements to share at the initial 4-day training. To ensure the quality and alignment of revised and enhanced instructional materials, Fellows are expected to attend training with NYSED in order to prepare for the enhancement work. This training will occur both before the beginning of the enhancement process (January 2015), and at least two additional times in Albany (February and April 2015) during the enhancement process. Training will be provided by NYSED staff and/or NYSED designee. Training will be differentiated by content area and grade band.

- During the initial 4-day training, NYSED staff will share the prioritized feedback with Common Core Institute Fellow grade/content area teams. This prioritized feedback is a consolidated list of ongoing feedback that NYSED has received from educators who have used the materials. Teams will have an opportunity to share their proposed list of enhancements, based on their review of the curricular materials, before the list of enhancements is finalized. Once the list is finalized, Fellows will be expected to begin incorporating the enhancements on the first two lessons from Module 1 and receive frequent differentiated feedback from NYSED staff and/or NYSED designee for the purpose of calibrating to NYSED's high standards.
- Ongoing coaching and feedback via email and phone conference will occur throughout the grant period as necessary to provide real-time feedback on ongoing enhancements. NYSED staff and/or designee will be delivering this feedback.

#### Stage II: Drafting of Enhancements

Once all Fellows are calibrated to NYSED's standards, each will draft and embed (via tracked changes) the enhancements within the curricular materials on a rolling basis based on the benchmark timeline below. Enhancements will be made using track changes, in Microsoft Word 2010 .docx or newer, to the existing curricular materials.

### Stage III: Peer Review

Once a Math/ELA Fellow drafts the enhancements for a particular set of curricular materials, they will share the materials with their grade/content area partner for review. Partners will provide comments and feedback on the enhancements within the time line described below.

After peer review, Fellows will make necessary adjustments based on peer feedback. Each fellow will submit the resulting draft curricular materials to NYSED's designated project manager by the deadlines described below.

ELL Fellows will not be responsible for participating in a peer review.

### Stage IV: NYSED Review

NYSED staff will review enhancements to ensure alignment and coherence of the changes to the CCLS and to the overall learning sequence. During this review, NYSED staff will determine if the changes are approved (and accepted) or in need of further enhancement. Approved modules will be posted on EngageNY.org.

### Stage V: Additional Enhancements (If necessary)

If necessary, Common Core Institute Fellows may make enhancements based on NYSED feedback.

### Stage VI: Acceptance

NYSED will either approve the enhancements and post on EngageNY.org or provide specific feedback to Fellows about the quality of enhancements to materials. This feedback will not result in additional enhancements. Only enhanced modules approved by NYSED will be posted on EngageNY.org.

## **Support Plan for Common Core Institute**

In their applications, educational organizations will present a plan for how nominated educator(s) will support local implementation of the Common Core during their fellowship. Applicants are encouraged to support implementation of the Common Core in other districts within their region as well. The CCI plan will contain the following items:

- At least three opportunities for the Fellow to provide professional development to colleagues
- Development of at least three resources for colleagues (Resources are to include, but will not be limited to, the following: PowerPoint presentations, Facilitator Guides and Handouts.)
- At least three opportunities for the Fellow to provide professional development to families and community members
- Development of at least three resources for families and community members

- Sharing resources on an online network to be determined by NYSED<sup>2</sup>
- Specific goals and outcomes for the plan with metrics for determining success

The identified Supervisor will use the Checklist for Measuring Performance of Fellows on CCI Activities found in Attachment VI for evaluating the quality of support provided by the Fellow(s). The evaluation of all professional development should align with the elements of Thomas Guskey's five levels of professional development evaluation found at <http://www.ascd.org/publications/educational-leadership/mar02/vol59/num06/Does-It-Make-a-Difference%C2%A2-Evaluating-Professional-Development.aspx>.

### Common Core Institute Timeline

Common Core Institute Fellows will be expected to produce enhanced materials on a regular schedule, aligned to benchmark dates identified by NYSED. While specific benchmarks and delivery schedules will be developed for each grade level or band and content area team, below is a general calendar of expectations for completion of enhanced modules and professional development for each team. Benchmark enhancements and activities will be tracked by individual fellows and supervisors.

Month(s)	Benchmark Dates
Upon award	<ul style="list-style-type: none"> <li>• NYSED conducts webinar to outline roles and responsibilities of the identified Supervisor, the Fellow and NYSED</li> </ul>
Upon award-January 2015	<ul style="list-style-type: none"> <li>• Fellow will conduct lesson level review of all existing curricular modules for particular grade(s)/content area and make a proposed list of enhancements to share at the 4-day training</li> <li>• Fellow will attend training (4-day in-person training)</li> </ul>
January training – February 13, 2015	<ul style="list-style-type: none"> <li>• Fellow will submit enhancements of the first 2 lessons from Module 1 by 4 p.m. EST February 13</li> <li>• Common Core Implementation support activities are carried out</li> </ul>
February 14 - March 6, 2015	<ul style="list-style-type: none"> <li>• NYSED or designee will provide specific feedback on first 2 lessons via conference call or WebEx based on list of expected enhancements</li> </ul>
February 2015	<ul style="list-style-type: none"> <li>• All Fellows will convene in Albany to receive further training, share resources, successes and areas for improvement</li> <li>• All identified Supervisors will participate in a conference call or webinar to share resources, successes and areas for improvement</li> </ul>
Upon receiving feedback – March 27, 2015	<ul style="list-style-type: none"> <li>• Fellow will submit enhancements of the remaining first 25% of lessons by 4 p.m. EST March 27</li> <li>• Common Core Implementation support activity</li> </ul>
March 30 – April 13, 2015	<ul style="list-style-type: none"> <li>• Fellow will submit enhancements of the second 25% of lessons by 4 p.m. EST April 13</li> <li>• Common Core Implementation support activities are carried</li> </ul>

<sup>2</sup> NYSED will permit the grantee to reserve the right to copyright the resources produced with these grant funds; however, NYSED and the State of New York shall have a nonexclusive, perpetual, irrevocable, royalty-free license to copy, disseminate, and use in any way such resources, solely for educational purposes. This nonexclusive license is in addition to the rights of use by the federal government, as set forth in 34 C.F.R §80.34 because this project is being funded by federal funds.

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April 14 – April 28, 2015	<ul style="list-style-type: none"> <li>Fellow will submit enhancements of the third 25% of lessons by 4 p.m. EST April 28</li> <li>Common Core Implementation support activities are carried out</li> </ul>
April 2015	<ul style="list-style-type: none"> <li>All Fellows will convene in Albany to share resources, successes and areas for improvement</li> <li>All identified Supervisors will participate in a conference call or webinar to share resources, successes and areas for improvement</li> </ul>
April 29-May 13, 2015	<ul style="list-style-type: none"> <li>Fellow will submit enhancements of the fourth 25% of lessons by 4 p.m. EST May 13</li> <li>Common Core Implementation support activities are carried out</li> </ul>
May 14 – June 15, 2015	<ul style="list-style-type: none"> <li>Common Core Implementation support activities are carried out</li> </ul>

### Curricular Modules to be Enhanced

Modules will be enhanced in English Language Arts for grades 3-12 and for Mathematics grades K-12. Below is a list of the number of modules for each grade/subject to be enhanced.

#### ELA

Grades	Number of Modules per grade level
3-8 (180 days of Instruction) 9-12 (165 days of Instruction)	4 primary modules, with 2 alternate modules

#### Mathematics

Grade	Number of Modules per grade level
K	6
1	6
2	8
3	7
4	7
5	6
6	6
7	6
8	7
9	5
10	5
11	4
12	5

### Overall Expectations

*Identified Supervisor responsibilities:*

- Coordinate professional development sessions (work with the awardee on topics, time and place of delivery, and the audience for each session)
- Monitor and track the progress of the Fellow using the Checklists provided (Attachments IV, V and VI) and share with NYSED as necessary
- Provide formal supervision of the Fellow
- Attend trainings and webinars specifically for identified Supervisors

*NYSED responsibilities:*

- Provide guidance to Fellows and identified Supervisors on enhancements and implementation support expectations
- Provide feedback to Fellows on their enhancements
- Provide feedback to Supervisors on performance of Fellows

*Fellow responsibilities:*

- Participate in training and collaborate with NYSED and colleagues
- Review and make enhancements to the modules
- Conduct peer review of modules
- Submit modules to the project manager according to the time line
- Provide professional development and resources to support implementation of CCLS
- Provide evidence of performance to the identified Supervisor using the checklists provided (Attachments IV, V and VI)

## **Mandatory Application Requirements**

The following requirements must be met in order for an application to be reviewed:

1. Application Cover Page: Attachment I must be signed and submitted with the application.
2. Mandatory Requirements Certification: Attachment II must be signed and submitted with the application to certify that the application meets all mandatory requirements.
3. Name and resume of the identified Supervisor. The Supervisor's resume must include a School Building Leader (SBL) or School District Leader (SDL) or School District Business Leader (SDBL) certification. The Supervisor will be responsible for managing the activities described in the Work Plan / Time line and supervising the Common Core Institute Fellow.
4. Minimum qualifications of the educator nominated for the Common Core Institute Fellowship include:
  - A minimum rating as effective on the comprehensive annual evaluation system consistent with Education Law §3012-c, as indicated in the Letter of Recommendation included in the application.<sup>3</sup>
  - 3 years of teaching experience in the content area and grade/grade band for which they are applying, as indicated on the educator's resume included in the application. For example, the ELA Fellow for grade 6 must show experience working with 6<sup>th</sup> grade ELA, the Math Fellow for

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<sup>3</sup> A "comprehensive annual evaluation system" is the same as an APPR evaluation. For purposes of participation in the State's RTTT plan and receiving allocated funds to implement Section D activities, charter schools must evaluate all classroom teachers and building principals using a comprehensive annual evaluation system that is consistent with...Education Law §3012-c. For more information, see Section O1 of "Guidance on New York's Annual Professional Performance Review Law and Regulations: found at <https://www.engageny.org/resource/guidance-on-new-york-s-annual-professional-performance-review-law-and-regulations> .

grade 6 must show experience working with 6<sup>th</sup> grade Mathematics, and ELL Fellow for grades 5 and 6 must show experience working with 5<sup>th</sup> and 6<sup>th</sup> grade ELLs.

- Experience facilitating at least two sessions of local professional development or equivalent to support the implementation of the Common Core Learning Standards **OR** participation in two Network Team Institutes, as indicated in the portfolio included in the application.

### **APPR Requirement**

Any applicant that has an approved APPR plan at the time of application must maintain a demonstration of full implementation of an approved APPR plan in compliance with Section 1 of Part A of Chapter 57 and Chapter 53 of the Laws of 2013, Education Law §3012-c, and Subpart 30-2 of the Rules of the Board of Regents throughout the entire period of the grant.

### **Budget Guidance**

Information about the categories of expenditures, general information on allowable costs and applicable federal costs principles, and administrative regulations are available in the Fiscal Guidelines for Federal and State Aided Grants: <http://www.oms.nysed.gov/cafe/guidance/guidelines.html>. Refer to the Scope of Work and Application Guidance sections of this RFP for additional specific requirements and information about the allowable and non-allowable activities for this program.

The totals from each of the Budget Category Forms should correspond to amounts shown on the Budget Summary Form (FS-10). Please be sure to check your math.

Only equipment items with a unit cost that equals or exceeds \$5,000 should be included under Equipment, Code 20. Equipment items under \$5,000 should be included under Supplies and Materials, Code 45.

Program office staff will review budgets and eliminate any items that are deemed non-allowable or inappropriate. If any changes are made to a budget category form as a result of an expenditure being non-allowable or inappropriate, the program office staff person will communicate with the program contacts identified on the Application Cover Page and return a copy of the corrected budget form to the Applicant.

### **Allowable expenses**

- Allowable expenses include, but are not limited to: Salary and benefits of the nominated educator(s), which must match the educator's regular salary, and any project salary/benefits needed to support the identified Supervisor (not to exceed 10% of a full-time employee or equivalent).
- Rent and utilities for work space, to the extent that these expenses are not included in indirect costs.
- Any supplies and materials necessary to carry out grant activities. (Expenditures for supplies and materials must be reasonable.)
- Travel will include 4 days of training in Albany (up to 4 overnights) in January/at the beginning of the grant period. Costs should include 6 more days of training and/or convening to share resources to occur throughout the grant period (3 separate events; 2 days each; 4 overnights total). All travel expenses must reflect the approved New York State rates. New York State rates are available at <http://www.gsa.gov/perdiem> and <http://www.gsa.gov/mileage>. Expenditures for travel are limited to mileage and lodging only.

- Indirect costs.

NOTE: Food is not an allowable expense.

## Payments and Reporting

Applicants will be required to submit a quarterly performance report through the online survey system called the Monitoring & Vendor Performance System (MVPS). The MVPS captures contract status and performance objectives of Race to the Top funded projects. Each performance report must demonstrate that substantial progress has been made toward meeting the project goals and measurable outcomes, as indicated in the applicant's work plan and/or timeline. The performance report should provide an overview of what was proposed for the grant period and what actually happened, including the lessons learned during the process. In addition, recipients of Race to the Top funds must submit quarterly reports, including the American Recovery and Reinvestment Act of 2009 (ARRA) reports. These quarterly reports, which must be submitted through the NYSED Application Business Portal by the grantee, must include a short narrative regarding quarterly activities, a summary of all jobs saved and jobs created through grant funds, and amounts expended through vendors.

Payments are generated by the submission of an FS-25: Request for Funds for a Federal or State Project form. Requests for Interim Payments may only represent actual expenditures. All FS-25's must be submitted directly to the State Education Department Grants Finance Unit at the address listed on the form for payment.

A final payment for the balance of the grant term (no less than 10%) will be made after an FS-10-F: Final Expenditure Report for a State or Federal Project is submitted to the Grants Finance Unit and approved. The FS-10 is due in the Grants Finance Unit no later than 30 days after the end of the grant term.

## Ownership of Enhancements and Resources

In lieu of the ownership provisions in Paragraph A of the Safeguards for Services and Confidentiality in the standard grant contract template (page 57 of this RFP), the parties agree that the grantee, to the extent permitted by law, may own and hold the copyright to any enhancements to curriculum materials ("Enhancements") and related supporting resources ("Resources") produced by the grantee with the grant funds pursuant to this agreement. However, NYSED and the State of New York shall have a nonexclusive, irrevocable, royalty-free license to use, copy, distribute, sub-license, make derivatives of or have derivatives made on its behalf, perform subsequent research and publish results, or otherwise utilize the Enhancements and Resources for educational, non-commercial purposes. The parties further agree that NYSED may publish the Enhancements and Resources on the EngageNY website, subject to a Creative Commons Attribution Non-Commercial Share Alike (U.S.) License. These nonexclusive licenses are in addition to the rights of use by the federal government, as set forth in 34 C.F.R §80.34, because this project is being funded by federal funds.

Pre-existing content authored by the grantee that is incorporated into the Enhancements and/or Resources may be acknowledged and identified in the text of the Enhancements and/or Resources. To the extent that any third-party owned proprietary content is utilized by grantee in the Enhancements and/or Resources, the grantee shall ensure that it obtains a license to use such content for the full extent of anticipated uses of the

Enhancements and/or Resources set forth in this agreement, including but not limited to the license to NYSED and State of New York, publication on EngageNY and use by others pursuant to the Creative Commons license. The grantee will ensure that any sub-grantee or consultant who contributes to the Enhancements and/or Resources is also bound by these terms.

The grantee shall provide copies of all Enhancements and Resources to NYSED in both hard copy and electronic format, including source code.

## **Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals Pursuant to Article 15-A of the New York State Executive Law**

***The following M/WBE requirements apply when an applicant submits an application for grant funding that exceeds \$25,000 for the full grant period.***

***All forms referenced here can be found in the M/WBE Documents section at the end of this RFP.***

All applicants are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) policy. Compliance can be achieved by one of the three methods described below. Full participation by meeting or exceeding the M/WBE participation goal for this grant is the preferred method.

M/WBE participation includes services, materials, or supplies purchased from minority and women-owned firms certified with the NYS Division of Minority and Women Business Development. Not-for-profit agencies are not eligible for this certification. For additional information and a listing of currently certified M/WBEs, see

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>

The M/WBE participation goal for this grant is 20% of each applicant's total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as total budget, excluding the sum of funds budgeted for:

1. direct personal services (i.e., professional and support staff salaries) and fringe benefits; and
2. rent, lease, utilities and indirect costs, if these items are allowable expenditures.

For multi-year grants, applicants should use the total budget for the full multi-year term of the grants in the above calculation. The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

M/WBE participation does not need to be the same for each year of a multi-year grant.

All requested information and documentation should be provided at the time of submission. If this cannot be done, the applicant will have thirty days from the date of notice of award to submit the necessary

documents and respond satisfactorily to any follow-up questions from the Department. Failure to do so may result in loss of funding.

## **METHODS TO COMPLY**

An applicant can comply with NYSED's M/WBE policy by one of three methods:

**1.Full Participation** - This is the preferred method of compliance. Full participation is achieved when an applicant meets or exceeds the participation goals for this grant.

**COMPLETE FORMS:**

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 102 Notice of Intent to Participate

**2. Partial Participation, Partial Request for Waiver** - This is acceptable only if good faith efforts to achieve full participation are made and documented, but full participation is not possible.

**COMPLETE FORMS:**

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 101 Request for Waiver
- M/WBE 102 Notice of Intent to Participate
- M/WBE 105 Contractor's Good Faith Efforts

**3. No Participation, Request for Complete Waiver** - This is acceptable only if good faith efforts to achieve full or partial participation are made and documented, but do not result in any participation by M/WBE firm(s).

**COMPLETE FORMS:**

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 101 Request for Waiver
- M/WBE 105 Contractor's Good Faith Efforts

## **GOOD FAITH EFFORTS**

Applicants must make a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers to achieve the goals for this grant. Solicitations may include, but are not limited to: advertisements in minority and women-centered publications; solicitation of vendors found in the NYS Directory of Certified Minority and Women-Owned Business Enterprises (see <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>); and the solicitation of minority and women-oriented trade and labor organizations.

Good faith efforts include actions such as setting up meetings or announcements to make M/WBEs aware of supplier and subcontracting opportunities, identifying logical areas of the grant project that could be subcontracted to M/WBE firms, and utilizing all current lists of M/WBEs who are available for and may be interested in subcontracting or supplying goods for the project.

Applicants should document their efforts to comply with the stated M/WBE goals and submit this with their applications as evidence. Examples of acceptable documentation can be found in form M/WBE 105, Contractor's Good Faith Efforts. NYSED reserves the right to reject any application for failure to document "good faith efforts."

## **REQUEST FOR WAIVER**

When full participation cannot be achieved, applicants must submit a Request for Waiver (M/WBE 101). Requests for Waivers must be accompanied by documentation explaining the good faith efforts made and reasons they were unsuccessful in obtaining M/WBE participation.

NYSED reserves the right to approve the addition or deletion of subcontractors or suppliers to enable applicants to comply with the M/WBE goals, provided such addition or deletion does not impact the technical proposal and/or increase the total budget.

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

NYSED's M/WBE Coordinator is available to assist applicants in meeting the M/WBE goals. The Coordinator can be reached at [MWBE@mail.nysed.gov](mailto:MWBE@mail.nysed.gov).

## **Equal Employment Opportunity Reporting (EEO) Pursuant to Article 15-A of the New York State Executive Law**

Applicants must complete and submit form EEO 100: Staffing Plan.

## **ELEMENTS OF THE PROPOSAL**

Applicants should include all requested information and applicable attachments for Sections A-F (see Application Instructions for formatting guidelines) as detailed below. The proposal will be based on a total possible score out of one hundred (100) points. Sections A through E describe the technical criteria of the proposal and make up 80 points of the total score. Section F, Budget, corresponds to 20 points of the total score.

Please be sure to review (and complete, as appropriate) the following appendices:

- Appendix A: Standard Clauses for NYS Contracts
- Appendix B: Scoring Rubrics

- Appendix C: Prequalification Application for Grants Reform (requirement for public charter schools only)
- Appendix D: M/WBE Documents

## **Section A: Overview – No points**

(Recommended maximum of 1 page)

The purpose of Section A of the proposal narrative is to summarize clearly how the district will benefit from being a Common Core Institute and how the Common Core Institute Fellow will support this work in the local district, BOCES, or charter school and the surrounding region (if applicable). This description should include a statement outlining the proposed project, including its potential benefits and anticipated obstacles.

## **Section B: Common Core Institute and Fellow Qualifications – [35] points**

The purpose of Section B of the proposal is for the applicant to describe how they will support the implementation of the Common Core Learning Standards and qualifications of the nominated educator.

### **Section B1: Evidence of Capacity for Common Core Institute Implementation – [10] points**

(Recommended maximum of 5 pages)

In this section, applicants will provide evidence of their current and/or previous efforts related to CCLS implementation, and they will describe how this award will support the implementation of the Common Core Learning Standards.

The applicant will provide:

- Evidence of Common Core Learning Standards-aligned instruction across the district /BOCES/charter school.
- Evidence of professional development the applicant has conducted to support the implementation of the CCLS.
- Clear rationale for how this award will support the implementation of the CCLS within your educational organization and the surrounding region.
- Description of how the nominated educator(s) and the Supervisor will be supported.
- Name and resume of the identified Supervisor, as stated in the Mandatory Requirements section. The identified Supervisor will be responsible for managing the activities described in the Work Plan/Timeline and supervising the Common Core Institute Fellow. The resume of the Supervisor should include:
  - Teaching and/or curriculum experience in Common Core ELA (if supervising an ELA Fellow or ELL Fellow) or Common Core Math (if supervising a Math Fellow);
  - Supervisory experience; and
  - Project management experience.

### **Section B2: Qualifications of Nominated Educator (Portfolio) – [25] points**

(Recommended maximum of 7 artifacts)

In this section, applicants will describe the qualifications of the nominated educator and effectively demonstrate the ability of the nominated educator to enhance current curricular modules and support the implementation of the Common Core Learning Standards. If the applicant is nominating two part-time educators, this section will be scored separately for each educator and then averaged for a total score.

Each nominated educator(s) will provide a portfolio containing the following:

*The following part of the portfolio will be worth 5 points:*

- Artifact 1: An official Letter of Recommendation provided by an administrator at the BOCES, district or school level including the nominated educator's evaluation rating of effective or highly effective.
- Artifact 2: Statement describing why the educator is interested in becoming a Fellow (no more than one page).
- Artifact 3: Resume should include current contact information as this will be the means for arranging an interview if applicable. Resumes should include the experience and attributes described below that illustrate qualifications in the one content area (i.e., Math, ELA, or ELL) and grade level/grade band for which they are applying.
  - Resume of person nominated for the Math Fellowship should include:
    - Experience working with diverse populations (English Language Learners, students with disabilities and/or struggling learners)
    - Peer collaboration through participation in district or building level committees related to implementing the CCLS in Mathematics
  - Resume of person nominated for the ELA Fellowship should include:
    - Experience working with diverse populations (English Language Learners, students with disabilities and/or struggling learners)
    - Peer collaboration through participation in district or building level committees related to implementing the CCLS in ELA
  - Resume of person nominated for the ELL Fellowship should include:
    - Experience working with different levels of English Language Learners
    - Peer collaboration through participation in district or building level committees related to implementing the CCLS in ELA for English Language Learners

*The following part of the portfolio will be worth 10 points:*

- Artifact 4: Nominated educator(s) should enhance and submit one lesson from the list below based on the content area and grade level/grade band expertise. This lesson enhancement should be provided through tracked changes and include but not be limited to:
  - Scaffolding for English Language Learners and Struggling Learners (Scaffolding is help that is "just right" and "just in time," provided to learners so that, with the scaffold support in place, the learners can accomplish tasks they would not be able to complete alone. In addition, scaffolds allow learners to develop the knowledge, skills, or language required to support their own performance in the future. In terms of educational materials, scaffolded lessons need to be generative, that is, they should promote student autonomy over time.)
  - Integration or application of technology, where appropriate (use of Smartboard, video, ipod, ipad, blogs, etc)
  - Lesson extensions/supplemental materials, where relevant.

- Artifact 5 : Parent resources should be provided as a separate artifact (newsletters, videos to explain content of the lesson, etc.).

<b>LESSON TO BE ENHANCED</b>		
<b>Grade Level / Content Area</b>	<b>Name of lesson</b>	<b>Link to lesson</b>
Grades K-2 Mathematics	Grade 1 Mathematics, Module 4, Topic D, Lesson 13	<a href="https://www.engageny.org/resource/grade-1-mathematics-module-4-topic-d-lesson-13">https://www.engageny.org/resource/grade-1-mathematics-module-4-topic-d-lesson-13</a>
Grades 3-5 Mathematics	Grade 4 Mathematics, Module 3, Topic E, Lesson 14	<a href="https://www.engageny.org/resource/grade-4-mathematics-module-3-topic-e-lesson-14">https://www.engageny.org/resource/grade-4-mathematics-module-3-topic-e-lesson-14</a>
Grade 6 Mathematics	Grade 6 Mathematics, Module 1, Topic B, Lesson 9	<a href="https://www.engageny.org/resource/grade-6-mathematics-module-1-topic-b-lesson-9">https://www.engageny.org/resource/grade-6-mathematics-module-1-topic-b-lesson-9</a>
Grades 7-8 Mathematics	Grade 8 Mathematics, Module 1, Topic A, Lesson 6	<a href="https://www.engageny.org/resource/grade-8-mathematics-module-1-topic-lesson-6">https://www.engageny.org/resource/grade-8-mathematics-module-1-topic-lesson-6</a>
Algebra I	Algebra I, Module 1, Topic B, Lesson 6	<a href="https://www.engageny.org/resource/algebra-i-module-1-topic-b-lesson-6">https://www.engageny.org/resource/algebra-i-module-1-topic-b-lesson-6</a>
Geometry	Geometry, Module 1, Topic B, Lesson 9	<a href="https://www.engageny.org/resource/geometry-module-1-topic-b-lesson-9">https://www.engageny.org/resource/geometry-module-1-topic-b-lesson-9</a>
Algebra II and Precalculus	Algebra II, Module 1, Topic C, Lesson 35	<a href="https://www.engageny.org/resource/algebra-ii-module-1-topic-c-lesson-35">https://www.engageny.org/resource/algebra-ii-module-1-topic-c-lesson-35</a>
Grades 3-4 ELA	Grade 4 ELA Module 3A, Unit 3, Lesson 1	<a href="https://www.engageny.org/resource/grade-4-ela-module-3a-unit-3-lesson-1">https://www.engageny.org/resource/grade-4-ela-module-3a-unit-3-lesson-1</a>
Grades 5-6 ELA	Grade 6 ELA Module 2B, Unit 2, Lesson 1	<a href="https://www.engageny.org/resource/grade-6-module-2b-unit-2-lesson-1">https://www.engageny.org/resource/grade-6-module-2b-unit-2-lesson-1</a>
Grades 7-8 ELA	Grade 8 ELA Module 4, Unit 1, Lesson 1	<a href="https://www.engageny.org/resource/grade-8-ela-module-4-unit-1-lesson-1">https://www.engageny.org/resource/grade-8-ela-module-4-unit-1-lesson-1</a>
Grades 9 -12 ELA	Grade 10 ELA Module 1, Unit 2, Lesson 5	<a href="https://www.engageny.org/resource/grade-10-ela-module-1-unit-2-lesson-5">https://www.engageny.org/resource/grade-10-ela-module-1-unit-2-lesson-5</a>

*The following part of the portfolio will be worth 5 points:*

- Artifact 6: Nominated educators should also provide a one page rationale that explains enhancements.

*The following part of the portfolio will be worth 5 points:*

- Artifact 7: Evidence of the educator's facilitation of at least two sessions of professional development or equivalent to support the implementation of the CCLS OR participation in at least two Network Team Institutes, as stated in the Mandatory Requirements Section. For each session, provide the title, date given, the audience, number of participants, and goals. If sessions were facilitated, evidence should include a description of how effectively identified goals were met and how participants applied the knowledge that they learned. If sessions were not facilitated and at least two Network Team Institutes were attended, evidence should include identified goals and a description of how knowledge learned was applied in the classroom.

## **Section C: Work Plan and Time Line for Supporting Enhancements and Common Core Institute Activities - [25] points**

(Recommended maximum of 8 pages)

In this section, applicants will develop a work plan and time line to supervise Common Core Institute Fellow(s) and support local Common Core Implementation by managing professional development activities.

NOTE: If the applicant is nominating two part-time educators, this section should include clear plans for both part-time educators.

The work plan/time line will contain the following 2 parts (Sections C1 and C2):

### **Section C1: Work Plan for Supporting Enhancements and Common Core Institute Activities - [10] points:**

Work Plan: The Work Plan should describe the processes involved with carrying out the two aspects of the Common Core Institute: 1) how Fellow(s) will enhance New York's Common Core optional and supplemental curricular materials; 2) how Fellow(s) will build capacity by providing professional development to colleagues to deepen their understanding and implementation of the CCLS. Please also describe the processes and activities that will enable the identified Supervisor to support the Fellow. All enhancement activities should be aligned to the elements on the Checklist for Measuring Performance of CCI Fellows on Curriculum Enhancement (Attachment IV for ELA and Math Fellows; Attachment V for ELL Fellows). All capacity building/professional development activities should be aligned to the Checklist for Measuring Performance of Fellows on CCI Activities found in Attachment VI.

For each of the aspects of the Common Core Institute, the Work Plan should include a description of the goals and measurable outcomes that the applicant plans to accomplish by the end of the grant period and metrics for determining success. Plans should include a description of the how the capacity building activities are meeting the needs of the organization including the expected audience for each professional development session. Plans should focus on maximizing impact across the awarded organization. Where Network Teams are in place, the plan should include how the Fellow's work will complement the work of the Network Team. If the applicant nominates 2 part-time Fellows, the role of each should be described for each aspect of the Common Core Institute.

### **Section C2: Timeline for Supporting Enhancements and Common Core Institute Activities - [10] points:**

All activities on the timeline should align with the Common Core Institute Timeline section of this RFP. If the applicant nominates 2 part time Fellows, each activity should include the responsible Fellow.

- Specified time for the Fellow(s) to complete the enhancement activities as outlined on the CCI Timeline. These activities should include the lesson level reviews of existing curricular modules for particular grade(s)/content area at the beginning of the grant period and ongoing enhancements of lessons throughout the grant period.

- Specified time for the Fellow(s) to complete capacity building activities that will deepen their colleagues' understanding and implementation of the CCLS. Activities should include the following:
  - At least three opportunities for the Fellow to provide professional development to colleagues locally and in the region (if applicable), including the expected audience for each.
  - Development of at least three resources for colleagues (Resources are to include, but will not be limited to, the following: PowerPoint presentations, Facilitator Guides and Handouts.)
  - At least three opportunities for the Fellow to provide professional development to families and communities in the local community and region (if applicable), including the expected audience for each.
  - Development of at least three resources for families and community members
  - Sharing resources on an online network to be determined by NYSED. NYSED expects that all resources developed (for colleagues, families and community members) will be shared on this online network soon after they are developed. All resources must be shared by the end of the grant period.
  
- Supervisory activities should include the following:
  - An initial meeting between the Supervisor and the Fellow with 2 more meeting times (at least every 3 months or as needed) during the grant period to interact/discuss performance and goals using the Checklist for Measuring Performance of CCI Fellows on Curriculum Enhancement (Attachment IV for ELA and Math Fellows; Attachment V for ELL Fellows).
  - Supervisor's participation in at least 2 conference calls (one in February and one in April) with NYSED and other CCI Supervisors to discuss successes and areas for improvement
  - Any other activities involved in supervising the Fellow to ensure that the Fellow meets the Common Core Institute Deliverable Timeline provided in the Scope of Work section.

### **Section C3: Plan for addressing challenges – [5] points:**

As evidence of the organization's plan to undertake the work to be funded through this grant, please provide an explanation of how any challenges will be met for both aspects of the Common Core Institute: 1) how Fellow(s) will enhance New York's Common Core optional and supplemental curricular materials; 2) how Fellow(s) will build capacity by providing professional development to colleagues to deepen their understanding and implementation of the CCLS. Please also describe how any challenges that arise in the supervision of the Fellow will be addressed. The explanation should include a plan for making mid-course changes if necessary.

### **Section D: Evidence of Organizational Capacity – [10] points**

(Recommended maximum of 3 pages)

As evidence of the organizational capacity to undertake the work to be funded through this grant, please provide:

1. A description of how the nominated educator's and the Supervisor's regular duties will be addressed.
2. A description of the successful completion of a large-scale initiative.

3. A comprehensive inventory of physical and online assets to support the work to be funded (adequate work space, internet access, teleconferencing capabilities).

### **Section E: Sustainability Plan – [10] points**

(Recommended maximum of 6 pages)

In this section, the applicant will describe how professional development will be sustained.

Please provide a sustainability plan, including the costs associated with the implementation of the Common Core that demonstrates how the applicant plans to fund additional professional development after the grant period ends. If applicable, include a detailed description of any other funding streams/contributions related to the proposed professional development after the grant period ends.

### **Section F: Budget Forms– [20] points**

Please check for calculation accuracy in all budget forms. Inaccurate calculations and/or discrepancies between forms may adversely affect the scoring of this section.

#### **Section F1: FS-10 - [5] points**

Complete the FS-10 (Proposed Budget for a Federal or State Project) form for the Program Period of January 1, 2014- June 30, 2015. The most current form is available online at:

<http://www.oms.nysed.gov/cafe/forms/> . Please be sure to check that all calculations, descriptions, and amounts match the budget narrative.

NOTE: Costs (salaries, e.g.) should be pro-rated based on the actual grant period, which is a six-month term.

#### **Section F2: Budget Narrative – [15] points**

Complete Attachment III: Budget Narrative. This should detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the program period, and illustrate how the proposed expenditures align with the proposal's initiatives and goals. Funding from this grant cannot supplant or duplicate positions/activities already funded through other sources. Additional sections/charts may be added as needed to provide all necessary information.

Be sure to consider and/or include the following in Attachment III:

- All proposed expenditures are included and the calculations and amounts match the FS-10.
- Provide all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure, as well as why the proposed expenditure is appropriate, reasonable and necessary. This may include a description of any other sources of funds (within and outside the district/school).
- Demonstrate that the proposed expenditures are supplemental and do not supplant other funding sources.

Indicate, for each proposed expenditure, the total funding amount requested and the code under which it applies:

Code 40: Purchased Services

Code 45: Supplies & Materials

Code 46: Travel  
 Code 80: Employee Benefits  
 Code 90: Indirect Costs

Code 49: BOCES Services  
 Code 30: Minor Remodeling  
 Code 20: Equipment

## **APPLICATION ACCEPTANCE AND PROCESSING**

### **Application Review and Scoring**

Upon receipt, an applicant's eligibility will be determined. Upon determination that an applicant is eligible, and that the mandatory requirements have been met, the application will be reviewed. If a proposal does not meet all of the mandatory requirements, it will be rejected as non-responsive and will not be reviewed.

Technical Proposals will be scored on the basis of 100 possible points from reviewers. If the applicant nominated two part-time educators, all scores related directly to the two educators (Section B2 in Elements of the Proposal) will be averaged as a total score for that section and for that reviewer. All technical proposals will be reviewed by two reviewers and the scores will be averaged. If there is a score discrepancy of 15 points or greater, the proposal will be read by a third reviewer. The two closest scores will be used and averaged unless the third reviewer score is equidistant from the others, in which case the third reviewer score will be solely used.

Applicants that receive a final average score of 60 or higher on the technical proposal will be advanced to the interview stage. Nominated educators will then participate in an interview worth 20 points; questions will expand on evidence provided in the portfolio and focus on expertise in curriculum design, writing of Common Core aligned instruction, and factors that affect student achievement results. If the applicant nominated two part-time educators, each reviewer's interview scores for the two educators will be averaged as a total score. Total interview scores will be averaged and candidates must score a minimum average of 10 points on the interview to be considered for an award. An applicant's final score will be the combined score for their technical proposal (up to 100 points) and their interview (up to 20 points).

### **Ranking and Award Methodology**

Using the Ranking and Award Methodology described below, NYSED will make the following awards:

- 26 Mathematics awards (2 for each grade level, K-12)
- 20 ELA awards (2 for each grade level, 3-12)
- 5 ELL awards (1 for each grade *band*, 3-4, 5-6, 7-8, 9-10, 11-12)

#### **Ranking**

Applications will be listed in rank order by final score within each content area (ELA/Math/ELL) and by grade band or grade level, as follows:

- The lower grade levels for ELA and Math Fellows will be ranked according to the following grade *bands*: K-2 Math, 3-5 Math and 3-5 ELA.
- Educators applying for Math or ELA Fellowships in grades 6-12 will be ranked according to their specific grade *level*.

- Educators applying for ELL Fellowships will be ranked according to the following grade *bands*: 3-4, 5-6, 7-8, 9-10, and 11-12.

### Award Methodology

1. The first awards in each grade level/band and content area will be awarded to:
  - the six top highest-scoring applications in each of the lower grade bands of Math and ELA (K-2 Math, 3-5 Math, and 3-5 ELA), regardless of region. (Fellows within these lower grade bands will be awarded regardless of grade level or region, but may be assigned to any grade level within that band, upon award.)
  - the single highest-scoring application in each grade level in Math and ELA grades 6-12, regardless of region.
  - the single highest-scoring application in each of the ELL grade bands (3-4, 5-6, 7-8, 9-10, 11-12), regardless of region.
2. Additional awards will be made in grades 6-12 in the ELA and Math content areas to:
  - the second highest-scoring application in each grade level in Math and ELA grades 6-12, *unless* the awardee is from the same region as the first application awarded in that ranking. In this case, the next highest scoring candidate in that grade level/content area from a different region will be awarded. If there is no other candidate from another region for a specific grade band and content area, the second highest scoring candidate will be awarded, regardless of region.

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

In the case of a tied final score within a content area and grade level or grade band, the applicant with the higher average score for the interview stage will be awarded the grant. If both the final score and the interview score is tied, then, the award will go to the candidate who has the greatest total number of years of experience.

In the event that NYSED has conducted the interviews and ranked awardees, and there are fewer than the designated number of awards in any of the grade levels/bands and content areas, NYSED reserves the right to interview candidates from applications in that particular grade level/band and content area ranking who did not meet the minimum score threshold on the technical proposal. In this instance, the single next highest scoring application for that specific grade level/ band and content area (example: 6<sup>th</sup> grade ELA or K-2 Math) will be advanced to the interview stage and will follow the same interview procedure, scoring, ranking, and award methodology, as described above. If that proposal does not meet the minimum interview score threshold, then NYSED reserves the right to advance the next highest scoring proposal for that specific grade level/band and subject area to the interview stage. NYSED reserves the right to continue this process until a candidate is selected.

NYSED anticipates that preliminary notifications of award will be made in December 2014 to fundable applicants that meet the requirements set forth in this RFP.

### **Debriefing Procedures**

All applicants may request a debriefing within five (5) business days of receiving notice of non-award from NYSED. Applicants may request a debriefing on the selection process regarding this Grant by emailing the request to:

NYS Education Department  
Contract Administration Unit, RFP# SA-18  
89 Washington Avenue  
Room 501W EB  
Albany, NY 12234

In response to a request for a debriefing letter, a summary of the strengths and weaknesses of the application will be emailed to the contact listed on the application cover page within ten (10) business days.

### **Award Protest Procedures**

Applicants that receive a debriefing 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 by the applicant/lead applicant within ten (10) business days of receipt of the notice of the written debriefing letter. The protest letter must be filed with:

NYS Education Department  
Contract Administration Unit, RFP# SA-18  
89 Washington Avenue  
Room 501W 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 applicant 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 Office of the State Comptroller (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.

The New York State Education Department reserves the right to reject all proposals received or cancel this RFP if it is in the best interest of the Department.

### **Winning Applicants' Responsibility**

Projects must operate under the jurisdiction of the local board of education or other appropriate governing body and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education or other appropriate governing body is responsible for the proper disbursement of, and accounting for, project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations, and inventory control must be followed. Supporting or source documents are required for all grant related transactions entered into the local agency's recordkeeping system. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time & effort records, delivery receipts, vendor invoices, travel documentation and payment documents, including check stubs.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment is made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by State Education Department officials or its representatives.

For additional information about grants, please refer to the Fiscal Guidelines for Federal and State Aided Grants.

Contracts resulting from this RFP are funded by federal Race to the Top grant funds. Recipients of awards pursuant to this RFP are subject to the provisions of 34 CFR § 80.34, including the right of the federal government to use or authorize others to use any copyrightable work produced by a recipient under this federally funded contract, for federal purposes and royalty-free.

### **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 <http://www.osc.state.ny.us/epay/index.htm>.

**Registration In Federal System for Award Management (SAM)** – In order to be awarded federal funds, an agency must be registered (and then maintain a current registration) in the federal System for Award Management known as SAM (<http://www.sam.gov>). SAM is a government-wide, web-enabled database that collects, validates, stores and disseminates business information about organizations receiving federal funds. Information on an agency’s registration in SAM needs to be provided on the Payee Information Form that must be submitted with the application.

**Payee Information Form/NYSED Substitute W-9** – The Payee Information Form is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specific instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through the NYSED. An on-line version of the packet is available at <http://www.oms.nysed.gov/caf/forms/PIform.pdf>

### **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](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](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](mailto:ciohelpdesk@osc.state.ny.us).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website <http://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.

### **Subcontractors:**

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract

Payee Information Form/NYSED Substitute W-9 Form

General Instructions: The Payee Information Form is a packet consisting of the Payee Information Form itself and an accompanying form known as the NYSED Substitute W-9 Form. The NYSED Substitute W-9 form may or may not be needed from your agency. Please follow the instructions for each as outlined below.

The Payee Information Form is used to establish the identity of applicant organizations and enables them to receive funds from the NYSED. An online version is available at <http://www.oms.nysed.gov/cafe/forms/PIform.pdf>.

## **Workers' Compensation Coverage and Debarment**

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

### **PROOF OF COVERAGE REQUIREMENTS**

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

***Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.***

### **Proof of Workers' Compensation Coverage**

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity

must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

### **Proof of Disability Benefits Coverage**

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

For additional information regarding workers' compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. Alternatively, questions relating to either workers' compensation or disability benefits coverage should be directed to the NYS Workers' Compensation Board, Bureau of Compliance at (518) 486-6307.

## **APPLICATION INSTRUCTIONS**

Please adhere to the following instructions.

### **Required Signature(s)**

The original signature of the Chief School Administrator/Officer must appear on the Application Cover Page in blue ink.

Please note: NYSED will only communicate with the contacts provided in the Application Cover Page.

### **Application Checklist**

Please use the application checklist (contained in this RFP) to ensure your application is submitted in the correct order and is complete.

### **Mandatory Requirements Certification**

Please complete and sign Attachment II, Mandatory Requirements Certification. Applicants must submit this certification in order to be considered for funding. Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

### **Page Limits and Standards**

The page limits indicated have been included as guidance for applicants. The proposal narrative should follow the below standards:

- A page is 8.5" x 11" (on one side only) with one-inch margins (top, bottom, and sides). Charts/tables are not required to adhere to this standard.
- Double space all text in the proposal narrative; double space between titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, figures, and graphs, unless not possible due to the formatting of the template.
- Each section of the proposal narrative should be clearly titled.
- Use a Times Roman or Arial font in a 12-point size.
- Include page numbers.
- Each page should include a header with the applicant's name.

### **Submission**

Applicants are responsible for making sure the application package is complete and in the correct order based on the included Application Checklist. All requirements, as detailed in the RFP, must be received at NYSED no later than October 7, 2014. Applications not received by October 7, 2014 will not be accepted for review.

- One (1) original signed application and two (2) copies of the application (in the format described in RFP) labeled – RFP # SA-18
- One (1) CD or flash drive containing a copy of the signed application in Microsoft Word (.doc) format or portable document format (.pdf). Include all appendices and attachments on the CD or flash drive.

The mailing address for all the above documentation is:

NYS Education Department  
Bureau of Fiscal Management  
Contract Administration Unit  
89 Washington Avenue, Room 501W EB  
Albany, NY 12234  
ATTN: Nell Brady, RFP # SA-18

**(The application must be mailed. Facsimile copies of the proposals will NOT be accepted)**

## Application Checklist

Please use this application checklist to ensure your application is complete and in the correct order:

Application Items	Description	Included in the application? Click Yes/NA
1. Application Cover Page: Attachment I	<ul style="list-style-type: none"> <li>Attachment I must include an original signature (preferably in blue ink).</li> </ul>	Yes <input type="checkbox"/>
2. Mandatory Requirements Certification: Attachment II	<ul style="list-style-type: none"> <li>Completed and signed to certify that the application meets all mandatory requirements.</li> </ul>	Yes <input type="checkbox"/>
3. Section A: Overview	<ul style="list-style-type: none"> <li>Overview.</li> </ul>	Yes <input type="checkbox"/>
4. Section B: Common Core Institute and Fellow Qualifications	<ul style="list-style-type: none"> <li>Evidence of Capacity for Common Core Institute Implementation</li> <li>Qualifications of Nominated Educator (Portfolio)</li> </ul>	Yes <input type="checkbox"/>
5. Section C: Work Plan and Timeline for Supporting Enhancements and Common Core Institute Activities	<ul style="list-style-type: none"> <li>Work Plan for Supporting Enhancements and Common Core Institute Activities</li> <li>Timeline for Supporting Enhancements and Common Core Institute Activities</li> <li>Plan for Addressing Challenges</li> </ul>	Yes <input type="checkbox"/>
6. Section D: Evidence of Organizational Capacity	<ul style="list-style-type: none"> <li>Evidence of Organizational Capacity</li> </ul>	Yes <input type="checkbox"/>
7. Section E: Sustainability Plan	<ul style="list-style-type: none"> <li>Sustainability Plan</li> </ul>	Yes <input type="checkbox"/>

8. Section F: Budget Forms	<ul style="list-style-type: none"> <li>• FS-10: (FS-10 form available at: <a href="http://www.oms.nysed.gov/cafe/forms/">http://www.oms.nysed.gov/cafe/forms/</a>).</li> <li>• Budget Narrative: Attachment III.</li> </ul>	Yes <input type="checkbox"/>	
9. Worker's Compensation Documentation (encouraged)	<ul style="list-style-type: none"> <li>• See Workers' Compensation Coverage and Debarment section of this RFP.</li> </ul>	Yes <input type="checkbox"/>	
10. Disability Benefits Documentation (encouraged)	<ul style="list-style-type: none"> <li>• See Workers' Compensation Coverage and Debarment section of this RFP.</li> </ul>	Yes <input type="checkbox"/>	
<p><b>M/WBE Documents Package (original signatures required)</b></p> <p><input type="checkbox"/> Full Participation    <input type="checkbox"/> Request Partial Waiver    <input type="checkbox"/> Request Total Waiver</p>			
<b>Forms Required</b>			
Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>M/WBE 100</b> Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>M/WBE 102</b> Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>M/WBE 105</b> Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
<b>M/WBE 101</b> Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
<b>EEO 100</b> Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Attachment I: Application Cover Page

**For Competitive Grant Program – Common Core Institute: Request for Proposals # SA-18**

Please refer to the Application Instructions for detailed information about completing this page and the other required components. Please note: the applicant should include **two** program contacts for the grant.

**DISTRICT BEDS CODE**

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<b>Applicant Name:</b>			
<b>Employer’s Federal Tax ID Number:</b> (charter schools only)		<b>NYS Vendor ID:</b> (charter schools only)	
<b>Address:</b>			
<b>City:</b>		<b>Zip Code:</b>	
<b>Main Program Contact:</b>		<b>Alternate Program Contact:</b>	
<b>Title:</b>		<b>Title:</b>	
<b>Organization:</b>		<b>Organization:</b>	
<b>Telephone:</b>		<b>Telephone:</b>	
<b>Fax:</b>		<b>Fax:</b>	
<b>Email:</b>		<b>Email:</b>	
<b>Total Funding Amount Requested (See Funding and Awards section):</b>			
<b>Region:</b>		<b>County:</b>	
<b>Nominated Fellow Information:</b>	Indicate the grade/grade band of the nominated Fellow(s): Math (K-12): _____ (Select ONE grade)      ELA (3-12): _____ (Select ONE grade) ELL (ELA grade band 3-4, 5-6, 7-8, 9-10, 11-12): _____ (Select ONE grade band)		
I hereby certify that I am the applicant’s chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.			
<b>Authorized Signature (in blue ink)</b>		<b>Title (Chief School/ Administrative Officer)</b>	
<b>Typed Name</b>		<b>Date</b>	
<b>Phone number:</b>		<b>Email address:</b>	

## Attachment II: Mandatory Requirements Certification

By signing this form, the undersigned certifies it can provide and/or meet the mandatory requirements listed below and outlined in the RFP.

**Certification for *(Insert Applicant Name)***

### Mandatory Application Requirements

Mandatory Requirement	Explanation	Included in application (Yes/NA)	
Application Cover Page: Attachment I	Signed Attachment I (preferably in blue ink)	Yes	<input type="checkbox"/>
Mandatory Requirements Certification: Attachment II	Signed to certify that the application meets all mandatory requirements.	Yes	<input type="checkbox"/>
Supervisor's Minimum Qualifications	A qualified Supervisor has been identified and resume shows SBL, SDL or SBDL certification.	Yes	<input type="checkbox"/>
Nominated Educator(s)' Minimum Qualifications	The nominated educator meets the following minimum qualifications: -A minimum rating as effective on the composite evaluation, as indicated on the letter of recommendation found on page _____ -Three years of teaching experience in the content area for which they are applying, as indicated on the educator's resume found on page _____ -Facilitation of at least two sessions of professional development or equivalent to support the implementation of the Common Core Learning Standards OR participating in two Network Team Institutes as indicated in the portfolio that starts on page _____.	Yes	<input type="checkbox"/>

<b>CHIEF ADMINISTRATIVE OFFICER (Insert other title if applicable)</b>	
Authorized Signature (in blue ink)	Date
Type or print name	

### Attachment III: Budget Narrative

**TEMPLATE**

The budget narrative chart below should detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the program period. Include a detailed description of any other funding streams/contributions related to the proposed review; however, do not include these corresponding costs in the Program Period Total column. Please note: while already existing roles/activities may be included in the description, funding from this grant cannot supplant or duplicate roles/activities already funded through other sources. Additional sections/columns and/or separate charts may be added as needed to provide all necessary information. Please be sure to check that all amounts match the FS-10 and budget summary. Please add/delete rows as needed.

EXPLANATION AND JUSTIFICATION OF PROPOSED EXPENDITURE AND CALCULATION OF COST	PROGRAM PERIOD TOTAL
Professional Salaries (Code 15)	
Support Staff (Code 16)	
Purchased Services (Code 40)	
Supplies & Materials (Code 45)	
Travel Expenses (Code 46)	

Employee Benefits (Code 80)	
Indirect Cost (Code 90)	
BOCES Services (Code 49)	
Minor Remodeling (Code 30)	
Equipment (Code 20)	

## Attachment IV: Checklist for Measuring Performance of CCI Math and ELA Fellow(s) on Curriculum Enhancement

This checklist is to be used by the Supervisor to track the performance of the Math and ELA Fellows. Fellows should provide evidence for each element prior to meetings. After initial training of the Fellows, NYSED will provide a summary of expectations for each element.

Element	Evidence (provided by Fellow)	Satisfactory (S) or Unsatisfactory (U)?
Grade level enhancements based on field feedback have been incorporated in modules as assigned		
Scaffolds for struggling learners are developed and incorporated in modules as assigned		
Curriculum-based tasks and assessments revised as assigned, in modules		
Fellow works collaboratively with grant-funded, district and regional colleagues		
Fellow produces enhancements on schedule		
Fellow continuously acts on and/or incorporates NYSED's coaching and feedback throughout the grant period		
Number of enhanced curricular modules and materials submitted to NYSED		
Number of enhanced curricular modules and materials approved and posted by NYSED		

## Attachment V: Checklist for Measuring Performance of CCI ELL Fellow(s) on Curriculum Enhancement

This checklist is to be used by the Supervisor to track the performance of the ELL Fellow. Fellows should provide evidence for each element prior to meetings. After initial training of the Fellows, NYSED will provide a summary of expectations for each element.

Element	Evidence (provided by Fellow)	Satisfactory (S) or Unsatisfactory (U)?
Scaffolds for ELLs are developed and incorporated in modules as assigned		
Fellow works collaboratively with grant-funded, district and regional colleagues		
Fellow produces enhancements on schedule		
Fellow continuously acts on and/or incorporates NYSED's coaching and feedback throughout the grant period		
Number of enhanced curricular modules and materials submitted to NYSED		
Number of enhanced curricular modules and materials approved and posted by NYSED		

## Attachment VI: Checklist for Measuring Performance of Fellows on CCI Activities

This checklist is to be used by the Supervisor to track the performance of each Fellow (Math, ELA and ELL). Fellows should provide evidence for each element prior to meetings. After initial training of the Fellows, NYSED will provide a summary of expectations for each element.

Element	Evidence (provided by Fellow)	Satisfactory (S) or Unsatisfactory (U)?
PD aligns with the elements of Thomas Guskey's five levels of professional development evaluation		
PD is provided to colleagues (a total of at least 3 sessions between January and June), as outlined in the grant proposal		
At least 3 resources have been developed for colleagues (such as, but not limited to PowerPoints, facilitator guides and handouts)		
PD is provided to families and community members (a total of at least 3 sessions between January and June)		
At least 3 resources have been developed for families and community members		
Number of unique participants who have attended the PD sessions to date		
PD sessions are well attended (high % of stakeholders invited actually attended)		
PD sessions are received positively (evaluations indicate positive results)		
Participants' practice is impacted by training, as demonstrated by evaluation forms/surveys of participants		

## **New York State Education Department Assurances for Federal Discretionary Program Funds**

The following assurances are a component of your application. By signing the certification on the application cover page you are ensuring accountability and compliance with State and federal laws, regulations, and grants management requirements.

### Federal Assurances and Certifications, General:

- Assurances – Non-Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions
- General Education Provisions Act Assurances

### Federal Assurances and Certifications, NCLB (if appropriate):

The following are required as a condition for receiving any federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001.

- NCLB Assurances
- School Prayer Certification

### New York State Assurances and Certifications: (For discretionary grant programs only.)

- Appendix A
- Appendix A-1G
- Appendix A-2

## **ASSURANCES - NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Education Department Program Contact listed in the Application. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, and by signing the Application Cover Page, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) "§§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§" 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

**Standard Form 424B (Rev. 7-97), Prescribed by OMB Circular A-102, Authorized for Local Reproduction, as amended by New York State Education Department**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

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 the Application Cover Page 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 (Nonprocurement)." 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; and
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients 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 judgment 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.

**ED 80-0013, as amended by the New York State Education Department**

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

### **Instructions for Certification**

1. By signing the Application Cover Page, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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### **Certification**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ED 80-0014, as amended by the New York State Education Department

### **NEW YORK STATE DEPARTMENT OF EDUCATION GENERAL EDUCATION PROVISIONS ACT ASSURANCES**

These assurances are required by the General Education Provisions Act for certain programs funded by the U.S. Department of Education. These assurances are not applicable to certain programs, such as the No Child Left Behind Act. If you have any questions, please contact NYSED.

As the authorized representative of the applicant, by signing the Application Cover Page, I certify that:

1. the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
2. the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;
3. the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
4. the local educational agency will make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 1232f of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;

5. the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;
6. any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
7. in the case of any project involving construction -
  - a. the project is not inconsistent with overall State plans for the construction of school facilities, and
  - b. in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;
8. the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and
9. none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

### **NEW YORK STATE DEPARTMENT OF EDUCATION NO CHILD LEFT BEHIND ACT ASSURANCES**

These assurances are required for programs funded under the No Child Left Behind Act.

As the authorized representative of the applicant, by signing the Application Cover Page, I certify that:

1. each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
2. the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

3. the applicant will adopt and use proper methods of administering each such program, including -
  - a. the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
  - b. the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

4. the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;
5. the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;
6. the applicant will -
  - a. submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and
  - b. maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties;
7. before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment;
8. the applicant has consulted with teachers, school administrators, parents, nonpublic school representatives and others in the development of the application to the extent required for the applicant under the program pursuant to the applicable provisions of the No Child Left Behind Act;
9. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of Education Law § 3214(3)(d) and (f) and the Gun-Free Schools Act (20 U.S.C. § 7151);
10. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of 20 U.S.C. § 7908 on military recruiter access;
11. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of 20 U.S.C. § 7904 on constitutionally protected prayer in public elementary and secondary schools;
12. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of Education Law § 2802(7), and any state regulations implementing such statute and 20 U.S.C. § 7912 on unsafe school choice; and
13. in the case of a local educational agency, the applicant is complying with all fiscal requirements that apply to the program, including but not limited to any applicable supplement not supplant or local maintenance of effort requirements.

#### **TITLE IV, PART B**

1. The program will take place in safe and easily accessible facilities;
2. The program was developed, and will be carried out, in active collaboration with the schools the students attend;
3. The program will primarily target students who attend schools eligible for school wide programs under section 1114 and the families of such students;

4. The funds awarded under this part will be used to increase the level of State, local and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local or non-Federal funds;
5. The community was given notice of the intent to submit an application; and,
6. The application and any waiver request will be available for public review after submission of the application.
7. All instruction and content will be secular, neutral and non-ideological.
8. The program or facility is duly registered with the New York State Office of Children and Family Services as a school-age child care program or facility pursuant to the Social Services Law and regulations of the Commissioner of the Office of Children and Family Services if the program or facility serves seven or more children from kindergarten through age 12 and does not meet all of the following criteria:
  - (a) the program is conducted during non-school hours;
  - (b) the program is operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education law; and
  - (c) the program is located on the premises or campus where the elementary or secondary education is provided.

#### **SCHOOL PRAYER CERTIFICATION**

As a condition of receiving federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB), the local educational agency hereby certifies that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the current guidance issued pursuant to NCLB Section 9524(a).

## 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, licensor, 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). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

**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 (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim 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  
Albany, New York 12245  
Telephone: 518-292-5100  
Fax: 518-292-5884  
email: [opa@esd.ny.gov](mailto:opa@esd.ny.gov)

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  
633 Third Avenue  
New York, NY 10017  
212-803-2414  
email: [mwbecertification@esd.ny.gov](mailto:mwbecertification@esd.ny.gov)  
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

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.

**26. IRAN DIVESTMENT ACT.** By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

(January 2014)

APPENDIX A-1 G

General

- A. In the event that the 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. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.
- 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.
- D. Any modification to this Agreement that will result in a transfer of funds among program activities or budget cost categories, but does not affect the amount, consideration, scope or other terms of this Agreement must be approved by the Commissioner of Education and the Office of the State Comptroller when:
  - a. The amount of the modification is equal to or greater than ten percent of the total value of the contract for contracts of less than five million dollars; or
  - b. The amount of the modification is equal to or greater than five percent of the total value of the contract for contracts of more than five million dollars.
- E. Funds provided by this contract may not be used to pay any expenses of the State Education Department or any of its employees.

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.

Responsibility Provisions

- A. **General Responsibility Language**  
The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of Education or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.
- B. **Suspension of Work (for Non-Responsibility)**  
The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.
- C. **Termination (for Non-Responsibility)**

Upon written notice to the Contractor, and a reasonable opportunity to be heard with appropriate SED officials or staff, the Contract may be terminated by the Commissioner of Education or his or her designee at the Contractor's expense where the Contractor is determined by the Commissioner of Education or his or her designee to be non-responsible. In such event, the Commissioner or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

#### 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 written agreement 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 in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- 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. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.
- I. 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.
- J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

#### Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor agrees that after the list is posted on the OGS website, should it seek to renew or extend the Contract, it will be required to certify at the time the Contract is renewed or extended that it is not included on the prohibited entities list. Contractor also agrees that any proposed Assignee of the Contract will be required to certify that it is not on the prohibited entities list before SED may approve a request for Assignment of Contract

During the term of the Contract, should SED receive information that a person is in violation of the above-referenced certification, SED will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then SED shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

SED reserves the right to reject any request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Rev. 6/4/13

**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.

## Appendix B: Scoring Rubric

As stated in the Application Review and Scoring section, all proposals will be reviewed by two reviewers and the scores will be averaged. If there is a score discrepancy greater than 15 points, the proposal will be read by a third reviewer. The two closest scores will be used and averaged unless the third reviewer score is equidistant from the others in which case the third reviewer score will be solely used.

When final scores are compiled, any proposal that scores less than a final average of 60 points out of 100 will not be considered further.

Please be sure to carefully read the criteria/descriptors in the following scoring rubrics when writing the proposal.

Quality Indicator	Description
<b>Very Good</b>	Comprehensive and thorough with exceptional detail. Submission is highly responsive and specific, and of outstanding quality.
<b>Good</b>	General but sufficient detail. Adequate information as to how the criteria are met, but some areas are not fully explained and/or questions remain. Some minor inconsistencies and weaknesses.
<b>Fair</b>	Sketchy and non-specific. Criteria appear to be minimally met, but limited information is provided about approaches and strategies. Lacks focus and detail.
<b>Poor</b>	Does not meet the criteria, fails to provide information, provides inaccurate information, or provides information that requires substantial clarification as to how the criteria are met.
<b>NA</b>	No answer provided.

### **Section A: Overview - (0 points)**

The purpose of Section A of the proposal narrative is to summarize clearly how the district, BOCES or charter school will benefit from becoming recognized as a Common Core Institute and how the Common Core Institute Fellow will support this work in the local district, BOCES, or charter school and the surrounding region (if applicable). This description should include a statement outlining the proposed project, including its potential benefits and anticipated

obstacles.				
<b>Section B: Common Core Institute and Fellow Qualifications – [35] points</b>				
<b>Section B1: Evidence of Capacity for Common Core Institute Implementation – [10] points</b>				
Points awarded based on the applicant’s evidence of their current and/or previous efforts related to Common Core implementation, and their description of how this award will support the implementation of the Common Core Learning Standards.				
NA: 0 pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
<p>The applicant will provide:</p> <ul style="list-style-type: none"> <li>• Evidence of Common Core Learning Standards-aligned instruction across the district/school/BOCES.</li> <li>• Evidence of professional development the applicant has conducted to support the implementation of the Common Core Learning Standards.</li> <li>• Clear rationale for how this award will support the implementation of the Common Core Learning Standards within your educational organization and the surrounding region.</li> <li>• Description of how the nominated educator(s) and the Supervisor will be supported.</li> <li>• Name and resume of the identified Supervisor, as stated in the Mandatory Requirements section. The identified Supervisor will be responsible for managing the activities described in the Work Plan/Timeline and supervising the Common Core Institute Fellow. The resume of the Supervisor should include:             <ul style="list-style-type: none"> <li>○ Teaching and/or curriculum experience in Common Core ELA (if supervising an ELA Fellow or ELL Fellow) or Common Core Math (if supervising a Math Fellow);</li> <li>○ Supervisory experience; and</li> <li>○ Project management experience.</li> </ul> </li> </ul>				
Comments:				
<b>Section B2: Qualifications of Nominated Educator (Portfolio), Part A of Portfolio - [5] points</b>				
Points awarded based on the applicant’s description of qualifications of the nominated				

<p>educator and effective demonstration of the ability of the nominated educator to enhance current curricular modules and support the implementation of the Common Core Learning Standards. <b><i>If the applicant is nominating two part-time educators, this section will be scored separately for each educator and then averaged for a total score.</i></b></p>				
NA: 0 pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
<ul style="list-style-type: none"> <li>• Artifact 1: An official letter of recommendation provided by an administrator at the BOCES, district or school level including the teacher’s evaluation rating of effective or highly effective.</li> <li>• Artifact 2: Statement describing why the educator is interested in becoming a Fellow (no more than one page).</li> <li>• Artifact 3: Resume should include current contact information as this will be the means for arranging an interview if applicable. Resumes should include the experience and attributes described below that illustrate qualifications in the one content area (i.e., Math, ELA, or ELL) and grade level/grade band for which they are applying.             <ul style="list-style-type: none"> <li>○ Resume of person nominated for the Math Fellowship should include:                 <ul style="list-style-type: none"> <li>▪ Experience working with diverse populations (English Language Learners, students with disabilities and/or struggling learners)</li> <li>▪ Peer collaboration through participation in district or building level committees related to implementing the Common Core in Mathematics</li> </ul> </li> <li>○ Resume of person nominated for the ELA Fellowship should include:                 <ul style="list-style-type: none"> <li>▪ Experience working with diverse populations (English Language Learners, students with disabilities and/or struggling learners)</li> <li>▪ Peer collaboration through participation in district or building level committees related to implementing the Common Core in ELA</li> </ul> </li> <li>○ Resume of person nominated for the ELL Fellowship should include:                 <ul style="list-style-type: none"> <li>▪ Experience working with different levels of English Language Learners</li> <li>▪ Peer collaboration through participation in district or building level committees related to implementing the Common Core for English Language Learners</li> </ul> </li> </ul> </li> </ul>				
<p>Comments:</p>				

<p><b>Section B2: Qualifications of Nominated Educator (Portfolio), Part B of Portfolio - [10] points</b>                  Points awarded based on the applicant’s description of qualifications of the nominated educator and effective demonstration of the ability of the nominated educator to enhance current curricular modules and support the implementation of the Common Core Learning Standards. <i><b>If the applicant is nominating two part-time educators, this section will be scored separately for each educator and then averaged for a total score.</b></i></p>				
NA:0 pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
<ul style="list-style-type: none"> <li>• Artifact 4: Educator(s) should enhance and submit one lesson from the list on page 19 based on the content area and grade level/grade band expertise. This lesson enhancement should be provided through tracked changes and include but not be limited to:                         <ul style="list-style-type: none"> <li>○ Scaffolding for English Language Learners and Struggling Learners (Scaffolding is help that is “just right” and “just in time,” provided to learners so that, with the scaffold support in place, the learners can accomplish tasks they would not be able to complete alone. In addition, scaffolds allow learners to develop the knowledge, skills, or language required to support their own performance in the future. In terms of educational materials, scaffolded lessons need to be generative, that is, they should promote student autonomy over time.)</li> <li>○ Integration or application of technology, where appropriate (use of Smartboard, video, ipod, ipad, blogs, etc)</li> <li>○ Lesson extensions/supplemental materials, where relevant.</li> </ul> </li> <li>• Artifact 5: Parent resources should be provided as a separate artifact (newsletters, videos to explain content of the lesson, etc.).</li> </ul>				
<p>Comments:</p>				
<p><b>Section B2: Qualifications of Nominated Educator (Portfolio), Part C of Portfolio - [5] points</b>                  Points awarded based on the applicant’s description of qualifications of the nominated educator and effective demonstration of the ability of the nominated educator to enhance current curricular modules and support the implementation of the Common Core Learning Standards. <i><b>If the applicant is nominating two part-time educators, this section will be scored separately for each educator and then averaged for a total score.</b></i></p>				

NA: 0 pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
Artifact 6: Educators should also provide a one page rationale that explains enhancements.				
Comments:				
<p><b>Section B2: Qualifications of Nominated Educator (Portfolio), Part D of Portfolio - [5] points</b>                  Points awarded based on the applicant’s description of qualifications of the nominated educator and effective demonstration of the ability of the nominated educator to enhance current curricular modules and support the implementation of the Common Core Learning Standards. <i><b>If the applicant is nominating two part-time educators, this section will be scored separately for each educator and then averaged for a total score.</b></i></p>				
NA: 0 pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
<p>Artifact 7: Evidence of the educator’s facilitation of at least two sessions of professional development or equivalent to support the implementation of the Common Core Learning Standards OR participation in at least two Network Team Institutes, as stated in the Mandatory Requirements Section. For each session, applicant should provide:</p> <ul style="list-style-type: none"> <li>○ the title;</li> <li>○ date given;</li> <li>○ the audience;</li> <li>○ number of participants; and</li> <li>○ goals.</li> </ul> <p>If sessions were facilitated, evidence should include a description of how effectively identified goals were met and how participants applied the knowledge that they learned.</p> <p>If sessions were not facilitated and at least two Network Team Institutes were attended, evidence should include identified goals and a description of how knowledge learned was applied in the classroom.</p>				

Comments:

**Section C: – Work Plan/Time Line for Supporting Enhancements and Common Core Implementation - [25] points**

**Section C1: Work Plan for Supporting Enhancements and Common Core Institute Activities - [10] points**

Points awarded based on the applicant’s development of a work plan for supporting enhancements and Common Core Institute activities.

NOTE: If the applicant is nominating two part-time educators, this section should include clear plans for both part-time educators.

NA: 0 Pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
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Work Plan: The Work Plan should describe the processes involved with carrying out the two aspects of the Common Core Institute: 1) how Fellow(s) will enhance New York’s Common Core optional and supplemental curricular materials; and 2) how Fellow(s) will build capacity by providing professional development to colleagues to deepen their understanding and implementation of the CCLS. The applicant also describes the processes and activities that will enable the identified Supervisor to support the Fellow. All enhancement activities should be aligned to the elements on the Checklist for Measuring Performance of CCI Fellows on Curriculum Enhancement (Attachment IV for ELA and Math Fellows; Attachment V for ELL Fellows). All capacity building/professional development activities should be aligned to the Checklist for Measuring Performance of Fellows on CCI Activities found in Attachment VI.

For each of the aspects of the Common Core Institute, the Work Plan should include a description of the goals and measurable outcomes that the applicant plans to accomplish by the end of the grant period and metrics for determining success. Plans should include a description of the how the capacity building activities are meeting the needs of the organization including the expected audience for each professional development session. Plans should focus on maximizing impact across the awarded organization. Where Network Teams are in place, the plan should include how the Fellow’s work will complement the work of the Network Team. If the applicant nominates 2 part-time Fellows, the role of each should be described for each aspect of the Common Core Institute.

Comments:

**Section C2: Timeline for Supporting Enhancements and Common Core Institute Activities – [10] points**

Points awarded based on the applicant’s development of a time line for Supporting Enhancements and Common Core Institute Activities.

NOTE: If the applicant is nominating two part-time educators, this section should include clear plans for both part-time educators.

All activities on the timeline should align with the Common Core Institute Timeline section of this RFP. If the applicant nominates 2 part time Fellows, each activity should include the responsible Fellow.

NA: 0 Pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
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- Specified time for the Fellow(s) to complete the enhancement activities as outlined on the CCI Timeline. These activities should include the lesson level reviews of existing curricular modules for particular grade(s)/content area at the beginning of the grant period and ongoing enhancements of lessons throughout the grant period.
- Specified time for the Fellow(s) to complete capacity building activities that will deepen their colleagues’ understanding and implementation of the CCLS. Activities should include the following:
  - At least three opportunities for the Fellow to provide professional development to colleagues locally and in the region (if applicable), including the expected audience for each.
  - Development of at least three resources for colleagues (Resources are to include, but will not be limited to, the following: PowerPoint presentations, Facilitator Guides and Handouts.)
  - At least three opportunities for the Fellow to provide professional development to families and communities in the local community and region (if applicable), including the expected audience for each.

- Development of at least three resources for families and community members
- Sharing resources on an online network to be determined by NYSED. NYSED expects that all resources developed (for colleagues, families and community members) will be shared on this online network soon after they are developed. All resources must be shared by the end of the grant period.
- Supervisory activities should include the following:
  - An initial meeting between the Supervisor and the Fellow with 2 more meeting times (at least every 3 months or as needed) during the grant period to interact/discuss performance and goals using the Checklist for Measuring Performance of CCI Fellows on Curriculum Enhancement (Attachment IV for ELA and Math Fellows; Attachment V for ELL Fellows).
  - Supervisor’s participation in at least 2 conference calls (one in February and one in April) with NYSED and other CCI Supervisors to discuss successes and areas for improvement
  - Any other activities involved in supervising the Fellow to ensure that the Fellow meets the Common Core Institute Deliverable Timeline provided in the Scope of Work section.

Comments:

**Section C3: Plan for Addressing Challenges – [5] points**

Points awarded based on the applicant’s explanation of how to deal with challenges.

NA: 0 Pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
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The applicant will provide an explanation of how any challenges will be met for both aspects of the Common Core Institute: 1) how Fellow(s) will enhance New York’s Common Core optional and supplemental curricular materials; 2) how Fellow(s) will build capacity by providing professional development to colleagues to deepen their understanding and implementation of the CCLS. The applicant will also describe how they will address any challenges that arise in the supervision of the Fellow. The explanation will include a plan for making mid-course changes if

necessary.
Comments:

<b>Section D: Evidence of Organizational Capacity – [10] points</b>				
NA: 0 Pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
Points awarded based on the applicant’s description of the following:				
<ol style="list-style-type: none"> <li>1. A description of how the nominated educator’s and the Supervisor’s regular duties will be addressed.</li> <li>2. A description of the successful completion of a large-scale initiative.</li> <li>3. A comprehensive inventory of physical and online assets to support the work to be funded (adequate work space, internet access, teleconferencing capabilities).</li> </ol>				
Comments:				

<b>Section E: Sustainability Plan – [10] points</b>				
NA: 0 Pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
Points will be awarded for providing a sustainability plan, including the costs associated with the implementation of the Common Core that demonstrates how the applicant plans to fund additional professional development after the grant period ends. If applicable, included will be a detailed description of any other funding streams/contributions related to the proposed professional development after the grant period ends.				

Comments:

<b>Section F: Budget Forms– [20] points</b>				
<b>Section F1: FS-10 [5] points</b>				
NA : 0 pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
<p>Points awarded based on the following: Applicant outlines all expenditures for the program period (1/1/2015-6/30/2015) in the FS-10 form (the most current form is available online at: <a href="http://www.oms.nysed.gov/cafe/forms/">http://www.oms.nysed.gov/cafe/forms/</a> ). Please be sure to check that all calculations, descriptions, and amounts match the budget summary and budget narrative. Failure to do so will adversely affect the scoring of this section.</p> <p>NOTE: Costs (salaries, e.g.) should be pro-rated based on the actual grant period, which is a six-month term.</p>				
Comments:				
<b>Section F2: BUDGET NARRATIVE - [10] points</b>				
NA: 0 pts	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
<p>Points awarded based on the following:</p> <ul style="list-style-type: none"> <li>• All proposed expenditures are included and the calculations and amounts match the FS-10.</li> <li>• Provide all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure, as well as why the proposed expenditure is appropriate, reasonable and necessary. This may include a description of any other sources of funds (within and outside the district/school).</li> </ul>				

Comments:				
<b>PROPOSED EXPENDITURES DO NOT SUPPLANT OR DUPLICATE CURRENT INITIATIVES (5 points)</b>				
NA : 0 pts	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
Points awarded based on the following:				
<ol style="list-style-type: none"> <li>1. Applicant clearly explains how the expenditures are supplemental and do not supplant other funding sources.</li> </ol>				
Comments:				

## **Appendix C: Prequalification Application for Grants Reform**

The State of New York has implemented a new statewide prequalification process designed to facilitate prompt contracting for not-for-profit vendors. Interested vendors are asked to submit commonly requested documents, and answer frequently asked questions once. The application requests organizational information about the vendor's capacity, legal compliance, and integrity. To learn more about prequalification, go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) where you can preview the questions and required documents.

**Proposals received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway on the proposal due date of October 7, 2014, cannot be evaluated. Such proposals will be disqualified from further consideration**

Following is a summary of the steps that must be undertaken in order for you to prequalify.

- Go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) and download a copy of the Registration Form. Please review the instructions for submission of this Form. The form must be signed and notarized by an authorized representative of your organization, and must be sent to the Division of Budget as soon as possible in order to gain access to the Grants Gateway to enable prequalification.
- Upon submission of your Registration Form, you will be provided with a User ID allowing you to gain access to the Gateway. From there, please logon to the Gateway System ([https://grantsgateway.ny.gov/IntelliGrants\\_NYSGG/login2.aspx](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx)) and begin your Prequalification Application.
- Vendors who already submitted registration materials and received their user credentials can begin to upload documents into the Document Vault and complete their online Prequalification Questionnaire.
- As you fill out the Questionnaire, please refer to the Gateway Training Materials and resource links posted on the "grantees" section of the Grants Reform website to help you navigate the questionnaire. If you still have questions, simply contact your State agency program contact, or post your question to [GrantsReform@Budget.ny.gov](mailto:GrantsReform@Budget.ny.gov), and someone will get back to you quickly with a response.

**Vendors are strongly encouraged to begin the process as soon as possible in order to assure that prompt contract approval is not jeopardized.**

If you have any questions about prequalification, please go to the Grants Reform website or contact your State agency representative via email at [prequal@mail.nysed.gov](mailto:prequal@mail.nysed.gov).

## Appendix D: M/WBE Documents

### M/WBE Goal Calculation Worksheet

(This form should reflect Multi-Year Budget Summary Totals)

RFP # and Title: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

The M/WBE participation for this grant is 20% of each applicant’s total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as the total budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries) and fringe benefits, as well as rent, lease, utilities, and indirect costs, if these are allowable expenditures.

Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Totals
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Indirect Costs		
6.	Rent/Lease/Utilities		
7.	Sum of lines 2, 3, 4, 5, and 6		
8.	Line 1 minus Line 7		
9.	M/WBE Goal percentage (20%)		0.20
10.	Line 8 multiplied by Line 9 =M/WBE goal amount		

**M/WBE COVER LETTER Minority & Woman-Owned Business Enterprise Requirements**

**NAME OF GRANT PROGRAM** \_\_\_\_\_

**NAME OF APPLICANT** \_\_\_\_\_

In accordance with the provisions of Article 15-A of the NYS Executive Law, 5 NYCRR Parts 140-145, 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 in 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 through one of the three methods below. Please indicate which one of the following is included with the M/WBE Documents Submission:

- Full Participation – No Request for Waiver (PREFERRED)
- Partial Participation – Partial Request for Waiver
- No Participation – Request for Complete Waiver

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/applicants submitting responses to this procurement/project must complete this M/WBE Utilization Plan unless requesting a total waiver and submit it as part of their proposal/application. 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/applicant.

Bidder/Applicant's Name \_\_\_\_\_ Telephone/Email: \_\_\_\_\_/\_\_\_\_\_

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/APPLICANT'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/APPLICATION 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 _____

RFP # SA-18 COMMON CORE INSTITUTE  
**M/WBE SUBCONTRACTORS AND SUPPLIERS**  
**NOTICE OF INTENT TO PARTICIPATE**

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

Bidder/Applicant Name: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ E-mail: \_\_\_\_\_

Signature of Authorized Representative of Bidder/Applicant's Firm \_\_\_\_\_  
Print or Type Name and Title of Authorized Representative of Bidder/Applicant's Firm \_\_\_\_\_

Date: \_\_\_\_\_

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

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/APPLICANT CONDITIONED UPON THE BIDDER/APPLICANT'S EXECUTION OF A CONTRACT WITH THE NYS 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 \_\_\_\_\_

**M/WBE CONTRACTOR GOOD FAITH EFFORTS CERTIFICATION (FORM 105)**

PROJECT/CONTRACT # \_\_\_\_\_

I, \_\_\_\_\_  
(Bidder/Applicant)

\_\_\_\_\_ of \_\_\_\_\_  
(Title) (Company)

\_\_\_\_\_ (Address) ( ) \_\_\_\_\_ (Telephone Number)

do hereby submit the following as evidence of our good faith efforts to retain certified minority- and women-owned business enterprises:

(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.

(7) Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority - and women- owned business enterprises for this procurement.

Submit additional pages as needed.

\_\_\_\_\_  
Authorized Representative Signature

\_\_\_\_\_  
Date

## M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

**RFP#/PROJECT NAME** \_\_\_\_\_

I, \_\_\_\_\_ (Authorized Representative) \_\_\_\_\_ (Title) \_\_\_\_\_ (Bidder/Applicant's Company)  
 \_\_\_\_\_ (Address) \_\_\_\_\_ (Phone)

I certify that the following New York State Certified Minority/Women Business Enterprises were contacted to obtain a quote for work to be performed on the abovementioned project/contract.

List of date, name of M/WBE firm, telephone/e-mail address of M/WBEs contacted, type of work requested, estimated budgeted amount for each quote requested.

<u>DATE</u>	<u>M/WBE NAME</u>	<u>PHONE/EMAIL</u>	<u>TYPE OF WORK</u>	<u>ESTIMATED BUDGET</u>	<u>REASON</u>
1.					
2.					
3.					
4.					
5.					

To the best of my knowledge and belief, said New York State Certified Minority/Women Business Enterprise contractor(s) was/were not selected, unavailable for work on this project, or unable to provide a quote for the following reasons: Please check appropriate reasons given by each MBE/WBE firm contacted above.

- \_\_\_\_\_ **A.** Did not have the capability to perform the work
- \_\_\_\_\_ **B.** Contract too small
- \_\_\_\_\_ **C.** Remote location
- \_\_\_\_\_ **D.** Received solicitation notices too late
- \_\_\_\_\_ **E.** Did not want to work with this contractor
- \_\_\_\_\_ **F.** Other (give reason) \_\_\_\_\_

\_\_\_\_\_  
**Authorized Representative Signature**                      **Date**                      **Print Name**

## REQUEST FOR WAIVER FORM

**BIDDER/APPLICANT NAME:**

**TELEPHONE:**

**ADDRESS:**

**EMAIL:**

**FEDERAL ID NO.:**

**CITY, STATE, ZIPCODE:**

**RFP#/PROJECT NO.:**

**INSTRUCTIONS:** By submitting this form and the required information, the bidder/applicant certifies that Good Faith Efforts have been taken to promote M/WBE participation pursuant to the M/WBE goals set forth under this RFP/Contract. Please see Page 2 for additional requirements and document submission instructions.

**BIDDER/APPLICANT IS REQUESTING (check all that apply):**

**MBE Waiver** - A waiver of the MBE goal for this procurement is requested.  
 Total                       Partial \_\_\_\_\_%

**WBE Waiver** - A waiver of the WBE goal for this procurement is requested.  
 Total                       Partial \_\_\_\_\_%

**Waiver Pending ESD Certification**

(check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development)

Subcontractor/Supplier Name: \_\_\_\_\_

Date of application filing: \_\_\_\_\_

PREPARED BY (*Signature*): \_\_\_\_\_

DATE: \_\_\_\_\_

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

NAME OF PREPARER:  TITLE OF PREPARER:  TELEPHONE:  EMAIL:	<b>FOR AUTHORIZED USE ONLY</b>  REVIEWED BY: _____  DATE: _____  <b>WAIVER GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO</b> <input type="checkbox"/> TOTAL WAIVER <input type="checkbox"/> PARTIAL WAIVER <input type="checkbox"/> ESD CERTIFICATION WAIVER <input type="checkbox"/> NOTICE OF DEFICIENCY <input type="checkbox"/> CONDITIONAL WAIVER COMMENTS:
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**M/WBE 101**

## REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

**When completing the Request for Waiver Form, please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1-11, as listed below. If a Waiver Pending ESD Certification is requested, please see Item 11 below. Copies of the following information and all relevant supporting documentation must be submitted along with the request.**

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Bidder/Applicant and the M/WBEs undertaken for purposes of complying with the certified M/WBE participations goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number and email address of the Bidder/Applicant's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

**NOTE: Unless a Total Waiver has been granted, Bidder/Applicant will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by NYSED, to determine M/WBE compliance.**

## EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN (Instructions on Page 2)

Applicant Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Federal ID No.: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Project No: \_\_\_\_\_

Report includes:

Work force to be utilized on this contract OR

Applicant's total work force

**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																			
<b>TOTAL</b>																			

PREPARED BY (Signature): \_\_\_\_\_

DATE: \_\_\_\_\_

NAME AND TITLE OF PREPARER: \_\_\_\_\_

TELEPHONE/EMAIL: \_\_\_\_\_

(Print or type)

## STAFFING PLAN INSTRUCTIONS

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

### Instructions for Completing:

1. Enter the Project number that this report applies to, along with the name, address, and federal ID number of the Bidder.
2. Check the appropriate box to indicate if the work force being reported is just for the contract/project or the Bidder/Applicant'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 M/WBE Coordinator, [mwbe@mail.nyused.gov](mailto:mwbe@mail.nyused.gov), if you have any questions.
6. Enter the name, title, phone number and 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.
- **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