



# **New York State Education Department**

**Request for Proposals (RFP)**

*for*

**Curriculum Modules and Statewide Professional  
Development for New York State English Language Arts  
& Literacy and Mathematics**

**RFP #SA-06**

**March 2012**

**New York State Education Department  
89 Washington Avenue  
Albany, NY 12234**

## OVERVIEW OF THIS PROCUREMENT OPPORTUNITY

### NEW YORK STATE EDUCATION DEPARTMENT SA-06

**Title:** Curriculum Modules and Statewide Professional Development for New York State English Language Arts & Literacy and Mathematics

The New York State Education Department (“NYSED”) seeks proposals to develop curriculum modules with associated statewide professional development aligned to the New York State P-12 Common Core Learning Standards, which for English Language Arts (“ELA”) & Literacy and Mathematics include the Common Core State Standards. Taken together, these standards are known as the New York State P-12 Common Core Learning Standards for English Language Arts & Literacy (“NYS P-12 CCLS for ELA & Literacy”) and the New York State P-12 Common Core Learning Standards for Mathematics (“NYS P-12 CCLS for Mathematics”).

These curriculum modules will:

- Support teaching and learning in Grades 6-12 classrooms across New York State and provide access to sequenced, spiraled, content-rich statewide curriculum programming and instructional practices that support the attainment of the New York State P-12 Common Core Learning Standards and align to the Board of Regents’ strategic goals.
- Include teaching and learning experiences that scaffold 6-12 grade levels, are focused on 6-12 learning progressions, and project a trajectory of learning standards in each content area (English Language Arts & Literacy and Mathematics).
- Include curriculum maps, lesson plans, performance tasks, scaffolding materials, and other classroom artifacts. Newly developed modules will provide curriculum and instructional resources targeted to address all learners within any classroom setting.

In conjunction with these awards, vendors will also design and implement a system of statewide professional development (“PD”), aligned to the newly created curriculum modules, so that the state’s Network Teams, district administrators, teachers, and leaders have the skills and knowledge necessary to inform and support the implementation of the New York State P-12 Common Core Learning Standards effectively across the state.

**Eligible Applicants:** The eligible applicants are: Local Education Agencies (“LEAs”); Boards of Cooperative Educational Services (“BOCES”); public or private Institutions of Higher Education (“IHEs”); systems of public IHE’s, so long as the particular institutions participating in the project, and the services each institution will provide, are identified in the proposal; not-for-profit and for-profit organizations, companies or agencies; or a consortium of any of the above. For the purposes of this RFP, an LEA is defined as a school district or a charter school.

The lead applicant for a consortium must be an eligible individual applicant as defined above, must act as the fiscal agent on behalf of the consortium and must provide a minimum of forty percent (40%) of the services as defined in this RFP.

**Subcontracting Limits:** Subcontracting is not to exceed forty percent (40%) of the annual contract budget for each respective Competitive Priority Area. Proposed subcontractors must be identified in the proposal, and NYSED reserves the right to approve all subcontractors. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel. If the relationship with one subcontractor terminates during the contract term, NYSED must be notified immediately and reserves the right to reject any replacement subcontractor the vendor proposes. Bidders are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) participation goals. The goals are **12%** Minority Business Enterprise (MBE) and **8%** Women-Owned Business Enterprise (WBE). Please see the section on M/WBE Compliance Requirements for information regarding NYSED's Minority/Women-Owned Business Enterprise Procurement Policy.

**Competitive Priority Areas:** NYSED will award up to two (2) contracts for this RFP. NYSED has identified two Competitive Priority Areas, which will be separately evaluated and awarded. Details for how proposals may be submitted are located in "Section 2 – Submission" of this RFP. An applicant may bid on one or both Competitive Priority Areas:

**Competitive Priority Area 1.** Curriculum Modules and PD- 6-12 NYS CCLS for ELA & Literacy

**Competitive Priority Area 2.** Curriculum Modules and PD - 6-HS NYS CCLS for Mathematics

Each vendor awarded a contract for a Competitive Priority Area associated with this RFP will be required to identify a team leader who will participate in mandatory quarterly face-to-face meetings (in Albany or New York City) in order to align and coordinate efforts. The vendor will also provide a detailed, written quarterly update (to include progress, next quarter project plan, trouble shooting, and risk assessment) due one week prior to the scheduled quarterly meeting. Quarterly meetings will be in addition to, bi-weekly coordination conference calls led by NYSED, bi-weekly written progress reports (format provided by NYSED) regarding progress on contractual obligations, and other individual check-ins as needed regarding progress on contractual obligations.

**Contract Lengths:** Contracts resulting from this RFP must be designated by Competitive Priority Area for a term beginning July 1, 2012 and ending September 23, 2014.

**Service Area:** New York State

**Mandatory Requirements:** See Mandatory Requirements section of the RFP.

**Components contained in this RFP Proposal are as follows:**

- Section 1: Description of Services to Be Performed
- Section 2: Submission
- Section 3: Evaluation Criteria and Method of Award
- Section 4: Assurances
- Section 5: Submission Documents
- Section 6: Appendices

**There will be a pre-proposal bidder's conference for this RFP on, Tuesday, April 10, 2012 at 2:00 pm – 3:30 pm EST.** While not a mandatory requirement for purposes of submitting proposals, all interested bidders should consider attending this conference because critical project information will be shared followed by a question and answer period. The bidder's conference will be held as a webinar. Bidders must pre-register for the webinar by sending an email to: [nysccsrfp2@mail.nysed.gov](mailto:nysccsrfp2@mail.nysed.gov) by 12:00pm on **Monday, April 9, 2012** with the Subject: Bidders Webinar Reservation. Once the email is received, directions and a link for the webinar will be sent to you. The webinar, and all questions and answers resulting from it, will be posted on the NYSED Race to the Top [website](#).

**Questions About the RFP:** Questions regarding this RFP must be submitted by e-mail to [nysccsrfp2@mail.nysed.gov](mailto:nysccsrfp2@mail.nysed.gov) by close of business Thursday, **April 12, 2012**. Questions regarding this request should be identified as Program, Fiscal or M/WBE. A Question and Answer Document will be posted to <http://usny.nysed.gov/rttt/rfp/home.html> no later than **April 20, 2012**.

**Program Matters**

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**Submission Information:** All proposal submission requirements are outlined in "Section 2 – Submission" of this RFP. All proposals must be submitted separately as detailed in the Submission section of the RFP, and must be received by NYSED no later than **Monday, May 7, 2012 by 4:00 PM**.

Note: As detailed in the Submission section of this RFP, technical proposal documents must also be submitted on CD-ROM as Microsoft Word and/or PDF documents.

The mailing address for all proposals is:

**NYS Education Department**  
Bureau of Fiscal Management  
Contract Administration Unit  
Attn: Lynn Caruso, RFP#SA-06  
89 Washington Avenue, Room 505W EB  
Albany, NY 12234

**(Facsimile or e-mailed copies of the proposals are NOT acceptable.)**

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**GLOSSARY OF TERMS AND ACRONYMS USED IN THIS RFP**

<b>Term</b>	<b>Definition</b>
Assessment	A test designed to measure of a student’s knowledge and understanding of content, concepts, and/or skills.
Achieve Tri-State Quality Review Rubric	The Tri-State Collaborative (comprised of educational leaders from Massachusetts, New York, and Rhode Island and facilitated by Achieve) has developed criterion-based rubrics and review processes to evaluate the quality of lessons and units intended to address the Common Core State Standards for Mathematics and ELA/Literacy.
Board of Regents	The governing board for the New York State Education Department.
Benchmark	A pre-determined level of student achievement on an assessment.
BOCES	Acronym used throughout this RFP for Boards of Cooperative Educational Services. There are 37 BOCES in the State of New York that serve as shared service providers to the nearly 700 school districts (but not including the Big 5 city districts) in the State of New York.
Classroom Teacher	An individual who, as a “teacher of record,” has primary responsibility for providing classroom instruction in a specific content area and/or grade level as defined in this section, except evening school teachers of adults enrolled in nonacademic, vocational subjects, and supplemental school personnel (i.e. teaching assistants, teacher aides, pupil personnel providers).
Close Reading	The careful, sustained analysis of a brief passage of text. Such reading places great emphasis on the particular over the general, paying close attention to individual words, syntax, and the order in which sentences and ideas unfold as they are read.
Commissioner, The	The Commissioner is the chief executive officer of the New York State Education Department and president of the University of the State of New York.
Common Core State Standards (CCSS)	The standards featured on the Common Core State Standards Initiative Web site, <a href="http://www.corestandards.org/">http://www.corestandards.org/</a> , from which New York State has based its adoption of the NYS P-12 Common Core Learning Standards for ELA & Literacy and Mathematics.
Creative Commons Licenses	A copyright license, offered at no charge to the public that allows content creators to list the specific rights they reserve and waive, respectively, for the benefit of recipients and other content creators, through the Creative Commons website, <a href="http://creativecommons.org/">http://creativecommons.org/</a> .
Curriculum Module – ELA & Literacy (required definition for the purpose of this RFP)	Curriculum modules in ELA & Literacy are Intended to last one quarter of a school year, focusing on reading, writing, listening, and speaking in response to high quality texts. The four modules will sequence and scaffold content that is aligned to the Partnership for Assessment of Readiness for College and Career (PARCC) Frameworks. Each module will culminate in an end-of-module performance task, aligned to the PARCC frameworks as applicable, that demonstrates validity and enables item-level analysis. Modules may include several units and each unit may include a set of sequenced, coherent progressions of learning experiences that build knowledge and understanding of major concepts. They may also include student outcomes based on central texts of a unit, daily lesson plans, guiding questions, handouts, scaffolding strategies, and examples of proficient student work.

Term	Definition
Curriculum Module – Math (required definition for the purpose of this RFP)	Curriculum modules in mathematics are marked by tight topic focus, rigorous classroom reasoning, extended classroom time devoted to practice and reflection through extensive problem sets, and high expectations for mastery. Each module will culminate in an end-of-module performance task, aligned to the PARCC frameworks as applicable, that demonstrates validity and enables item-level analysis. The time required to complete a curriculum module will depend on the scope and difficulty of the mathematical content that is the focus of the module (major areas of work for a given grade level).
Curriculum Unit- ELA & Literacy (grades 6-12)	Curriculum units in ELA & Literacy are driven by central texts and are composed of coherent progressions of learning experiences that build knowledge and understanding that address specifically stated P-12 Common Core ELA & Literacy Learning Standards. Materials are designed so that the central focus of classroom time is spent on the close, sustained reading of complex texts—often taking several days of concentrated study on a short text or a passage in a longer text—including writing and conversations (speaking and listening) that center on those texts. Such reading emphasizes the particular over the general, encouraging students to read and re-read deliberately and slowly to probe and ponder the meanings of individual words and sentences, the order in which sentences unfold, and the development of ideas over the course of the text. Lastly, a curriculum unit is composed of central texts, student outcomes aligned to the NYS P-12 CCLS for ELA & Literacy (driven by a learning progression), along with a collection of daily lessons.
DDI: Data Driven Instruction	An inquiry-based approach to improving student learning throughout the year through analysis of data and action planning for improved instruction.
ELL	Acronym used throughout this RFP for English Language Learner, which also includes “Limited English Proficient” or LEP as that term is used in the regulations of the Commissioner, Title 8 of the NYCRR. Curriculum modules must also integrate scaffolding resources for ELL students. ELLs need additional support so that content is comprehensible to them in English. Additional support techniques should include: explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words); building background knowledge; strategic and purposeful use of multiple media (e.g. strategic use of short video clips, carefully selected images, and purposeful use of manipulatives, directly related to the text or content being taught); instruction in word-learning strategies and comprehension strategies; and building on and supporting students’ first language knowledge.
Embedded	Inserted as an integral part of a surrounding whole.
HS	Acronym that stands for high school.
Instructional Scaffolding	<i>See “Scaffolding” below.</i>
LEA	Acronym used throughout this RFP for Local Education Agency. For the purposes of this RFP, an LEA is defined as a school district or a charter school.

Term	Definition
Mathematics Priorities (PARCC Frameworks, Grades 3-8)	<ul style="list-style-type: none"> <li>• Major/First Priority Clusters               <ul style="list-style-type: none"> <li>○ As listed by the PARCC Frameworks, focus/first priority mathematics clusters are the 70% of prioritized grade level math concepts.</li> </ul> </li> <li>• Additional/Second Priority Math Clusters               <ul style="list-style-type: none"> <li>○ Please see PARCC Frameworks for second priority mathematics clusters at each grade level.</li> </ul> </li> <li>• Supporting/Third Priority Clusters               <ul style="list-style-type: none"> <li>○ Please see PARCC Frameworks for third priority mathematics clusters at each grade level.</li> </ul> </li> </ul>
NYSED	Acronym used throughout this RFP for The New York State Education Department.
NYS P-12 CCLS	Acronym used throughout this RFP for the standards adopted by the New York State Board of Regents in January 2011 for ELA & Literacy and for Mathematics. These standards are composed of the Common Core State Standards (CCSS) and a small number of additional standards. For the purposes of this RFP, vendors will focus on the NYS P-12. For further information, see <a href="http://www.p12.nysed.gov/ciai/common_core_standards/">http://www.p12.nysed.gov/ciai/common_core_standards/</a> .
Network Team	A regionally-selected group of education leaders through which NYSED provides additional professional development capacity in Instruction, Curriculum, and Data to the district leaders, school leaders, and teachers charged with affecting needed change at the school and classroom level. Network teams are tasked with differentiating and providing turnkey NYSED training on New York’s four Race to the Top Assurance Areas (standards and assessments, data systems, great teachers and leaders, and school turnaround) and driving a cultural change in schools through professional development – particularly around implementation of the Common Core, Data Driven Instruction/ School Based Inquiry, and Teacher/ Leader Effectiveness.
Network Team Equivalent	A Network Team based in an individual school district.
PARCC	Acronym used throughout this RFP for Partnership for Assessment of Readiness for College and Careers, “a consortium of states working together to develop a common set of K-12 assessments in English and math anchored in what it takes to be ready for college and careers. These new K-12 assessments will build a pathway to college and career readiness by the end of high school, mark students’ progress toward this goal from 3rd grade up, and provide teachers with timely information to inform instruction and provide student support. The PARCC assessments will be ready for states to administer during the 2014-15 school year.” (source: www.parcconline.org)

Term	Definition
PARCC Content Frameworks	The Partnership for the Assessment of Readiness for College and Careers (PARCC) has drafted the PARCC Model Content Frameworks in English Language Arts/Literacy and Mathematics. These frameworks have been developed through a collaborative state-led process between state experts and members of the Common Core State Standards writing teams. The model content frameworks serve several purposes: They help identify the big ideas in the Common Core State Standards for each grade level; help determine the focus for the various PARCC assessment components; and will support the development of the PARCC assessment blueprints. For more information on the PARCC Model Content Frameworks, see <a href="http://www.parcconline.org/parcc-content-frameworks">http://www.parcconline.org/parcc-content-frameworks</a> .
Principal or Building Principal	A principal or co-principal of a registered public school or an administrator in charge of an instructional program of a school district, charter school or a BOCES.
Professional Development (PD)	Implementation of a comprehensive recursive process that provides sustained learning experiences aimed to engage and enhance professional practice. Professional development includes a framework and design of the interconnections between teaching and learning within the broader context of alignment to and implementation of content and processes pertaining to standards, curriculum programming, and instructional practices necessary to improve student learning and achievement. “A comprehensive, sustained, and intensive approach to improving teachers’ and principals’ effectiveness in raising student achievement” (source: <i>Learning Forward</i> , 2009).
Proposal Element	A required piece of submission in response to the RFP for both curriculum modules and statewide professional development.
Publishers’ Criteria	Developed by the authors of the Common Core State Standards, these criteria are designed to guide publishers and curriculum developers in developing reading materials that align to the Common Core State Standards. Publishers’ Criteria for ELA & Literacy in Grades 3-12 are available at: <a href="http://www.achievethecore.org/downloads/Publishers%20Criteria%20for%20Literacy%20for%20Grades%203-12.pdf/">http://www.achievethecore.org/downloads/Publishers%20Criteria%20for%20Literacy%20for%20Grades%203-12.pdf/</a>  Publishers’ Criteria for Mathematics are available at: <a href="http://engageny.org/resource/publishers-criteria-for-elaliteracy-and-math/">http://engageny.org/resource/publishers-criteria-for-elaliteracy-and-math/</a>
S/CDN	Acronym for the New York State Staff/Curriculum Development Network. For more information, see the S/CDN Web site at: <a href="http://scdn.wsbores.org/">http://scdn.wsbores.org/</a> .

Term	Definition
Scaffolding	<p>Scaffolding is help that is “just right” and “just in time,” provided to learners so that, with that support, they can accomplish tasks they would not be able to complete alone, and so that they appropriate 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. An important feature of pedagogical scaffolding is that it should enable the emergence of novelty. For example, activities proposed should provide students with an opportunity to engage in a novel application of ideas.</p> <p>The term scaffolding comes from the work of Jerome Bruner, who defined it as:</p> <p>A process of ‘setting up’ the situation to make the child’s entry easy and successful and then gradually pulling back and handing the role to the child as he becomes skilled enough to manage it (1983:60). Bruner, J. (1983). <i>Child’s Talk: Learning to Use Language</i>. New York: Norton.</p> <p>Flexible supports may include the following (and other) successful modes:</p> <ul style="list-style-type: none"> <li>• Excellent text dependent questions in a thoughtful sequence</li> <li>• Effectively spiraling levels of text complexity</li> <li>• Digestible chunks of knowledge or information sequenced from an accessible base to the more complex</li> <li>• Building student knowledge through reading and writing</li> <li>• Strategic selection of pivotal vocabulary and allusions</li> <li>• Making connections between different portions of a text</li> <li>• Related texts or problems at an appropriate grade level</li> <li>• Guidance regarding less "frustrating" access points for struggling learners</li> </ul> <p>ELLs need additional support so that content is comprehensible to them in English. Additional support techniques should include: explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words); building background knowledge; strategic and purposeful use of multiple media (e.g. strategic use of short video clips, carefully selected images, and purposeful use of manipulatives, directly related to the text or content being taught); instruction in word-learning strategies and comprehension strategies; and building on and supporting students’ first language knowledge.</p> <p>For students with disabilities, all modules must be designed with Universal Design for Learning (UDL) principles as a framework. Additional methods of scaffolding instruction to support learning for students with disabilities must include teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving, verbalization of thought processes, use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback.</p>

Term	Definition
Standards for Mathematical Practice	A description of varied expertise that mathematics educators at all levels should seek to develop in their students. These practices rest on important “processes and proficiencies” with longstanding importance in mathematics education: the NCTM process standards of problem solving, reasoning and proof, communication, representation, and connections; and the strands of mathematical proficiency specified in the National Research Council’s report <i>Adding It Up</i> : adaptive reasoning, strategic competence, conceptual understanding (comprehension of mathematical concepts, operations and relations), procedural fluency (skill in carrying out procedures flexibly, accurately, efficiently and appropriately), and productive disposition (habitual inclination to see mathematics as sensible, useful, and worthwhile, coupled with a belief in diligence and one’s own self efficacy).
Summative Assessment	The measurement of student learning or understanding over a period of time. Examples include end-of-course assessments and state Regents examinations.
Students Performing Below Grade Level	Students who are performing either one or two years below grade level.
Students with Disabilities	Term used to describe students who are classified as having a disability under the Individuals with Disabilities in Education Act. All modules must be designed with Universal Design for Learning (UDL) principles as a framework. Additional methods of scaffolding instruction to support learning for students with disabilities must include teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving, verbalization of thought processes, use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback.
Universal Design for Learning (UDL)	A curriculum planning framework based on current research related to how students learn which guides the development of flexible lesson planning strategies so that classrooms can accommodate individual learning differences in students and ensure proficiency in the standards for all students. Unless otherwise directed by NYSED, NYSED requires that materials adhere to the Universal Design for Learning Guidelines. See CAST (2011). <i>Universal Design for Learning Guidelines version 2.0</i> . Wakefield, MA: Author, available at <a href="http://www.udlcenter.org/aboutudl/udlguidelines">http://www.udlcenter.org/aboutudl/udlguidelines</a> ).
Webography	A bibliography of relevant websites.

## BACKGROUND

The New York State Education Department (“NYSED”) seeks proposals to develop curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) aligned to the New York State P-12 Common Core Learning Standards for English Language Arts & Literacy (“NYS P-12 CCLS for ELA & Literacy”) and the New York State P-12 Common Core Learning Standards for Mathematics, (“NYS P-12 CCLS for Mathematics”).

The *NYS P-12 CCLS for ELA & Literacy* and the *NYS P-12 CCLS for Mathematics* can be accessed at: [http://www.p12.nysed.gov/ciai/common\\_core\\_standards/](http://www.p12.nysed.gov/ciai/common_core_standards/)

The curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) will support teaching and learning in Grades 6-12 classrooms across New York State and provide access to sequenced, spiraled, content-

rich statewide curriculum programming and instructional practices that support the attainment of the New York State P-12 Common Core Learning Standards and align to the Board of Regents strategic goals. The curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) will include teaching and learning experiences that scaffold 6-12 grade levels, are focused on 6-12 learning progressions, and project a progressive trajectory of learning standards in each content area (English Language Arts & Literacy and Mathematics). These modules will include:

For ELA & Literacy and Mathematics:

- curriculum maps with learning progressions
- unit overviews
- performance tasks
- lesson strategy documents that outline teacher and student actions/outcomes
- appropriate learning scaffolds (outlined for ELLS and students with disabilities, but not limited to these student sub-group populations)

**These include, but are not limited to:**

- Built off principles of Universal Design for Learning (UDL)
  - Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving
  - Verbalization of thought processes
  - Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback
  - Explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)
  - Building background knowledge
  - Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-
  - Instruction in word-learning strategies and comprehension strategies
  - Building on and supporting students' first language knowledge
  - Using verbal cues to prompt student answers
  - Teaching mnemonics
  - Graphic organizers
  - Teaching key vocabulary terms before reading
  - Direct instruction of high frequency abstract vocabulary
- For ELA & Literacy only:
    - sample texts of grade level complexity
    - rigorous text-dependent questions to guide conversations and writing
    - research tasks
    - approach to word study is research-based
    - incorporates research based approaches for connecting quantity of reading to increased background knowledge and vocabulary
  - For Mathematics only:
    - extensive problem sets
    - balance of tasks and activities
    - balance in how time is spent
    - common sense in achieving balance

Newly developed curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) will provide curriculum and instructional resources targeted to address all learners within any classroom setting. An emphasis is on resources that support the teaching and learning of English Language Learners (“ELL”), students with disabilities, accelerated learners, and students achieving and performing below grade level (up to 2 grade levels behind through grade 8 and up to 4 grade levels behind in high school, grades 9-12). Every module should be designed with Universal Design for Learning (UDL) principles as a framework. Additional scaffolds and supports, as described Section 1.3.1, must also be provided for each module. Additionally, NYSED requires that each vendor selected to design curriculum modules must also include in its proposal a plan to design and implement a system of statewide professional development, aligned to its curriculum, so that its Network Teams have the skills and knowledge necessary to inform and support the implementation of the NYS P-12 CCLS effectively across the state.

NYSED is seeking proposals for curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) that are self-contained instructional sequences focused on key advances in the New York State P-12 Common Core Learning Standards.

As self-contained modules, they could be flexibly sequenced (ELA & Literacy only) and integrated into courses as determined by New York State teachers. Each module (ELA & Literacy only), consisting of the above elements, may be divided into smaller units that build upon one another with the principle of coherence. Materials in suitable modules must include scaffolding, as described in Section 1.3.1, for students with disabilities, ELLs and students at different levels of performance with particular attention to students who are reading below or above grade level (up to 2 grade levels above or behind through grade 8 and up to 4 grade levels behind in high school, grades 9-12).

The New York State Race to the Top (RTTT) initiative authorizes a competitive process to support the development and implementation of curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS). The primary purpose of these modules is to support systemic change in teaching and learning of standards-based curricula statewide by focusing on five key components - curriculum, instruction, assessment, professional development, and leadership - simultaneously across grade levels (6-12). Through newly developed and innovative curriculum modules, grounded by research and standards, and through statewide professional development to implement curriculum modules, New York State stands positioned to better prepare its students to pursue pathways to colleges and careers in a globally competitive economy.

For more information on New York State’s Race to the Top award, see:

<http://usny.nysed.gov/rttt/>

For more information on New York State’s existing outreach efforts and resources provided to educators, see:

<http://engageny.org/>

For more information on Universal Design for Learning, see:

<http://www.cast.org/udl/>

A major focus of the Common Core is on twelve Instructional Shifts needed for their effective implementation in ELA & Literacy and in Mathematics. For more information on these “Common Core shifts,” see:

<http://engageny.org/resource/common-core-shifts/>

It is critical that vendors have a deep conceptual understanding of the Shifts that the Common Core requires of teachers and students- and demonstrate this understanding in their proposal. NYSED has identified the Shifts as a key organizing framework for New York State’s transition to the Common Core and vendors will be expected to integrate and annotate each of the Shifts clearly into products and professional development service.

## **SECTION 1 - DESCRIPTION OF SERVICES TO BE PERFORMED**

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

### **1.1 DESIRE FOR INNOVATION**

The key characteristic of this procurement is the desire for NYSED to create innovative approaches to effective curriculum and instruction that is based upon the New York State P-12 Common Core Learning Standards for ELA & Literacy and for Mathematics. In this RFP, NYSED has outlined its understanding of effective components of meaningful curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS); however, vendors are asked to propose innovative approaches to designing the specific components requested.

### **1.2 MANDATORY REQUIREMENTS**

The eligible bidder must agree to and comply with the Mandatory Requirements found below and must submit the Mandatory Requirements Certification Form signed by an authorized person (Attachment 2 of this RFP).

#### ***Mandatory Bid Requirements***

- 1) Any proprietary material considered confidential by the bidder must specifically be so identified, and the basis for such confidentiality must be specifically set forth in the proposal.
- 2) For those activities that will be subcontracted, the proposed subcontractors’ names, M/WBE status, specific services, and costs must be specifically indicated on the Subcontracting Form (See “Attachment 4: NYSED Subcontracting Form” for more information). Subcontracting is defined as, “Non-employee direct personal services and related incidental expenses, including travel.” Subcontracting will be limited to forty percent (40%) of the annual contract budget for each respective Competitive Priority

Area. NYSED reserves the right to approve all subcontractors. If subcontractors should change during the contract term, NYSED must be notified immediately and reserves the right to reject any new subcontractor the vendor considers. The Subcontracting Form must be updated annually and submitted to NYSED.

- 3) The bidder must include at least two references with the submission of the technical proposal to substantiate qualifications. "Current" shall mean references for whom the vendor has performed work within the last three years. Do not use NYSED staff as references.
- 4) All bidders must sign and return the Mandatory Requirements Certification (See "Section 2.4: Checklist of Documents for Submission" for more information on this form). Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

***Mandatory Contract Requirements***

- 1) In order to leverage maximum use of the federal Race to the Top grant proceeds used to fund this contract, NYSED SHALL OWN all materials, processes, and products produced for NYSED pursuant to this contract, including but not limited to curriculum modules and programming, instructional resources, methodologies, measures, software, code, documentation, white papers, implementation guidance, training materials, evaluation forms, data compilations, and reports shall be the sole and exclusive property of the New York State Education Department.

It is NYSED's strong preference that all content used by the bidder in such materials, processes and products must be created for NYSED or obtained from publicly available sources, and that no materials should be used which are proprietary or for which a license must be obtained. However, in the event that pre-existing proprietary content is selected for use, such proprietary content must be specifically identified by the vendor and NYSED must be given an irrevocable, royalty-free, non-exclusive perpetual license to use, sub-license and make, or have made, derivatives of said material consistent with the use of such materials as outlined in this RFP in the deliverables owned by NYSED.

IN THE ALTERNATIVE, NYSED will permit the contractor to reserve the right to copyright the materials produced under the contract resulting from this RFP; however, NYSED AND THE STATE OF NEW YORK SHALL HAVE A NONEXCLUSIVE, PERPETUAL, IRREVOCABLE, ROYALTY-FREE LICENSE TO COPY, DISSEMINATE, CREATE, OR HAVE CREATED BY THIRD PARTIES, DERIVATIVES, SUB-LICENSE, AND USE IN ANY WAY SUCH MATERIALS, SOLEY FOR EDUCATIONAL PURPOSES.<sup>1</sup>

The applicant should indicate in its proposal cover page which alternative it chooses: NYSED ownership or a perpetual license to NYSED. For either alternative, at the end of the resulting agreement, the contractor shall deliver paper copies and the source code for all such materials to NYSED. The applicant shall ensure that any sub-contractor is also bound to these terms, and that the agreements for third-party owned content is also consistent with such ownership.

- 2) It is further the intent of NYSED that written deliverables resulting from this contract (i.e., excluding pre-existing proprietary materials), whether owned directly by NYSED or

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<sup>1</sup> 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.

subject to license pursuant to paragraph 1 of this subsection, will be sub-licensed via a Creative Commons License for use by third parties. The vendor must agree to execute any necessary licenses or documents necessary to accomplish the Creative Commons License, including securing any necessary third-party approval in the licenses required in paragraph 1 of this subsection.

- 3) Certain rules will also apply to the use of any material obtained through Creative Commons licenses and used in the deliverables for the contract(s) resulting from this RFP. See "Section 1.9 – Creative Commons License" for complete language on Creative Commons licenses as they apply to this RFP.
- 4) Should the vendor use the services of consultants or other organizations or individuals who are not regular employees of the vendor, the subcontract agreement shall provide that such copyrightable work produced pursuant to the agreement shall be the sole and exclusive property of NYSED, or obtain a license for NYSED as described in paragraph (1) of this subsection.
- 5) The vendor shall reproduce, use, display, and include copies of NYSED's trademarks, trade name, logos, copyrights, and other intellectual property (collectively, the "Marks") on all copies of materials produced for NYSED. The vendor acknowledges that the Marks are owned solely and exclusively by NYSED, and nothing contained in the resulting contract shall give the vendor any ownership right or interest in such Marks or a right to use the Marks except pursuant to this contract.
- 6) All vendors must adhere to NYSED's security protocols regarding the transmission of secure materials via encrypted files and the secure shipment of all materials using a carrier that has ground tracking capability. Electronic transfer via e-mail, Internet, or facsimile (FAX) of any vendor generated products is not permitted unless authorized by NYSED to do so on a case-by-case basis.
- 7) All materials created pursuant to the contract resulted from this RFP are to be held strictly confidential unless and until otherwise authorized by NYSED, and must not be copied, duplicated, or disseminated in any manner or discussed with anyone other than persons authorized by NYSED. Certain rules, however, apply to intellectual property rights through Creative Commons licenses. See "Section 1.9 – Creative Commons License" for complete language on Creative Commons licenses as they apply to this RFP.
- 8) The vendors and all of its subcontractors' staff performing work on the contract resulting from this RFP must sign a Non-Disclosure Agreement assuring the confidentiality of all work and discussions carried out under this contract after the contract is awarded. These signed agreements must be submitted to NYSED prior to the initiation of work under this contract.
- 9) All invoices submitted for payment must include dates of services and an itemized list of activities and costs consistent with the approved Schedule of Deliverables contained in the executed contract. Payment(s) for subcontractor(s) must list the subcontractor's name(s), payment amount(s), and nature of services provided separately on the invoice submitted. Invoices with incomplete information will be returned to the vendor.
- 10) The vendor agrees to cooperate with, and when there is a difference of opinion, defer to NYSED, on the continual review and refinement of vendor products to ensure that all materials align to the New York State Board of Regents' approved NYS P-12 CCLS for ELA & Literacy and the NYS P-12 CCLS for Mathematics, as well as NYC DOE assessment plans to the extent provided in Section 1.7.4 of this RFP
- 11) Any vendor staff travel must be in accordance with the approved NYS rates. New York State rates are available at: <http://www.gsa.gov/portal/category/21287>.

- 12) Pursuant to New York State Policy 08-005, web sites must comply with the *Web Accessibility of Web-Based Information and Applications* guidelines, <http://www.cio.ny.gov/policy/NYS-P08-005.pdf>, developed by the State Chief Information Officer.
- 13) NYSED requires that all materials developed by contractors adhere to the Universal Design for Learning Guidelines (CAST (2011). *Universal Design for Learning Guidelines version 2.0*. Wakefield, MA: Author, available at <http://www.udlcenter.org/aboutudl/udlguidelines>).

## **MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE) PARTICIPATION GOALS**

Article 15-A identifies the State's procurement goals for Minority Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) participation as 12% and 8%, respectively, of the total contract budget or as specifically outlined in the RFP. NYSED's intent is to comply with Article 15-A and all bidders must demonstrate a good faith effort to comply with these goals. Minority and Women-Owned Business Enterprise (M/WBE) participation includes any and all services, materials or supplies purchased from New York State certified minority and women owned firms. Utilization of certified Minority and Women-Owned firms will be applied toward the goals. Bidders can achieve compliance with NYSED's Minority and Women-Owned Business Enterprise goals as described below.

### **ACHIEVE FULL COMPLIANCE WITH DESIGNATED GOALS (preferred)**

Bidders should submit subcontracting forms that meet or exceed NYSED's participation goals for this procurement. Bidders must complete and submit M/WBE 100: Utilization Plan, M/WBE 102: Notice of Intent to Participate and EEO 100: Staffing Plan. Instructions and copies of these forms are located in the Submission Documents. All firms utilized must be certified with the NYS Division of Minority and Women Business Development before beginning any work on this contract. For additional information and a listing of currently certified M/WBEs, see <http://www.esd.ny.gov/MWBE/directorySearch.html>.

The contact person on M/WBE matters is available throughout the application and procurement process to assist bidders in meeting the M/WBE goals. NYSED reserves the right to approve the addition or deletion of subcontractors or suppliers to enable bidders to comply with the M/WBE goals, provided such addition or deletion does not impact the technical proposal and/or increase costs.

### **DOCUMENTATION OF GOOD FAITH EFFORTS**

Bidders must undertake a good faith effort to solicit NYS Certified M/WBE firms as subcontractors and/or suppliers in fulfillment of this procurement. Means of solicitation may include but are not limited to: advertisements in minority centered publications; solicitation of vendors found in the NYS Directory of Certified Minority and Women-Owned Business Enterprises (<http://www.esd.ny.gov/MWBE/directorySearch.html>); and the solicitation of minority and women-oriented trade and labor organizations. Bidders will be

required to certify and attest to their good faith efforts by completing NYSED's Certification of Good Faith Efforts (Forms M/WBE 105 and M/WBE 105A). See the M/WBE Submission Documents for detailed examples of and required forms to document good faith efforts.

NYSED reserves the right to reject any bid for failure to document "good faith efforts" to comply with the stated M/WBE goals.

In the event Bidders cannot comply with NYSED's designated participation goals, said bidders must document their "good faith efforts" to comply and submit one of the following requests.

**REQUEST A PARTIAL WAIVER OF DESIGNATED GOALS**

In order to request a partial waiver of the designated goals for this procurement, Bidders must provide documentation of their good faith efforts to obtain the use of certified M/WBE enterprises along with their bid proposal forms. The subcontracting forms must include the participation percentage(s) for which they seek approval. Bidders will be required to certify and attest to their good faith efforts. Bidders should submit a request for a partial waiver (Form M/WBE 101) and document their Good Faith Efforts (Forms M/WBE 105 and M/WBE 105A) at the same time as the bid is submitted. Bidders must also complete and submit M/WBE 100: Utilization Plan, M/WBE 102: Notice of Intent to Participate and EEO 100: Staffing Plan. The M/WBE coordinator is available throughout the procurement process to assist in all areas of M/WBE compliance.

**REQUEST A COMPLETE WAIVER OF DESIGNATED GOALS**

In order to request a complete waiver of the designated goals for this procurement, Bidders must provide documentation of their Good Faith Efforts to obtain the use of certified M/WBE enterprises along with their bid proposal forms. Bidders will be required to certify and attest to their good faith efforts. Bidders should submit a request for a complete waiver on Form M/WBE 101 and document their Good Faith Efforts (Forms M/WBE 105 and M/WBE 105A) at the same time as they submit their bid. The M/WBE coordinator is available throughout the procurement process to assist in all areas of M/WBE compliance.

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

**1.3 COMPETITIVE PRIORITY AREA 1 – ELA & LITERACY**

Vendors bidding on Competitive Priority 1 (as identified in the Overview section of this RFP) must provide the required curriculum module and professional development products and services, and must do so per the project management stipulations noted below.

### 1.3.1 Curriculum Modules Requirements, Context, and Foundations: ELA & Literacy, Grades 6-12

Acceptable modules will require curriculum and instruction aligned to the NYS P-12 CCLS for ELA & Literacy. Therefore, materials must be designed so that the central focus of classroom time is spent on the close, sustained reading of complex texts—often taking several days of concentrated study on a short text or a passage in a longer text—including writing and conversations (speaking and listening) that center on those texts. Such reading emphasizes the particular over the general, encouraging students to read and re-read deliberately and slowly to probe and ponder the meanings of individual words and sentences, the order in which sentences unfold, and the development of ideas over the course of the text.

The fundamental requirement is that in each module (i.e. *each quarter of study*), at a minimum, students should perform the following activities:

1. *Close readings of three to five short texts with instructional and assessment support (3–4 weeks of instruction)*. This would include the selection of texts of sufficient complexity, drawing evidence from the text, and presenting analyses orally and in writing. For example, in grade 11, students could be asked to read closely the Gettysburg Address, a poem by Yeats, and Orwell’s “Politics and the English Language.”
2. *In-depth study of an extended text such as a novel, play, or longer literary non-fiction or informational text (2–3 weeks of instruction)*. Like all texts, these extended texts would be aligned with the complexity and range demands of the Standards. As with shorter works, students would be asked to perform a close reading of the extended text as well as discuss it and produce written work aligned with the Standards. For each module, successful bidders will offer a core set of optional texts that would provide choices for teachers. Optional texts should offer texts for students performing at different levels as well as first language text options for ELLs.
3. *One short research project that would require building knowledge, studying sources, and comparing texts (1–2 weeks of instruction)*. Where possible, these research projects would build on the close readings. For example, students could draw upon the sources of King’s *Letter from a Birmingham Jail* (such as *Plato’s Apology*) or read Garry Wills on the Gettysburg Address. They could also read several early drafts of a poem by Yeats and discuss its development.

#### Required ELL & Students with Disabilities Scaffolds

NYSED requires that the vendor explicitly incorporate scaffolding strategies and supports that are relevant for both ELLs and students with disabilities (but not limited to these student sub-group populations).

#### These include, but are not limited to:

- Built off principles of Universal Design for Learning (UDL)
- Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving

- Verbalization of thought processes
- Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback
- Explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)
- Building background knowledge
- Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-
- Instruction in word-learning strategies and comprehension strategies
- Building on and supporting students' first language knowledge
- Using verbal cues to prompt student answers
- Teaching mnemonics
- Graphic organizers
- Teaching key vocabulary terms before reading
- Direct instruction of high frequency abstract vocabulary

NYSED requires that the vendor form a team of experts in the education of ELLs and students with disabilities to work with their writing team at the outset of the work to help provide as much access for these populations as possible in the frameworks and development of the curriculum. Once draft modules are created, NYSED requires that the vendor work with those experts to incorporate student scaffolding, strategies and support for each population.

#### List of Required Modules

NYSED seeks proposals to develop ELA & Literacy curriculum modules (6 per grade) for Grades 6- 12 that reflect focus and coherence to help districts and schools across New York State make the transition to the NYS P-12 Common Core Learning Standards. Curriculum modules must be fully aligned to the **NYS P-12 CCLS for ELA & Literacy**. Please note that development of a curriculum module is not a guarantee that the curriculum module will in fact be used by any LEA or school.

#### COMPETITIVE PRIORITY AREA 1. Curriculum Modules and PD- 6-12 NYS CCLS for ELA & Literacy

Grade Band	Number of Modules*	Date by Which Modules Must be Complete**
6-12	6 per grade (42 total)	June 2013

\* For ELA & Literacy, six modules are requested per grades 6-12. Because modules are expected to last for one quarter of an academic year, NYSED is thus requesting modules for 150% of the academic year so that teachers have a variety to choose from while meeting the instructional needs of their students. To show how each of these 6 modules should work together to support a teacher's instruction, see Section 1.3.7.

\*\* Modules must be submitted to NYSED per the timelines indicated in “Section 1.8 – Timelines” of this RFP.

**1.3.2 Specific Products Requested for ELA & Literacy Competitive Priority Area Curriculum Modules**

See Section 1.5 for product requirements.

**1.3.3 Professional Development Requirements, Context, and Foundations: ELA & Literacy, 6-12**

See Section 1.6 for professional development requirements.

**1.3.4 Project Management Requirements: ELA & Literacy, 6-12**

See Section 1.7 for project management requirements.

**1.3.5. Timeline**

See Section 1.8 for timeline requirements.

**1.3.6 Additional Requirements**

See Sections 1.9 – 1.14 for additional requirements.

**1.3.7 SAMPLE ELA & Literacy: Conceptual Definition of Products and Their Relationships**

*For the purposes of this RFP and resulting contracts, the following shall apply*

ELA & Literacy Curriculum Modules (Grades 6-12)		
<p><b>Modules</b></p> <p>Curriculum modules are a quarter year in length. Taken together, they focus on reading, writing, speaking and listening in response to high quality text, for the designated grade level. Each individual module consists of an end-of-module performance task, assessing the standards of that module, aligned to the PARCC frameworks* (as appropriate), that demonstrates validity and enables item level analysis. Modules need not be coherently sequenced, as their location in the school year is flexible. Each of the individual four modules of an academic year consist of several units that are sequenced meaningfully to ensure coherence for students. To show what students will be learning across the entire module, each module will have a module overview/framing that shows coherent progressions of learning experiences and trajectories at-a-glance, with descriptions of how they interconnect and build upon one another for the stated time (quarter of the year). See Section 1.5 for “Products Being Solicited” in ELA &amp; Literacy, Mathematics.</p> <p>* Granular alignment, in all products, to additional college- and career-ready frameworks and blueprints approved and endorsed by NYSED, including but not limited to ELA &amp; Literacy or Mathematics content frameworks developed by the PARCC consortium.</p> <p><b>ELA &amp; Literacy:</b></p> <p>+ NYS P-12 CCLS for ELA &amp; Literacy</p> <p>+ Publishers' Criteria for ELA &amp; Literacy in Grades 6-12</p> <p><b>NUMBER NEEDED:</b></p> <p>+ Need six per grade grades 6-12.</p>		
<p><b>Ingredients of Modules:</b></p> <ul style="list-style-type: none"> <li>• Module overview/ framing with learning progressions and trajectories that clearly outline standards; description of how these standards interconnect and build upon one another and result in educators gaining a deep understanding of the standards.</li> <li>• A series of sequential units that address reading, writing, speaking and listening standards that result in deeper understanding for educators and students.</li> <li>• Performance Tasks with rubrics (capstone or experience with deep analytic reading and use of evidence as expressed by the pub criteria) – performance tasks at this level are aligned to the PARCC frameworks* (as appropriate), demonstrate validity, measures all standards up until that point and enable item level analysis.</li> </ul>	<p><b>Properties of Modules:</b></p> <ul style="list-style-type: none"> <li>• Sequenced, coherent units (number of units as appropriate)</li> <li>• Interchangeable with one another</li> <li>• ¼ of the school year in length</li> <li>• Focus on reading, writing, speaking and listening in response to high quality texts</li> <li>• All learning experiences achieve the integration/interplay/coordination of the speaking, listening, reading and writing standards</li> <li>• Alignment to PARCC frameworks, etc.</li> <li>• Alignment with the Achieve Tri-State Rubric</li> </ul>	<p><b>Supplementals:</b></p> <p>N/A</p>

**ELA & Literacy Unit**

**A unit consists of the following four parts: (1) An overview/ framing with learning progressions, (2) unit map, (3) performance tasks (4) central texts with supporting lesson materials**

**Ingredients of Units:**

- Performance Tasks (capstone or experience with deep analytic reading and use of evidence as expressed by the pub criteria).
- Unit overview/framing that includes the key standards being addressed and learning progressions, along with a description of what students will be able to know and do by the end of the unit. Students will demonstrate a deep understanding of the standards and achieve the interplay and coordination of reading, listening, speaking and writing standards.
- Unit map that shows recommended learning cycle that is mapped to a five-day/week calendar. Includes recommended points during the calendar at which specific lessons and assessments should take place.
- Selected, central texts; widely inclusive of diverse backgrounds that drive the learning within a given unit.
- Excellent text dependent questions to 1) guide conversations, 2) guide writing, and 3) guide research questions (grades 6-12).

**Properties of Units:**

- Discrete and sequential
- Driven by central text(s)
- Coherent progression of learning experiences that build knowledge and understanding of major ideas
- Specific NYS P-12 CCLS standards that are addressed
- Collection of daily lessons
- All learning experiences achieve the integration/interplay/coordination of the speaking, listening, reading and writing standards
- Alignment with the Achieve Tri-State Rubric

**Supplementals:**

- Sample texts for independent reading, including:
  - 1 year above grade level
  - On grade level
  - 1 year below
  - 2 years below
- Unit-level interventions for ELLs, Students with disabilities, accelerated students, students behind grade level

<b>ELA &amp; Literacy Daily (Lesson or Assessment)</b>		
<p><b>On a daily basis, there may be NYS P-12 CCLS aligned student outcomes that align to a short performance task(s). Lesson plans may be supplemented with student classwork and homework aligned to that day’s outcome, as responsive to the particular text at hand.</b></p>		
<p><b>Ingredients of Daily Level :</b></p> <ul style="list-style-type: none"> <li>• Daily level, NYS P-12 CCLS aligned student outcomes that are responsive to the text at hand– along with link to unit-level and other lesson outcomes</li> <li>• Daily lesson plans of NYS P-12 CCLS aligned student outcomes (describes what the teacher does and what the students do; may have the lesson plan may be accompanied by and aligned to classwork). Includes excellent text-dependent questions to 1) guide conversations, 2) guide writing, and 3) guide research questions(grades 3-12).</li> <li>• For Central Texts – provide strategic academic vocabulary study (identify the difference between what students should ignore, teach explicitly, define and move on)</li> <li>• Intervention strategies; for each daily lesson, concrete suggestions/ recommendations for how to differentiate for ELLs, Students with disabilities and students behind grade level as well as concrete suggestions/recommendations for how to differentiate for accelerated students</li> </ul>	<p><b>Properties of Daily Level:</b></p> <ul style="list-style-type: none"> <li>• Lasts one period</li> <li>• Provides plans for what the teacher and student should be doing during each given period</li> <li>• Scaffolded to teach the content/skills/texts effectively</li> <li>• Shall include recommended timing for various elements of the lesson</li> <li>• All learning experiences achieve the integration/interplay/coordination of the speaking, listening, reading and writing standards</li> <li>• Alignment with the Achieve Tri-State Rubric</li> </ul>	<p><b>Supplementals:</b></p> <ul style="list-style-type: none"> <li>• Selected grade level texts for:                             <ul style="list-style-type: none"> <li>○ 1 year above grade level</li> <li>○ On grade level</li> <li>○ 1 year below</li> <li>○ 2 years below</li> </ul> </li> <li>• Scaffolding strategies for each central text</li> <li>• Sample texts for independent reading</li> <li>• Unit-level interventions for ELLs, Students with disabilities, accelerated students, and students performing under grade level</li> </ul>

For purposes of this RFP, each module will be delivered to SED in the specified file format with file layout as follows:

- A bundled (hierarchical) file with the title of the module:
  - In each module folder, there will be subfolders with each of the following items as listed in Section 1.5 within this RFP (corresponding to module title)

**1.4 COMPETITIVE PRIORITY AREA 2 - MATHEMATICS**

Vendors bidding on Competitive Priority Area 2 must provide the required curriculum module and professional development products and services, and must do so per the project management stipulations noted below.

#### 1.4.1 Curriculum Modules Requirements, Context, and Foundations: Mathematics, 6-HS

##### *I. Focus and Coherence as Design Principles in the Mathematics Standards*

The two main design principles in the NYS P-12 CCLS for Mathematics standards are *focus* and *coherence*. These principles imply that at each grade level, students and teachers will focus their time and energy on fewer topics, in order to form deeper understanding, gain greater skill and fluency, and more robustly apply what is learned. *Focus* in the curriculum is meant to give students an opportunity to understand concepts and practice with them in order to reach a deep and fluent understanding. *Coherence* in the curriculum means progressions that span grade levels to build students' understanding of ever more sophisticated mathematical concepts and applications.

The Standards for Mathematical Practice are an essential element of the Standards as a whole, describing varieties of expertise that mathematics educators at all levels should seek to develop in their students. These standards include:

- Make sense of problems and persevere in solving them.
- Reason abstractly and quantitatively.
- Construct viable arguments and critique the reasoning of others.
- Model with mathematics.
- Use appropriate tools strategically.
- Attend to precision.
- Look for and make use of structure.
- Look for and express regularity in repeated reasoning.

With this RFP, NYSED is asking for grades 6-HS. To ensure focus in mathematics, NYSED is requesting that each major cluster (70% of the standards) for a given grade level is equal to a module; all modules end to end will cover the academic year. In most cases, supporting and additional areas (30% of the standards) will be layered into each module, to support the understanding and mastery of major cluster modules. In extreme cases, supporting and additional areas may exist as individual modules.

##### *II. Curriculum Modules for Mathematics*

As defined in the Glossary of this RFP, curriculum modules in Mathematics are marked by tight topic focus, rigorous classroom reasoning, extended classroom time devoted to practice and reflection, and high expectations for mastery.

The time required to complete a curriculum module will necessarily depend on the scope and difficulty of the mathematical content that is the focus of the module. Each major cluster, as listed in the PARCC Frameworks, should constitute a module (for grades 6-HS only). For example, the curriculum module relating to Grade 6 multiplication and division of fractions will introduce initial ideas of multiplication and division of fractions in a brief period at the start of the year, continue to develop strategies and problem solving throughout the year, and include

materials to be used all year long for helping students reach fluency by the end of the year with multiplications and related divisions. Thus, a curriculum module is concentrated in the content landscape, but may or may not have a sharp begin date and end date.

Each curriculum module will consist of a high-level outline for instruction and a set of curriculum materials following that outline – including daily lesson plans, curricular maps, handouts, extensive problem sets, guiding questions, Curriculum modules are high-quality sets of materials for key topics in each grade and high school course, developed coherently with attention to progressions in the NYS P-12 CCLS for Mathematics.

#### *A. Teacher-Directed Components of Materials*

Materials must help students learn mathematics so they can meet the indicated Standards for Mathematical Content. Materials must also equip teachers and students to develop the varieties of expertise described in the Standards for Mathematical Practice.

Materials must be mathematically correct.

Materials must reflect the Standards’ balanced approach to mathematics, stressing conceptual understanding as well as procedural skill and fluency. Specific aspects of achieving this balance include:

Teacher-directed components of materials should draw the teacher’s attention explicitly to nuances in the content and specific opportunities to foster mathematical practices in the study of that content. This will include:

##### *1. Content Alignment:*

Content alignment consists of the degree of focus on major clusters depth of treatment (emulating and/or improving on the attached Common Core Exemplar for Middle School Math, available at:<http://engageny.org/resource/common-core-exemplar-for-middle-school-math/>), and of mathematical coherence and progressive development of ideas.

In the context of a multi-grade progression, alignment also means treating the content in ways that takes into account the previous stage of the progression and prefigure the next.

##### *2. Balance of Tasks and Activities:*

A combination of brief practice exercises, chains of reasoning (through discussions), abstract activities such as modeling, and contextual activities such as applications throughout the module.

##### *3. Balance in How Time is Spent:*

A combination of group discussion, individual reflection, and individual skills building throughout the module.

4. *Common Sense in Achieving Balance:*

Not every task, activity, or workweek has to be balanced in these ways. It is reasonable to have phases during which tasks, activities, and time are concentrated in a single mode.

B. Materials for In-Classroom Activities

Curriculum modules in Mathematics should also include materials for use in classroom activities and discussions. These materials should enable teachers to present mathematical concepts and topics clearly and straightforwardly. In general, mathematical concepts are best conveyed through problems that illustrate concepts from a variety of different perspectives. Materials for use in the classroom should therefore scaffold activities and conversations around well-chosen problems. Each problem should be carefully designed to build on what is known and move the mathematics forward. Explanations for teachers should be provided that clarify the problems and reveal their pedagogical design features as well as their role in the day's activities and in the module as a whole. Ancillary materials for use in classroom activities and discussions may include handouts or manipulatives, as appropriate to the indicated content. Materials that could be included in a module for clear presentation of mathematical concepts and topics are:

1. *Problem Sets:*

Materials should include extensive, carefully designed problem sets. Problem sets have several aims:

- a. Reinforcing ideas – for example, by providing opportunities to practice and thereby allowing the student to demonstrate mastery of concept.
- b. Developing ideas – for example, by providing carefully designed problems that are instructive to solve and that lead students to fill gaps in their own understanding.
- c. Building skill and fluency with procedures – for example, by providing oral and written practice emphasizing known but not yet fluent operations.
- d. Presenting opportunities for applications – for example, by including engaging open-ended problems or activities with an explicit modeling component.
- e. Maintaining skills and deepening understanding – for example, by mixing in problems of kinds previously studied.

2. *In-Class Assessments:*

Brief “spot check” problems that can be answered by a show of hands can be embedded in classroom activities. Assessments should be balanced in accordance with the Standards themselves, including by:

- a. Assessing conceptual understanding – for example, by providing carefully designed problems that are difficult to answer when the concepts are

imperfectly understood, yet easy to answer when the concepts are properly understood.

- b. Assessing skill and fluency with procedures – for example, by including timed sets of problems of the indicated type (e.g., single-digit multiplications and related divisions).

*3. Support for Grading and Giving Feedback on Student Work:*

Because problem sets are extensive, and because students need effective and timely feedback on their work, problem sets also need to be designed for efficient grading. Teachers should also be provided with guidance on common errors, including possible underlying reasons for errors and appropriate follow-up problems for students who show given error patterns.

*4. Technology Components.* Vendors are invited to propose technology components that they believe would enhance the Curriculum Modules in valuable ways.

For example, technology might be used to:

- make content more engaging;
- give students extra time and support to build skill and fluency;
- help teachers give students more effective and timely feedback on their work;
- improve effectiveness with special populations;
- provide diagnostic information about students' prerequisite knowledge and skills; and/or
- enhance modules in other valuable ways as provided by vendors.

\*See the technology-related product in Section 1.5 (19) below for additional information about technology requirements.

### **Required ELL & Students with Disabilities Scaffolds**

NYSED requires that the vendor explicitly incorporate scaffolding strategies and supports that are relevant for both ELLs and students with disabilities (but not limited to these student sub-populations).

**These include, but are not limited to:**

- Built off principles of Universal Design for Learning (UDL)
- Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving
- Verbalization of thought processes
- Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback
- Explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)
- Building background knowledge

- Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-
- Instruction in word-learning strategies and comprehension strategies
- Building on and supporting students’ first language knowledge
- Using verbal cues to prompt student answers
- Teaching mnemonics
- Graphic organizers
- Teaching key vocabulary terms before reading
- Direct instruction of high frequency abstract vocabulary

NYSED requires that the vendor form a team of experts in the education of ELLs and students with disabilities to work with their writing team at the outset of the work to help provide as much access for these populations as possible in the frameworks and development of the curriculum. Once draft modules are created, NYSED requires that the vendor work with those experts to incorporate student scaffolding, strategies and support for each population.

### List of Required Modules

NYSED seeks proposals to develop curriculum modules for grades 6-HS that focus on providing a coherent progression of learning experiences that build knowledge and understanding of major concepts and content within and across grade levels.

All curriculum modules to be developed in mathematics are organized by domains focused on mathematics content areas in clusters of grade-level bands aligned to specific NYS P-12 CCLS for Mathematics as identified below.

### Competitive Priority Area 2. Curriculum Modules and PD - 6-HS NYS CCLS for Mathematics

Grade Band	Number of Modules	Date by Which Modules Must be Complete*
6-HS	N/A (See Below)	June 2013

\* Modules must be submitted to NYSED per the timelines indicated in “Section 1.8 – Timelines” of this RFP.

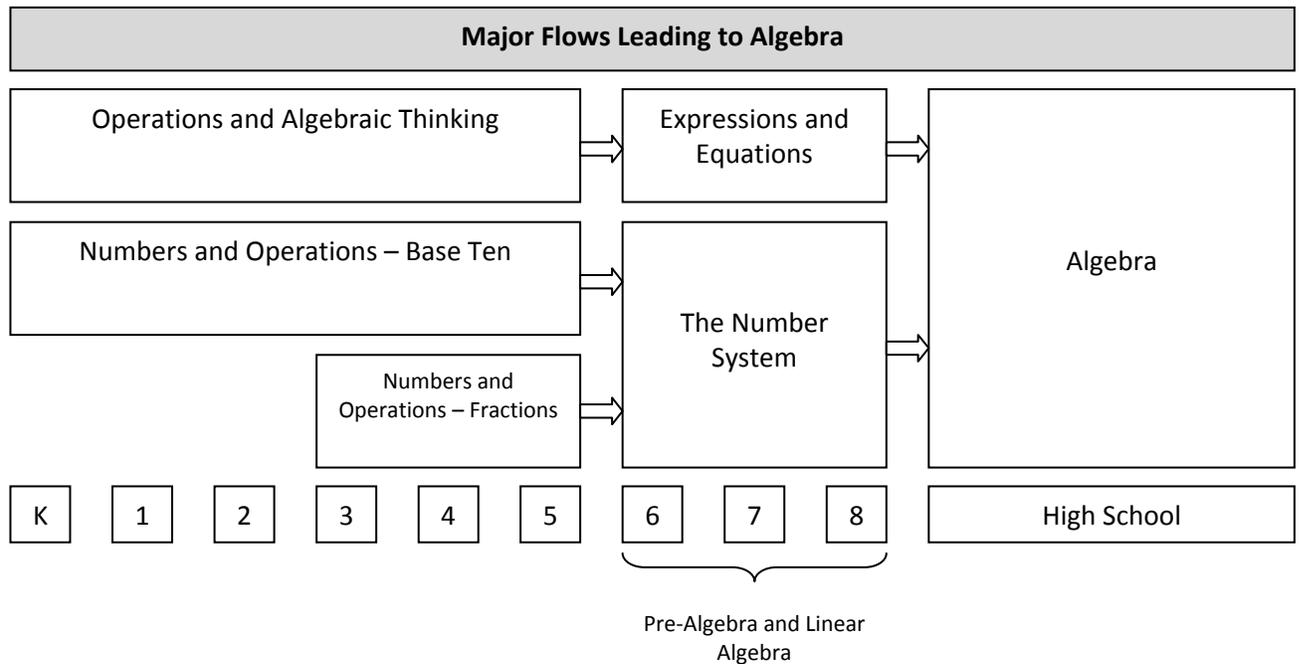
For each grade level in grades 6-HS, there will be one module per “Major CLUSTER,” as listed in the PARCC Frameworks. When put end-to-end, all priority modules will fill an academic year. The vendor will propose the amount of time each module will take within that year. Within each module, the vendor shall design materials with a focus towards the major clusters; however, they shall also layer in materials that address the supporting and additional clusters. In very limited circumstances, there may be situations when it may be acceptable that a supporting or additional cluster shall exist as its own module to ensure that all standards are covered. **It is critical** that vendors understand that **NYSED requires** the **focus of these modules to be on the major clusters.**

Vendors, please note that in Appendix D, we have listed a number of standards for grades 6-HS. These standards are considered key standards within the major clusters of the PARCC

Frameworks. We believe that the modules that include these standards should be created earlier in the development cycle. In the work plan, vendors shall indicate a development plan for modules that takes this into account.

In conjunction with the contract award for Competitive Priority Area 2 vendors will be required to create mathematics curriculum modules that adhere to the specifications below.

NYSED conceptually interprets the Common Core Mathematics Standards as a coherent system with specific areas of focus that scaffold and flow to higher-level areas of focus (see figure below).



See Appendix D for standards that should be prioritized during the module development process.

**1.4.2 Specific Products Requested for Mathematics Competitive Priority Area Curriculum Modules**

See Section 1.5 for product requirements.

**1.4.3 Professional Development Requirements, Context, and Foundations: Mathematics, 6-HS**

See Section 1.6 for professional development requirements.

**1.4.4 Project Management Requirements: Mathematics, 6-HS**

See Section 1.7 for project management requirements.

**1.4.5 Timeline**

See Section 1.8 for timeline requirements.

**1.4.6 Additional Requirements**

See Sections 1.9 – 1.14 for additional requirements.

**1.4.7 Math: Conceptual Definition of Products and Their Relationships**  
*For the purposes of this RFP and resulting contracts, the following shall apply*

Math Year Long Curriculum Map, Math Grades 6-HS		
<p><b>Year-Long Curriculum Map</b>                      Year-long curriculum map that <b>addresses all of the clusters</b> of the <b>NYS P-12 Common Core Learning Standards for Mathematics</b> at the designated grade level. For grades 6-HS, the year-long curriculum map <b>shows an emphasis on how and where the Major clusters are sequenced</b> meaningfully to ensure quality of learning progressions (increasing complexity of concepts/ideas and coherence for students). The year-long curriculum map should also indicate <b>clearly how the supporting and additional clusters</b> “layer” onto the major clusters. To show what students will be learning across the entire year, the curriculum map should show coherent progressions of learning experiences and trajectories, at-a-glance, with descriptions of how they interconnect and build up on one another across the school year. See Sections 1.5 for “Products Being Solicited” in ELA &amp; Literacy and Mathematics.</p> <p>* Granular alignment, in all products, to additional college- and career-ready frameworks and blueprints approved and endorsed by NYSED, including but not limited to ELA &amp; Literacy or Mathematics content frameworks developed by the PARCC consortium.</p> <p><b>MATH:</b>                      + NYS P-12 CCLS for Mathematics                      +[ADDITIONAL NOTE FOR MATH: In conjunction with the contract awards for Competitive Priority Area 2 vendors will be required to create mathematics curriculum modules that adhere to the specifications in Section 1.4.1 List of Curriculum Modules Required for Mathematics]</p> <p><b>NUMBER NEEDED:</b>                      + Math (Section 1.4, need sufficient modules- as many as necessary given the number of the major clusters, as indicated by PARCC, for grades 6-HS.</p>		
<p><b>Year Long Curriculum Map:</b></p> <ul style="list-style-type: none"> <li>Year-long overview and framing that outlines major clusters for the year, along with where additional and supporting clusters will be addressed. Additionally, the map will include coherent learning progressions and trajectories relevant to the concept at hand; with descriptions of how these interconnect and build upon one another. Demonstrate where and how the Standards for Mathematical Practices live and how they spiral over the progression of grade levels and concepts. .</li> <li>To ensure vertical alignment for the entire p-12 spectrum, the year-long curriculum map should also demonstrate how each grade level builds on the previous grade level to result in seamlessness spiraling of content. In the case of grade 6, NYSED</li> </ul>	<p><b>Properties of Year Long Curriculum Map:</b></p> <ul style="list-style-type: none"> <li>Sequenced, coherent, progressively more complex</li> <li>For grades 6-HS, addresses the major clusters for the year with greater detail, and all the supporting and additional clusters with less detail</li> <li>For grades 6-HS, Identifies benchmarks in student learning (ideally predictive of PARCC)</li> <li>For grades 6-HS, Alignment to PARCC frameworks, etc.</li> <li>Incorporates Standards for Mathematical Practices seamlessly with content</li> <li>Alignment with the Achieve Tri-State Rubric</li> </ul>	<p><b>Supplementals:</b>                      N/A</p>

<p>will provide all relevant materials for the build from grade 5.</p> <ul style="list-style-type: none"> <li>• Performance Task (with rubrics,) – performance tasks at this level are aligned to the PARCC frameworks* (as appropriate for grades 6-HS), demonstrate validity, measures all standards up until that point and enable item level analysis.</li> </ul>		
<b>Math Modules</b>		
<p><b>A module consists of the following four parts: (1) An overview/ framing with learning progressions, (2) Module Map (3) Performance tasks 4) Daily Lesson Strategy and supporting materials</b></p>		
<p><b>Ingredients of Module:</b></p> <ul style="list-style-type: none"> <li>• Module overview/framing that includes an emphasis on the major clusters being addressed, with the inclusion of supporting and additional clusters. It also includes a description of what students will be able to know and do by the end of the module. Additionally, it should outline prior knowledge assumed, explain the use of models, explain the deductive reasoning, concrete models, and contextual situations relevant to the content, as well as a sequence of ideas and activities. Demonstrate where and how the Standards for Mathematical Practices live and how they spiral over the progression of grade levels and concepts.</li> <li>• Module map that shows sequenced and spiraled NYS P-12 CCLS aligned coherent progressions of learning experiences and student outcomes that lead to mastery of performance task; description of how these interconnect and build upon one another.</li> <li>• Module map that shows recommended learning cycle that is mapped to a five-day/week calendar. Includes recommended points during the calendar at which specific lessons and assessments should take place.</li> <li>• Performance Tasks (with rubrics).</li> <li>• Practical applications for mathematics content.</li> </ul>	<p><b>Properties of Module:</b></p> <ul style="list-style-type: none"> <li>• Discrete and sequential</li> <li>• Include coherent progressions of learning experiences with student outcomes that build knowledge and understanding of major concepts and content within the grade level</li> <li>• <b><u>Emphasis on the major clusters</u></b> and incorporation of supporting and additional clusters</li> <li>• Content alignment</li> <li>• Balance of tasks and activities</li> <li>• Balance in how time is spent</li> <li>• Scaffolding for students with disabilities</li> <li>• Incorporates Standards for Mathematical Practices seamlessly with content</li> <li>• Alignment with the Achieve Tri-State Rubric</li> </ul>	<p><b>Supplementals:</b></p> <ul style="list-style-type: none"> <li>• Module-level interventions for ELLS, Students with disabilities, accelerated students, and students performing under grade level</li> </ul>

<ul style="list-style-type: none"> <li>• May include a collection of daily lessons (hierarchical see below) with supporting materials.</li> <li>• Relevant applications of math to daily life.</li> <li>• Use of various models for students to learn the concepts in a rigorous manner.</li> <li>• Must include extensive problem sets that enable students to apply concepts in a variety of contexts.</li> </ul>		
<b>Math Daily (Lesson or Assessment)</b>		
<b>On a daily basis, there will be outcome driven lessons aligned to short performance tasks. Lesson plans may be supplemented with student classwork aligned to that day's outcome, as responsive to the particular concept at hand.</b>		
<p><b>Ingredients of Dailies:</b></p> <ul style="list-style-type: none"> <li>• NYS P-12 CCLS aligned student outcomes that are responsive to the concept at hand – along with link to unit-level and other lessons' student outcomes (use of mathematical practices as appropriate).</li> <li>• Formative in class assessments ---Performance Tasks to assess student learning on a daily basis.</li> <li>• Daily lesson plans (with student learning outcomes aligned to standards and responsive to the concept at hand) that describes how all other parts of the day work together for a complete lesson (what the teacher does and what the students do; lesson plan aligned to classwork). Lesson plans should include guiding questions and extensive problem sets, with relevant content applications.</li> <li>• Daily classwork (NYS P-12 CCLS aligned student outcome that is responsive to the concept at hand) that shows what students will be doing during a daily lessons. Daily classwork includes extensive, rigorous problem sets that push students to apply their conceptual understanding in a variety of ways. Extensive problem not only push conceptual understanding, but also pushes students to increase their fluency in appropriate grade level.</li> <li>• Applications of mathematics content.</li> <li>• Scaffolding strategies; for each daily lesson, concrete suggestions/recommendations for how to</li> </ul>	<p><b>Properties of Dailies:</b></p> <ul style="list-style-type: none"> <li>• Lasts one period.</li> <li>• May provide plans for what the teacher and student should be doing during each given period.</li> <li>• Vary lesson structure depending on type of learning in which students will be engaging (i.e. conceptual lessons may require the use of models while lessons practicing fluency may not).</li> <li>• Shall include recommended timing for various elements of the lesson.</li> <li>• Incorporates ways for meaningful content application, as often as possible.</li> <li>• Incorporates Standards for Mathematical Practices seamlessly with content, as appropriate.</li> <li>• Alignment with the Achieve Tri-State Rubric</li> </ul>	<p><b>Supplementals:</b></p> <ul style="list-style-type: none"> <li>• Lesson-level Scaffolding for ELLS, Students with disabilities, accelerated students, and students performing under grade level</li> </ul>

differentiate for ELLs, Students with Disabilities, and students below grade level as well as concrete suggestions/recommendations for how to differentiate for accelerated students.		
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For purposes of this RFP, each module will be delivered to SED in the specified file format with file layout as follows:

- A bundled (hierarchical) file with the title of the module:
  - Within each module folder, there will be subfolders with each of the following items as listed in Section 1.5 within this RFP (corresponding to module title)

**1.5 PRODUCTS BEING SOLICITED FOR CURRICULUM MODULES FOR ELA & LITERACY (Grades 6-12) AND MATHEMATICS (Grades 6-HS)**

→ Applies to Both Competitive Priority Areas

NYSED requests the following curriculum products. Please see other parts of Section 1 for further guidance on what these products are and how they interact.

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(1)	<p><b>Year-long Curriculum Map</b>                      Year-long curriculum map that <b>addresses all of the clusters</b> of the NYS P-12 Common Core Learning Standards for Mathematics at the designated grade level. For grades, 6-HS, the year-long curriculum map <b>shows an emphasis on how and where the major clusters (70%) are sequenced</b> meaningfully to ensure quality of learning progressions (increasing complexity of concepts/ideas and coherence for students. The year-long curriculum map should also indicate <b>clearly how the supporting and additional clusters</b> “layer” onto the major clusters. To show what students will be learning across the entire year, the curriculum map should show learning progressions and trajectories, at-a-glance, with descriptions of how they interconnect and build up on one another across the school year. To ensure vertical alignment for the entire p-12 spectrum, the year-long curriculum map should also demonstrate how each grade level builds on the previous grade level to result in seamlessness spiraling of content. In the case of grade 6, NYSED will provide all relevant materials for the build from grade 5.</p>		X
(2)	<p><b>Module Overview/Framing</b>                      The module overview includes a calendared, curriculum map (with specific breaking points for units and unit lengths for ELA &amp; Literacy) that outlines key standards being addressed, central texts that are included (for ELA &amp; Literacy only) and the key coherent learning progressions and trajectories, with a description of how these interconnect and build upon one another. It also clearly states what students should be able to know and do by the end of a given module (aligned to the end of module performance task) and includes explicit instructional strategies for ELLs, Students with Disabilities and students above and below grade level.                      NOTE: For Mathematics, additionally, it should outline prior knowledge assumed, explain the use of models, explain the deductive reasoning, concrete models, and contextual situations relevant to the content, as well as a sequence of ideas and activities.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(3)	<p><b>Module Map</b></p> <p>The module map clearly states the standards and NYS P-12 CCLS aligned student outcomes being addressed (grouped logically with a title), central texts that will be used throughout the unit, with an articulation of what students should be able to know and do by the end of a given unit. Deep understanding and mastery of these components will lead to student success on the end of unit performance task. The module map also shows sequenced and spiraled NYS P-12 CCLS aligned coherent progressions of learning experiences and student outcomes that lead to mastery of end-of-module performance task, and a description of how these interconnect and build upon one another. It also shows a recommended learning cycle that is mapped to a five-day/week calendar. Includes recommended points during the calendar at which specific lessons and assessments should take place.</p>	X	X
(4)	<p><b>Unit Overview/Framing</b></p> <p>The unit overview/framing clearly states the standards and NYS P-12 CCLS aligned student outcomes being addressed (grouped logically with a title), central texts that will be used throughout the unit, with an articulation of what students should be able to know and do by the end of a given unit and includes explicit instructional strategies for ELLs, Students with Disabilities and students above and below grade level. Deep understanding and mastery of these components will lead to student success on the end of unit performance task.</p>	X	
(5)	<p><b>Unit Maps</b></p> <p>The unit map includes a calendared curriculum map that outlines the NYS P-12 CCLS standards-aligned student outcomes that are responsive to the text or concept at hand, with trajectories (spiraled and sequenced) and central texts, with a description of how these interconnect and build upon one another. The calendared unit-at-a-glance curriculum map also recommends points during the calendar at which specific learning progressions and assessments should take place. Student mastery of the material outlined in the curriculum map would ultimately lead to mastery of the end of unit performance task.</p>	X	

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(6)	<p><b>Recommended Texts, (ELA &amp; Literacy ONLY)</b></p> <p>A list of recommended texts per grade level that is widely inclusive of writers from diverse backgrounds, perspectives, and cultures that provides New York State students a broad and integrated knowledge of works of literature and informational texts at grade levels which prepare them to be college- and career-ready. The lists must include a full spectrum of voices so that the “canon” with which students interact is broad and fully representative of human experience. Additionally, texts for independent reading and intervention must be identified at four levels of proficiency for each grade level: two grade levels below, one grade level below, at grade level, and one grade level above. These variable levels of text should be selected with an eye to building / extending students’ capacity to closely read the central text(s) of a particular module. Bidders must prove their ability to measure equivalent text complexity for selected texts. In the selection of the texts, diversity of authorship and content as well as accessibility for ELLs (in consultation with ELL experts) should be taken into account. The methodology for determining text complexity will be determined by NYSED and provided to the vendor.</p>	X	
(7)	<p><b>Lesson Plans</b></p> <p>Curriculum modules <b>will</b> include lesson plans that clearly articulate a NYS P-12 CCLS- aligned student outcome for key ideas/concepts and utilize the appropriate lesson structure for the material being instructed for students (conceptual based lesson vs. fluency based lesson vs. discussion based lesson) to master that outcome. The outcome can be, at times, accompanied by a few, small performance tasks that would show student mastery by the end of the lesson, or set of lessons (rubric and exemplar responses requested).</p> <p>NOTE: ELA &amp; Literacy lessons must include text dependent questions to 1) guide conversations, 2) guide writing, 3) guide research questions. For lessons that require study of a central text, provide strategic academic vocabulary study (identify the difference between what students should ignore, teach explicitly, define and move on).</p> <p>NOTE: Math lessons should include extensive, rigorous problem sets that push students to apply their conceptual understanding in a variety of ways. They should also contain extensive problem sets to push students to increase their fluency in appropriate grade level.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(8)	<p><b>Lesson Plan Scaffolds</b></p> <p>When provided, lesson plans must take into account language proficiency of ELLs where needed, and for students with disabilities. Include scaffolding supports for ELLs based on research-based pedagogical practices that develop academic language for ELLs and Students with disabilities that include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Built off principles of Universal Design for Learning (UDL)</li> <li>▪ Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving</li> <li>▪ Verbalization of thought processes</li> <li>▪ Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback</li> <li>▪ explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)</li> <li>▪ Building background knowledge</li> <li>▪ Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-</li> <li>▪ Instruction in word-learning strategies and comprehension strategies</li> <li>▪ Building on and supporting students' first language knowledge</li> <li>▪ Using verbal cues to prompt student answers</li> <li>▪ Teaching mnemonics</li> <li>▪ Graphic organizers</li> <li>▪ Teaching key vocabulary terms before reading</li> <li>▪ Direct instruction of high frequency abstract vocabulary</li> </ul> <p>Native language resources for bilingual programs should be included as well. *</p>	X	X
(9)	<p><b>Student Classwork</b></p> <p>Student classwork <b>will</b> be included – it should be aligned to a NYS P-12 CCLS- aligned student outcome that clearly demonstrates and articulates what students will be doing during a daily lesson (in some cases, handouts with questions).</p> <p>NOTE: ELA &amp; Literacy lessons must include text dependent questions to 1) guide conversations, 2) guide writing, and 3) guide research questions. For lessons that require study of a central text, provide strategic academic vocabulary study (identify the difference between what students should ignore, teach explicitly, define, and move on).</p> <p>NOTE: Math lessons may include extensive, rigorous problem sets that push students to apply their conceptual understanding in a variety of ways. They may also contain extensive problem sets to push students to increase their fluency in appropriate grade level.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(10)	<p><b>Student Classwork Scaffolds</b></p> <p>When provided, student classwork must take into account language proficiency of ELLs where needed, and for students with disabilities. Include scaffolding supports for English Language Learners based on research-based pedagogical practices that develop academic language for ELLs and Students with disabilities that include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Built off principles of Universal Design for Learning (UDL)</li> <li>▪ Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving</li> <li>▪ Verbalization of thought processes</li> <li>▪ Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback</li> <li>▪ explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)</li> <li>▪ Building background knowledge</li> <li>▪ Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-</li> <li>▪ Instruction in word-learning strategies and comprehension strategies</li> <li>▪ Building on and supporting students’ first language knowledge</li> <li>▪ Using verbal cues to prompt student answers</li> <li>▪ Teaching mnemonics</li> <li>▪ Graphic organizers</li> <li>▪ Teaching key vocabulary terms before reading</li> <li>▪ Direct instruction of high frequency abstract vocabulary</li> </ul> <p>. Native language resources for bilingual programs should be included as well. *</p>	X	X

\*The bidder must clearly demonstrate in their application under the section “Organizational Capacity” that they have internal expertise, or will hire subcontractors with such expertise, approved by the State, to develop these resources for ELLs. See “Glossary” section above for NYSED’s interpretation of the term “Scaffolding.” Embedded scaffolding for students with disabilities based on the principles of Universal Design for Learning and with accommodations necessary for a full range of disabilities, including but not limited to deaf/hearing impaired, blind/visually impaired, and orthopedically impaired students. The bidder must demonstrate that they have internal expertise, or will hire subcontractors with such expertise, approved by the state, to develop these additional resources and accommodations for students with disabilities. Additional embedded scaffolding resources for accelerated students and for students performing below grade level should be included.

**Performance Tasks**

A carefully planned activity that requires students to construct a response, create a product, or perform a demonstration to illustrate or display what they know and can do in relation to pre-defined criteria of standards defined as tasks that are designed to measure students’ growing proficiency in the standards. Such tasks require students to demonstrate the core interrelated activities in the content area and measure progress within the module, collect evidence of learning, and assess analyses. All performance tasks should include a detailed rubric based on the NYS P-12 CCLS for purposes of assessment. All performance tasks must be aligned to NYS P-12 CCLS and to local, State, and PARCC assessments, as appropriate. They should also demonstrate validity, measure all standards up until that point (as appropriate) and enable item level analysis.

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(11)	<p><b>Performance Tasks: Module Level (ELA Grades 6-12; Math Grades 6-HS)</b></p> <p>The end of module performance task must be designed specifically to address the standards for which the module is designed (i.e. the performance tasks may not be generic or stand-alone) and should be accompanied with a performance rubric and annotated exemplar student response (multiple preferred). Rubrics should be included with the performance tasks that describe the trajectory of student learning towards proficient or exemplary work, NYSED, teachers, principals, Network Teams, and district administrators can use rubrics and student work samples to develop a common understanding of the common pre-conceptions or misconceptions of students for discrete pieces of knowledge or skill on their way to and beyond proficiency for each standard. This performance task should be used summatively.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(12)	<p><b>Performance Task: Module Level Scaffolds (ELA Grades 6-12; Math Grades 6-HS)</b></p> <p>The end of module level performance tasks must take into account language proficiency of ELLs and provide accommodations, where needed, for students with disabilities. Embedded scaffolding resources for English Language Learners based on research-based pedagogical practices that develop academic language for ELLs. Additional explicit and direct instruction where appropriate (students with disabilities) which can include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Built off principles of Universal Design for Learning (UDL)</li> <li>▪ Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving</li> <li>▪ Verbalization of thought processes</li> <li>▪ Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback</li> <li>▪ explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)</li> <li>▪ Building background knowledge</li> <li>▪ Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-</li> <li>▪ Instruction in word-learning strategies and comprehension strategies</li> <li>▪ Building on and supporting students’ first language knowledge</li> <li>▪ Using verbal cues to prompt student answers</li> <li>▪ Teaching mnemonics</li> <li>▪ Graphic organizers</li> <li>▪ Teaching key vocabulary terms before reading</li> <li>▪ Direct instruction of high frequency abstract vocabulary</li> </ul> <p>. Native language resources for bilingual programs should be included as well. *</p>	X	X
(13)	<p><b>Performance Tasks: End of Unit</b></p> <p>The end of unit performance task must be designed specifically to address the standards for which the unit is designed (i.e., the performance tasks may not be generic or stand-alone). Careful articulation (in rubrics) of the trajectory of student learning for each learning student outcome students are meant to reach through the modules so that the vendor, NYSED, teachers, principals, Network Teams, and district administrators have a common understanding of the common pre-conceptions or misconceptions of students for discrete nuggets of knowledge or skill on their way to and beyond proficiency for each standard. This performance task should be used as a summative assessment.</p>	X	

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(14)	<p><b>Performance Task: End of Unit Level Scaffolds</b></p> <p>The end of unit level performance tasks must take into account language proficiency of ELLs and provide accommodations, where needed, for students with disabilities. Embedded scaffolding resources for English Language Learners based on research-based pedagogical practices that develop academic language for ELLs. Additional explicit and direct instruction where appropriate (students with disabilities) which can include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Built off principles of Universal Design for Learning (UDL)</li> <li>▪ Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving</li> <li>▪ Verbalization of thought processes</li> <li>▪ Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback</li> <li>▪ explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)</li> <li>▪ Building background knowledge</li> <li>▪ Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-</li> <li>▪ Instruction in word-learning strategies and comprehension strategies</li> <li>▪ Building on and supporting students’ first language knowledge</li> <li>▪ Using verbal cues to prompt student answers</li> <li>▪ Teaching mnemonics</li> <li>▪ Graphic organizers</li> <li>▪ Teaching key vocabulary terms before reading</li> <li>▪ Direct instruction of high frequency abstract vocabulary</li> </ul> <p>Native language resources for bilingual programs should be included as well.</p>	X	
(15)	<p><b>Short Performance Task at the Daily Level</b></p> <p>Lessons provided may be accompanied with an end of lesson performance task must be designed specifically to address the standard for which the lesson is designed (i.e. the performance tasks may not be generic or stand-alone).</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(16)	<p><b>Short Performance Task at the Daily Level Scaffolds</b></p> <p>When provided, daily lesson performance tasks must take into account language proficiency of ELLs and provide accommodations, where needed, for students with disabilities.* Embedded scaffolding resources for English Language Learners based on research-based pedagogical practices that develop academic language for ELLs which can include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Built off principles of Universal Design for Learning (UDL)</li> <li>▪ Teacher-led systematic and explicit instruction, with examples of use of teacher-led strategies such as modeling of proficient problem solving</li> <li>▪ Verbalization of thought processes</li> <li>▪ Use of mnemonics, visual imagery, word mapping, guided practice and corrective feedback</li> <li>▪ explicit instruction of strategically selected vocabulary (focus on high frequency Tier II and III words)</li> <li>▪ Building background knowledge</li> <li>▪ Use of multiple media (e.g., carefully selected, rigorous pictures, videos, manipulatives that directly relate to the content)-</li> <li>▪ Instruction in word-learning strategies and comprehension strategies</li> <li>▪ Building on and supporting students’ first language knowledge</li> <li>▪ Using verbal cues to prompt student answers</li> <li>▪ Teaching mnemonics</li> <li>▪ Graphic organizers</li> <li>▪ Teaching key vocabulary terms before reading</li> <li>▪ Direct instruction of high frequency abstract vocabulary</li> </ul> <p>Native language resources for bilingual programs should be included as well.</p>	X	X

Additional requirements, which must be specifically addressed in the vendors’ Annual Project Plan, include the following:

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(17)	<p><b>Feedback on Development</b></p> <p>A process that engages New York State practitioners (teachers, principals, Network Teams, professional organizations, S/CDN, and other NYSED-funded networks and organizations) in the development of curriculum modules and all appropriate aspects thereof. These materials will be built upon the experience and creativity of New York educators. The end products, as well, should be the result of a robust feedback cycle from these constituencies.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(18)	<p><b>Material Preparation and Delivery</b></p> <p>Vendor shall provide all materials to NYSED in a format identified by NYSED. All products are to be placed on the EngageNY Web site and shall be provided in both PDF as well as the following corresponding dynamic file formats: Word/Excel/PowerPoint. Provision of materials as Word, Excel, or PowerPoint is required to ensure teachers can modify; however, NYSED will entertain materials in PDF-only format on a case-by-case basis (e.g., with complex images or texts with strong permissions requirements).</p> <p>All materials should be tagged in the following way:</p> <ul style="list-style-type: none"> <li>• Apply metadata tags to all delivered curriculum content. These tags will be aligned with the Common Core State Standards and are required to follow a convention to be determined by NYSED, including, but not limited to the standard adopted by the Learning Resource Metadata Initiative (<a href="http://www.lrmi.net">www.lrmi.net</a>);</li> </ul> <p><u>For purposes of this RFP, each module will be delivered to SED in the specified file format with file layout as follows:</u></p> <ul style="list-style-type: none"> <li>• A bundled (hierarchical) file with the title of the module:               <ul style="list-style-type: none"> <li>○ Within each module folder, there will be subfolders with each of the following items as listed in Section 1.5 within this RFP (corresponding to module title)</li> </ul> </li> </ul> <p>As part of material preparation, vendor shall digitally tag and/or curate (e.g., like that on the EngageNY Web site) all generated materials for online statewide use.</p> <p>Vendor shall provide a plan and budget for the submitting and securing of permissions from publishers to use particular (recent or contemporary) texts across New York State when referenced or embedded in modules/materials. The plan and budget must include a process to initially seek permission (and costs including perpetual licenses) for materials to be posted online as well as the permission and cost for 500 users across New York State. Vendors must explicitly indicate if any materials (i.e., texts) referenced in modules are not in the public domain.</p>	X	X

Req (#)	Description of the REQUIRED Products for 6-12 ELA & Literacy and 6-HS Mathematics Curriculum Modules	ELA	Math
(19)	<p><b>Technology Use</b></p> <p>The use of the latest instructional technologies as tools that will ensure New York State students graduate college- and career-ready. Vendors are invited to propose technology components that they believe would enhance the curriculum modules in valuable ways. Expected uses of technology include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Making content more engaging;</li> <li>▪ Giving students extra time and support to build skill and fluency;</li> <li>▪ Helping teachers give students more effective and timely feedback on their work;</li> <li>▪ Providing differentiated instruction for Students with disabilities, s, ELLs, and students performing above and below grade level;</li> <li>▪ Providing diagnostic information about students' prerequisite knowledge and skills;</li> <li>▪ Enhance modules in other valuable ways as provided by vendors.</li> </ul>		X
(20)	<p><b>Use Pre-Produced Video Content</b></p> <p>Content-related textual and video materials (including videos currently posted in a repository such as the VITAL on Teacher's Domain from Public Television, related websites, cultural institutions, and exemplary videos of teachers executing samples or series of lesson plans from the modules), associated measures of proficient student performance, and samples of student work and an annotated bibliography webography.</p>	X	X
(21)	<p><b>Mandatory Quarterly Vendor Meetings</b></p> <p>Because an applicant may bid on one or more Competitive Priority Areas and applicants may submit separate proposals for each Competitive Priority Area, NYSED will facilitate at least four mandatory <b>face-to-face</b> meetings per year with vendors of all Competitive Priority Areas to ensure a degree of common planning that leads to broad common core alignment across grade bands. These meetings will take place in New York State (most likely Albany or New York City) and will be expected to take at least one business day. At a minimum, vendors should plan to bring appropriate leadership and at least one curriculum specialist, but no more than four total staff members. The vendor will also provide a detailed, written quarterly update (to include progress, next quarter project plan, trouble shooting, and risk assessment) due one week prior to the scheduled quarterly meeting. These meetings will be in addition to, bi-weekly coordination conference calls led by NYSED and bi-weekly written progress reports (format provided by NYSED) regarding progress on contractual obligations.</p>	X	X

\*The bidder must clearly demonstrate in their application under the section "Organizational Capacity" that they have internal expertise, or will hire subcontractors with such expertise, approved by the state, to develop these resources for ELLs. See "Glossary" section above for NYSED's interpretation of the term "Scaffolding.". Embedded scaffolding for students with disabilities based on the principles of Universal Design for Learning and with accommodations necessary for deaf/hearing impaired, blind/visually impaired, orthopedically impaired students. The bidder must demonstrate that they have internal expertise, or will hire subcontractors with such expertise, approved by the state, to develop these

additional resources and accommodations for students with disabilities. Additional embedded scaffolding resources for accelerated students and for students performing below grade level.

**1.6 PROFESSIONAL DEVELOPMENT REQUIREMENTS, CONTEXT, AND FOUNDATIONS, APPLICABLE TO BOTH COMPETITIVE PRIORITY AREAS**

Each vendor who submits a proposal to develop curriculum modules for Competitive Priority Area 1 and/or 2 must also include in its proposal its plan to develop and deliver corresponding systematic statewide professional development aligned to the curriculum modules that moves NYSED's reform agenda aggressively forward with the implementation of the NYS P-12 CCLS for ELA & Literacy and the NYS P-12 CCLS for Mathematics.

**1.6.1 Professional Development Context and Foundation**

Through a regionally-selected group of education leaders called "Network Teams" (one 3 person team per 25 schools), NYSED provides additional professional development capacity (in Curriculum, Instruction, and Data) to the district and school leaders charged with implementing these changes. Network teams are tasked with differentiating and providing turnkey NYSED training to their colleagues from the 25 schools on New York State's four Race to the Top assurance areas (Standards and Assessments, Data Systems, Great Teachers and Leaders, and School Turnaround) and driving a cultural change in schools through professional development – particularly around the implementation of the Common Core. In addition, NYSED-funded Regional Special Education Technical Assistance Centers and Regional Bilingual Education Resource Networks provide training and professional development to districts, administrators and schools on quality programming and instruction for these populations. Together, these teams drive a cultural change in schools through professional development.

The classroom is obviously the fulcrum of these reforms, and bidders will need to describe how they will build the capacity of teachers, principals, and literacy and mathematics coaches - through Network Team members - to implement the NYS P-12 CCLS. In particular, Network Teams and Regional Networks must have the capacity to train districts administrators, principals, and teachers. The result of this training will be that Network Teams and Regional Networks are prepared to turnkey local professional development so that all students are able to access and participate in curricula and instructional practices aligned with the Common Core. Through this professional development initiative, NYSED will extend the reach and the rigor of the NYS P-12 CCLS and ensure that it will be implemented with quality and fidelity.

**Required Professional Development**

This bid must include an approach for training a core set of representatives from BOCES, Network Teams/Network Team Equivalents, and Charter Schools throughout the state, as well as making professional development more broadly available to State-funded networks (i.e., RTTT Network Teams and Network Team Equivalents, Regional Bilingual Education – Regional Network, Regional Special Education –Technical Assistance Support Centers).

NYSED requires curriculum-based professional development and facilitation of student work protocols against module and unit performance tasks to achieve data driven instruction (DDI) from the curriculum vendor for 17 days for each of the academic year 2013-2014 and an

additional 7 days for the 2014-15 academic year in Albany, for approximately 500 teacher leaders, principals and members of network teams, whom represent the Big Five across New York State.

As teachers and network team members begin to implement curriculum modules (ELA & Literacy 6-12 and Mathematics 6-HS) in their schools, the curriculum-based professional development should ensure focus around the following areas:

- Training of the scope and sequence of the modules as they develop and the 12 Shifts in instructional practice as schools align to the Common Core (for example -building teachers' capacity to ask and hold students accountable to text dependent, evidence based questions or a balance of mathematical concepts and fluency).
- Curriculum-based professional development for each of the modules throughout the school year, in advance of teachers using it in classrooms. This includes training on the overview and approach of the upcoming module, analysis of the performance tasks and sample student work, walk through of central texts or key concepts in the module and modeling of key lessons in each module or unit in their entirety at each grade level to ensure that participants are able to walk away with understanding of the following principles:
  - A deep understanding of what **students are being asked to do** at the end of a given module through analysis of performance tasks and sample student work
  - A deep understanding of the **content** that is being presented in a given module or unit itself and the materials in the module that support the content (i.e. conceptual understanding of fractions)
  - A deep understanding of the **strategies** the curriculum aims to ensure students reach NYS P-12 CCLS standards, along with the scaffolding necessary (i.e. close text reading, modeling in a mathematics classroom)
- Facilitation of **Student Work Protocols** to conduct DDI- against the modular performance task from the previous module, from which to take away key understandings and foster collaboration. Participants will be able to walk away with understanding of the following principles:
  - How their own student work samples compare with those of others in other districts around the state of New York; highlight the strongest samples across the state
  - Analyze their work samples for progress and gaps in student understanding and learning (through item level analysis and analysis of student performance tasks)
  - Identify effective strategies that lead to student learning within the content of a given module and identify best practices
  - Create individualized plans for implementing best practices and strategies from the current module that will improve their instruction in the upcoming module (as relevant)

Professional development will be geared towards teachers, principals and Network Team members (various levels of leaders at the school level), who will be asked to turnkey what they learn to other team members in their school community. Vendor-supplied professional development must be high quality, field-tested and must yield positive results. In addition, all professional development sessions must be accompanied with a set of turnkey materials, in

PowerPoint and Word document formats, for participants to modify and use for training other members of their staff. All professional development must also provide training for how curriculum materials can be modified for ELLs and Students with disabilities.

In order to make the 24 total days of curriculum-based PD most effective for teacher leaders, principals and network team members, NYSED requires that the professional development is sequenced and chunked in the most meaningful way over the course of the academic year in order for NTE members to effectively learn new information, build on previous knowledge, and turnkey to others. NYSED requests trainings for academic years 2013-14 and early in 2014-15 to meet the requested needs below. Summer trainings are intensive 5 day trainings to orient teacher leaders, principals and network team members to the curriculum modules, the approach of the modules, the NYS P-12 CCLS shifts and the other PD focus areas (see above). All trainings throughout the academic year are designed to either provide training on an upcoming module in ELA & Literacy and Mathematics or to provide support and response to concerns from the field about the current modules being implemented:

- **Summer 2013:** 5 days of intensive in-person PD in Albany to train on the ELA & Literacy and Math modules for teacher leaders, principals and network team members (all modules available at this time)
- **Fall 2013:** 4 days of in person PD between September and November and 2 days of webinar in December and January for teacher leaders only
- **Winter/Spring 2013-14:** 6 days of in person PD from February through April for teacher leaders only
- **Summer 2014:** 5 days of intensive in-person PD in Albany to train on the ELA & Literacy and Math modules for teacher leaders, principals and network team members
- **Fall 2014:** 2 days of in-person PD in September (before September 20<sup>th</sup>)

While general windows for professional development have been provided above, NYSED will coordinate the specific dates on which PD will happen for ELA & Literacy and Mathematics. All vendors for both Competitive Priority Areas will be required to convene and provide professional development on the same set of dates during each of the windows indicated above.

### 1.6.2 Specific Products Being Solicited for Statewide Professional Development

NYSED requires the following products for professional development. Please see other parts of Section 1 for further guidance on what these products area and how they interact.

Req#:	Description of the Requirement	ELA	Math
(1)	<p><b>Comprehensive Scope and Sequence (Total of 24 days of PD delivery in accordance with the calendar below)</b></p> <p>The creation of a comprehensive scope and sequence for a minimum of 20 days professional learning per academic year for Network Team / Network Team Equivalent, Charter Schools, and State-funded networks which ensures the achievement of all Common Core related learning outcomes, as aligned with the Publishers' Criteria, Achieve Tri-State Rubric, and Thomas Guskey's Evaluating Professional Development (1999). Included in this scope and sequence is the requirement that single or grouped learning outcomes will be turned into discreet modules for professional learning. As the curriculum modules become available, the Professional Development vendor will embed these materials into training as directed by NYSED.</p>	X	X
(2)	<p><b>Turnkey Materials</b></p> <p>Necessary materials for all professional development sessions so that they can be turnkeyed at the school level including: sample facilitator's guide for turnkey training on one of the learning outcomes and sample PowerPoint and "lesson plan" for professional development session learning outcomes. These materials should be developed in consultation with special education and ELL experts, approved by NYSED, including, but not limited to, NYS Regional Special Education Technical Assistance Support Centers and NYS Regional Bilingual Education Resource Networks.</p>	X	X
(3)	<p><b>Field Testing of Learning Experiences</b></p> <p>The engagement of New York State practitioners (teachers, principals, network teams, professional organizations, S/CDN and NYSED funded networks, and Network Team members) in the development and field testing of the professional learning experiences. This professional development system and all accompanying materials will be built upon the learning needs and readiness of NYS educators and must therefore reflect their feedback and input.</p>	X	X
(4)	<p><b>Delivery through Workshops</b></p> <p>Effective delivery of high-quality professional development in accordance with an approved scope and sequence. Vendors shall budget for and provide: Results-oriented facilitation that ensures all learning outcomes are met by participants, turnkey materials, and travel as stipulated above. All "lesson plans" for workshops and professional development presentations must be submitted to NYSED at least one month prior to delivery for approval and must be revised per feedback. NYSED reserves the right to approve or deny individual facilitators.</p>	X	X

**1.6.3 Timeline**

See Section 1.8 for timeline requirements.

**1.6.4 Sample Calendar for Vendor-Provided Curriculum Based Professional Development, Academic Years 2013-14 and 2014-15**

Summer 2013	Fall 2013	Winter 2013-14	Spring 2014
<p>JULY  <b>5 day intensive in person training</b>                      (teacher leaders, principals and network team members)                      (ALL MODULES COMPLETED)</p>	<p>OCTOBER  <b>2 day in person training</b>                      (teacher leaders)</p> <p>NOVEMBER  <b>2 day in person training</b>                      (teacher leaders)</p>	<p>DECEMBER  <b>2 day in person training</b>                      (teacher leaders)</p> <p>JANUARY  <b>Webinar</b>                      (teacher leaders)</p> <p>FEBRUARY  <b>2 day in person training</b>                      (teacher leaders)</p>	<p>MARCH  <b>2 day in person training</b>                      (teacher leaders)</p> <p>APRIL  <b>2 day in person training</b>                      (teacher leaders)</p>
Summer 2014	Fall 2014	XXX	XXX
<p>JULY  <b>5 day intensive in person training</b>                      (teacher leaders, principals and network team members)</p>	<p>SEPTEMBER (BEFORE 20<sup>TH</sup>)  <b>2 day in person training</b>                      (teacher leaders)</p>	<p>XXX</p>	<p>XXX</p>

**1.7 TECHNICAL REQUIREMENTS FOR PROJECT MANAGEMENT, APPLICABLE TO BOTH COMPETITIVE PRIORITY AREAS**

**1.7.1 Staffing and Management: Leadership Staff**

Each Competitive Priority Area requires appropriate leadership to ensure that the services to be performed and the product deliverables are completed as proposed. For each proposal, staff should have the knowledge, expertise, skills, and experience to carry out the work and the requirements of the designed program as outlined in the proposal (NYSED highly recommends but does not require representation of faculty from institutes of higher education as well as grade 6-12 practitioners to serve in such leadership capacity). One way for applicants to meet

this requirement is to utilize subcontracting as a way to procure required talent (see Section 1.11 for additional information on subcontracting).

For each Competitive Priority Area, the following roles of leadership staff are outlined:

- 1) *Project Director* – responsible for all programmatic and fiscal oversight of the deliverables. The Project Director will serve as the liaison to NYSED. The Project Director must have extensive knowledge of current techniques and procedures used in the design, development, and implementation of curriculum, curriculum-based professional development, instruction, and assessments, or it must be delineated in the proposal who on the proposed team who has this extensive knowledge. The Project Director must also have an in-depth understanding of the NYS P-12 CCLS for ELA & Literacy and/or the NYS P-12 CCLS for Mathematics (as appropriate) – as well as the learning demands required by the new standards that will ensure that New York State students are college and career ready upon high school graduation. The Project Director must have demonstrated expertise in the management of large-scale product development, with a strong preference for experience in the education sector. Project Directors for all Competitive Priority Areas must have demonstrated experience in project management, with a strong preference for an M.B.A., P.M.P., M.Ed (Curriculum), or equivalent.
- 2) *Administrative Assistant or Project Office Manager* – responsible for working closely with the Project Director and staff to ensure that all programmatic and fiscal operations are completed in a timely manner. The Administrative Assistant/Project Office Manager will also be responsible for office duties.
- 3) *Curriculum Specialists* – responsible for completing the deliverables of the contract. It is desired that Curriculum Specialists have a minimum of three (3) years of grade 6-12 classroom teaching experience. A minimum of one (1) Curriculum Specialist must have experience in working with each of the following student groups: ELLs, Students with disabilities, accelerated students, and students performing below grade level, in the content area and grade level of relevant Competitive Priority Areas within a Competitive Priority Area (i.e., ELA & Literacy, Mathematics). To satisfy this minimum requirement, a bidder may select Curriculum Specialists with experience in more than one area (i.e., one Curriculum Specialist with experience in teaching Students with disabilities and experience in teaching accelerated students would satisfy the requirement to select a minimum of one (1) Curriculum Specialist with experience in teaching these two student groups). Curriculum specialists must possess demonstrated knowledge in the development of curriculum, and/or experience implementing professional development to teachers, or related work, in the grade 6-12 setting.

Resumes of leadership staff members must be submitted with each proposal (see Section 3.1).

### **1.7.2 Staffing and Management: Consultant and Staff Changes**

The successful bidder(s) will maintain continuity of the entire staff and consultants throughout the course of the contract. All changes in staffing and consultants will be subject to NYSED approval (see Appendix A-1 for more information on requirements related to consultant staff change).

**1.7.3 Project Director Responsibilities**

Each Project Director and other identified leadership staff will work collaboratively with designated NYSED staff and partners. Consistent with the vendors approved project plan, the Project Director will:

- 1) Provide an annual work plan for review and approval by NYSED to ensure that the work is in alignment with the original proposal, and that the work plan is consistent with implementation timeline as described.
- 2) Communicate regularly with NYSED and partners on the progress of program development and implementation via various modes including but not limited to: e-mail correspondence, bi-monthly updates, weekly conference calls, memos, and quarterly reports, bi-weekly written updates, scheduled face-to-face contact, and designated memos. Additionally, the project director will participate in mandatory quarterly face-to-face meetings (in Albany or New York City) in order to align and coordinate efforts. The vendor will also provide a detailed, written quarterly update (to include progress, next quarter project plan, trouble shooting, and risk assessment) due one week prior to the scheduled quarterly meeting. These meetings will be in addition to, bi-weekly coordination conference calls (led by NYSED and to include project specialist and vendor support staff as necessary) and bi-weekly vendor-written progress reports (format provided by NYSED) regarding progress on contractual obligations.

For all written deliverables (not including actual delivery of training), NYSED intends to adhere to the following process and vendor contractual work plans should incorporate this process for each deliverable:

1. Vendor submits deliverable on date determined by NYSED
2. NYSED will review deliverable and comment within ten (10) business days
3. Vendor will revise outline to reflect (where appropriate) NYSED comments
4. Vendor submits a draft of the work product no later than five (5) business days from vendor outline submission
5. NYSED will review and comment within two (2) business days
6. NYSED accepts deliverable within fifteen (15) business days. If for any reason NYSED fails to accept the deliverable, the process will recommence with Step Four (4), incorporating the reasons for revision by NYSED.

**1.7.4 Additional Required Collaboration**

NYSED will be collaborating with the New York City Department of Education (NYC DOE) on the design of assessments and curriculum modules. Vendors may be asked to share materials in progress and meet jointly with members of NYC DOE staff and NYSED staff in order to calibrate development of curriculum modules and assessments as they are produced. However, to the extent that there is an irreconcilable conflict between NYSED and NYCDOE as to design and/or alignment, for purposes of this contract NYSED's requirements will prevail.

**1.8 TIMELINE**

→ See below for timelines applicable to all Competitive Priority Areas

**CURRICULUM MODULES TIMELINES (finalized modules ready for classroom implementation that incorporate NYSED feedback):**

**ELA & Literacy**

	July 13 <sup>th</sup> 2012	August 31 <sup>st</sup> 2012	October 15 <sup>th</sup> 2012	December 14 <sup>th</sup> 2012	March 15 <sup>th</sup> 2013	April 29 <sup>th</sup> 2013	June 3rd 2013
<b>Grade 6-12</b>	NYSED-approved Year-long curriculum map for all grade levels 6-12	1 of the 6 curriculum modules completed, for each grade 6-8	2 of the 6 curriculum modules completed, for each grade 6-8  1 of the 6 curriculum modules completed, for all HS grades	4 of the 6 curriculum modules completed, for each grade 6-8  2 of 6 modules completed, for all HS grades	5 of the 6 curriculum modules completed, for each grade 6-8  3 of 6 modules completed, for all HS grades	4 of 6 modules completed, for all HS grades	6 of the 6 curriculum modules completed, for each grade 6-8  6 of 6 modules completed, for all HS grades

**Mathematics**

	July 13 <sup>th</sup> 2012	August 31 <sup>st</sup> 2012	October 15 <sup>th</sup> 2012	December 14 <sup>th</sup> 2012	March 15 <sup>th</sup> 2013	April 29 <sup>th</sup> 2013
<b>Grades 6-12</b>	NYSED-approved Year-long curriculum map for all grade levels 6-12	25 percent of the curriculum modules completed, as outlined in the year-long curriculum map, for each grade 6-8	50 percent of the curriculum modules completed, as outlined in the year-long curriculum map, for each grade 6-8  25 percent of curriculum modules completed, for HS grades, as outlined in the year long curriculum map	75 percent of the curriculum modules completed for grades 6-8, as outlined in the year-long curriculum map, for each grade  50 percent of curriculum modules completed, for HS grades, as outlined in the year long curriculum map	100 percent of the curriculum modules completed for grades 6-8, as outlined in the year-long curriculum map, for each grade  75 percent of curriculum modules completed, for HS grades, as outlined in the year long curriculum map	100 percent of curriculum modules completed, for HS grades, as outlined in the year long curriculum map

**Mathematics Curriculum Modules Notes:**

For all mathematics curriculum modules, vendors are expected to prioritize the development of modules that contain the standards listed in the Appendix D.

For all mathematics curriculum modules, if the calculation of the percentage of modules for delivery to NYSED results in a decimal or number and decimal combination, the required number of modules for delivery will be rounded up to the nearest whole number.

**Professional Development**

Professional Development requires 17 days for the academic year 2013-14 and 7 days for the 2014-15 academic year. Please see section 1.6.3 and 1.6.4 for windows during which NYSED is requesting vendor provided curriculum based professional development.

**1.9 CREATIVE COMMONS LICENSE**

In order to further the goal of education and encourage innovation in the development of new learning materials, it is the intent of NYSED that written deliverables resulting from this contract, whether owned directly by NYSED or subject to license pursuant to paragraph 1 of this subsection, will be sub-licensed via a Creative Commons License for use by third parties. NYSED contemplates at this time using a Creative Commons Attribution/Noncommercial/Share-Alike license. The vendor must agree to execute any necessary licenses or documents necessary to accomplish the Creative Commons License, including securing any necessary third-party approval in the licenses required in paragraph 1 of this subsection . For further information about Creative Commons Licenses, see <http://creativecommons.org/> .

In creating or producing materials pursuant to this project, the vendor may be allowed to use materials that are licensed pursuant to a Creative Commons License. However, the vendor(s)' use of such materials must be specifically approved by NYSED in advance, to ensure that no such materials may be subject to statutorily mandated royalties or other encumbrances that would be unacceptable to NYSED.

**1.10 PAYMENTS AND REPORTS**

At a minimum NYSED will require quarterly progress reports indicating vendor progress toward completing agreed-upon deliverables as enumerated in the Annual Work Plan. A part of this quarterly progress report will include proof of completion of work product deliverables for the quarter. Upon NYSED approval of quarterly deliverables and submission of approved vendor invoices, payments will be processed within thirty (30) days provided that the vendor is in full compliance with the Curriculum Modules Timeline outlined in Section 1.8.

If work products submitted as a part of the quarterly progress report are not approved by NYSED, payment for work completed during this quarter, as well as any subsequent invoices for payment, will not be approved until NYSED is satisfied that current quarter work products meet NYSED standards for acceptance.

NYSED will provide payments as outlined above in this section for deliverables accepted up to eighty-five percent (85%) of the contract award for the respective Competitive Priority Area.

Payment(s) for subcontractor(s) must list the subcontractor's name(s), payment amount(s), and nature of services provided separately on the invoice submitted. Invoices with incomplete information will be returned to the vendor. Annual year end reports must include data summary of services provided (as above), and fiscal expenditures. The vendor must retain records and accounts, updated on a monthly basis, and must be able to prepare and submit statistical, narrative, and/or financial summaries related to this contract as requested by NYSED.

**1.11 SUBCONTRACTING LIMIT**

Subcontracting will be limited to forty percent (40%) of the annual contract budget for the respective Competitive Priority Area. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel.

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

**1.12 CONTRACT PERIOD**

**Contract Lengths:** Contracts resulting from this RFP will begin on July 1, 2012 and end September 23, 2014.

At the end of any contract term otherwise provided for herein, if a replacement contract has not yet been approved in accordance with State law, any contract awarded hereunder may be extended unilaterally by the State, upon notice to the contractor, at the same terms and conditions, including all contract pricing, for a period of one month. Additionally, this extension may be for a period of up to three months with the concurrence of the contractor. However, any extension will terminate immediately upon approval of the replacement contract except where a period for transition of contractors has been previously provided for.

**1.13 ELECTRONIC PROCESSING OF PAYMENTS**

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

**1.14 MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE)**

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

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

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

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

In accordance with these requirements, the contractor hereby agrees to make every good faith effort to promote and assist the participation of certified Minority and Women-Owned Business Enterprises (“M/WBE”) as subcontractors and suppliers on this project for the provision of services and materials in an amount at least equal to the M/WBE goal (Included in the procurement document) as a percentage of the total dollar value of this project. In addition, the contractor shall ensure the following:

1. All state contracts and all documents soliciting bids or proposals for state contracts contain or make reference to the following provisions:

a. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, gender, religion, veteran status, sexual orientation, genetic disposition or carrier status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.

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

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

disposition or carrier status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligation herein.

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

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

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

4. Contractors and subcontractors shall undertake programs of affirmative action and equal employment opportunity as required by this section<sup>2</sup>. In accordance with the provision of the Article, the bidder will submit, with their proposal, Staffing Plan (EEO 100).

5. Certified businesses (as defined under Article 15-A, §310.1 means a business verified as a minority or women-owned business enterprise pursuant to §314 of the Article) shall be given the opportunity for meaningful participation in the performance of this contract, to actively and affirmatively promote and assist their participation in the performance of this contract, so as to facilitate the award of a fair share of this contract to such businesses<sup>3</sup>.

6. Contractor shall make a good faith effort to solicit active participation by enterprises identified in the Empire State Development ("ESD") directory of certified businesses, which can be viewed at: <http://www.esd.ny.gov/MWBE.html>

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

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

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

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<sup>2</sup> Notice – Contractors are provided with notice herein, NYSED may require a contractor to submit proof of an equal opportunity program after the proposal opening and prior to the award of any contract. In accordance with regulations set forth under Article 15-A §312.5, contractors and/or subcontractors will be required to submit compliance reports relating to the contractor's and/or subcontractor's program in effect as of the date the contract is executed.

<sup>3</sup> Should the contractor identify a firm that is not currently certified as an M/WBE, it should request that the firm submit a certification application to the NYSED M/WBE Program Unit by the deadline for submission of proposals for eligibility determination. NYSED will work with ESD to expedite the application, however, it is the responsibility of the contractor to ensure that a sufficient number of certified M/WBE firms have been identified in response to this procurement, in order to facilitate full M/WBE participation.

10. Contractor shall submit M/WBE Utilization Plan<sup>4</sup> (M/WBE 100) as part of their proposal in response to NYSED procurement.

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

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

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

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

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

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

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

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

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

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<sup>4</sup> A Utilization Plan, as defined under Article 15-A, shall mean a plan prepared by a contractor and submitted in connection with a proposed state contract. In developing the Utilization Plan bidders should consider the goals and established time frames needed to achieve results which could reasonably be expected by putting forth every good faith effort to achieve the overall prescribed M/WBE participation percentage (%) goals as set forth under the procurement.

## **RFP #SA-06**

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

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

## **SECTION 2 - SUBMISSION**

### **2.1 APPLICATION TIMELINE**

All applicants shall submit all required materials as follows. All required materials must be received by NYSED by the due date of **May 7, 2012** in order to be considered. **A SEPARATE PROPOSAL, WITH ALL NECESSARY DOCUMENTATION AND COST PROPOSAL, IS REQUIRED TO BE SUBMITTED FOR EACH SEPARATE COMPETITIVE PRIORITY AREA.**

Any questions concerning this RFP must be emailed by April 12, 2012 to: [nysccsrfp2@mail.nysed.gov](mailto:nysccsrfp2@mail.nysed.gov). (Note: This email address is for questions only; do not submit application materials to this address.) Questions and responses thereto will be posted on the following webpage: <http://usny.nysed.gov/rttt/rfp/home.html> on April 20, 2012. No individual written responses will be provided.

### **2.2 APPLICATION SUBMISSION METHOD**

Facsimiles or emailed copies are not acceptable. Materials received after the due date/time shall be returned unopened to the sender. No supplemental submissions or amendments to the application will be accepted thereafter.

#### **Acceptable Submission Method:**

Address or Hand-Deliver an Application Package Containing:

1. **one (1) original paper version** containing all submission documents and original signatures where required
2. **four (4) paper copies** of the original submission
3. **one (1) CD** containing electronic versions of all submission documents specified below in Section 2.3; all submitted in the format of Microsoft Word and/or PDF documents.

To the following address:

New York State Education Department  
Bureau of Fiscal Management  
Contract Administration Unit  
89 Washington Avenue, Room 505W  
Albany, NY 12234

**ATTN: Lynn Caruso, RFP#SA-06**

In order to be considered, an applicant **must present all the information required in this RFP.**

#### **Application Package Format:**

- All information should be submitted in the order indicated in "Section 2.4 – Checklist of Documents for Submission."

- Appendices/attachments may contain resumes, letters of reference, printed brochures describing the services provided, certificates of incorporation or other legal documents authorizing the applicant to provide supplemental educational services in New York, fiscal documents, tables, charts, graphs, scanned images, or photocopies.
- Additional appendices/attachments, such as videotapes or other multimedia productions, should not be included.
- All materials should contain document headers or footers with your entity name and page numbers, wherever possible.

### **2.3 DOCUMENTS TO BE SUBMITTED WITH THIS PROPOSAL**

This section details the submission document or documents that are expected to be transmitted by the respondent to NYSED in response to this RFP. Any subcontractor is also bound by these terms. The submission of these documents will become the basis on which NYSED will judge the respondent's ability to perform the required services as laid out in the RFP.

Bidders must submit one technical proposal and one cost proposal for each Competitive Priority Area as outlined below:

**Competitive Priority Area 1.** Curriculum Modules and PD- 6-12 NYS CCLS for ELA & Literacy

**Competitive Priority Area 2.** Curriculum Modules and PD - 6-HS NYS CCLS for Mathematics

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

The proposal must communicate an understanding of the deliverables of the RFP, describe how the tasks are to be performed and specific requirements are to be met, and identify potential problems in the conduct of the deliverables and methods to identify and solve such problems. Bidders must specify all details and dates required for implementation of each aspect of the Competitive Priority Area(s) for which the vendor is bidding specified in this RFP so that NYSED can fully evaluate the technical proposal. Optional deliverables to be provided only at an additional cost should not be included and will not be considered in the evaluation of the technical proposal. Contractual terms, conditions, and assumptions should not be included in the proposal.

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

**2.4 CHECKLIST OF DOCUMENTS FOR SUBMISSION**

A complete application package includes the following. Please use the list below to ensure that you have submitted all required materials in the required format. Please submit a bid package that adheres to the order expressed in the table below.

Order	Paper*	CD*	Component	Requirement/Format
1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Transmittal Letter</b>	An authorized individual must write a brief <b>Transmittal Letter</b> to formally submit/transmit the application, proposal, and other materials, on behalf of the applying entity, to the New York State Education Department. The transmittal letter must also indicate the method by which the applicant will comply with the Vendor Responsibility filing requirements of Section 3.8 of this RFP. The transmittal letter must be signed and dated by the authorized individual.
2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Response Sheet for Bids</b>	Attachment 1 from this RFP <i>(signature required on original paper submission)</i>
3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Technical Proposal</b>	See the Technical Proposal Submission section below for requirements (Section 2.5)  <b>Failure to include <u>all</u> elements in the Technical Proposal Submission section will result in a disqualification of the proposal.</b>  The technical proposal may contain appendices as appropriate.
5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Mandatory Requirements Certification</b>	Attachment 2 from this RFP <i>(signature required on original paper submission)</i>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Assurance: NYSED Non-Collusive Bidding Certification</b>	Attachment 6 from this RFP <i>(signature required on original paper submission)</i>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Assurance: NYSED MacBride Certification</b>	Attachment 7 from this RFP <i>(signature required on original paper submission)</i>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Assurance: NYSED Certification – Omnibus Procurement Act of 1992</b>	Attachment 8 from this RFP <i>(signature required on original paper submission)</i>
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Assurance: NYSED Required Assurances</b>	Attachment 9 from this RFP <i>(signature required on original paper submission)</i>

Order	Paper*	CD*	Component	Requirement/Format
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Assurance: NYSED Offerer Disclosure of Prior Non-Responsibilities Determinations</b>	Attachment 10 from this RFP <i>(signature required on original paper submission)</i>
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>NYSED Substitute Form W-9</b>	Attachment 11 from this RFP (signature required on original paper submission) (Note: only complete and submit this form if bidder is not yet registered in the Statewide Financial System (SFS) centralized vendor file. If vendor is registered, insert NYS Vendor ID in "Response Sheet for Bids" form.)

\* Paper: Original and copies of submissions submitted on paper. CD: Files required on the CD.

Additionally, the following MUST be submitted in separate sealed envelopes as part of the submission package:

Component	Requirement/Format
<b>Cost Proposal Submission</b>	<p>Three copies of the Cost Proposal must be submitted in separate envelopes (i.e., three envelopes total) labeled:</p> <p style="text-align: center;"><b>RFP #SA-06-Cost Proposal-Do Not Open</b>  <b>[Competitive Priority Area for which vendor is bidding]</b>  <b>[Name of vendor]</b></p> <p>Each must include the following, all of which are located in the separate "Submission Documents" section of this RFP:</p> <ol style="list-style-type: none"> <li>1) <b>Attachment 3:</b> Bid Form Cost Proposal for Services</li> <li>2) <b>Attachment 4:</b> NYSED Subcontracting Form</li> <li>3) <b>Attachment 5:</b> NYSED M/WBE Subcontracting</li> </ol> <p>See the Cost Proposal Submission section (Section 2.6) below for requirements.</p> <p>Failure to include <u>all</u> elements in the Cost Proposal Submission section will result in a disqualification of the proposal.</p>

Component	Requirement/Format
<p><b>M/WBE Documents</b></p>	<p>The original plus two (2) copies of the completed <b>Attachment 12 M/WBE Documents</b> must be submitted in separate envelopes (i.e., three envelopes total – one with the originals and two with photocopies) labeled:</p> <p style="text-align: center;"><b>RFP #SA-06-M/WBE Documents-Do Not Open</b>  <b>[Competitive Priority Area for which vendor is bidding]</b>  <b>[Name of vendor]</b></p> <p>Each set must include the following from <b>Attachment 12 M/WBE Documents</b>:</p> <ul style="list-style-type: none"> <li>• M/WBE Cover Letter <span style="float: right;"><b>Signature Required</b></span></li> <li>• M/WBE 100 Utilization Plan</li> <li>• M/WBE 102 Notice of Intent to Participate</li> <li>• EEO 100 Staffing Plan and Instructions</li> <li>• M/WBE 105 Contractor’s Good Faith Efforts</li> <li>• M/WBE 105A M/WBE Contractor Unavailable Certification</li> <li>• M/WBE 101 Request for Waiver Form and Instructions <b>Signature Required</b></li> </ul> <p>For more information on New York State M/WBE requirements, see Section 1.2 and Section 1.14. As noted in Section 1.2, the forms referenced above are included in this RFP and are also available online at <a href="http://www.oms.nysed.gov/fiscal/MWBE/forms.html">www.oms.nysed.gov/fiscal/MWBE/forms.html</a>.</p>

**2.5 TECHNICAL PROPOSAL SUBMISSION (110 POINTS); MINIMUM SCORE OF 75 POINTS TOTAL**

The technical proposal should be organized with tabs clearly labeling each section as detailed below, and must include the following:

Recommended Order	Required Submission
1	<p><b>Technical Proposal Submission Section I: Project Description Narrative</b>                      Elements 2.5.1(A) – 2.5.1(D)  <i>[note: not all elements are applicable to all Competitive Priority Areas]</i></p>
2	<p><b>Technical Proposal Section II: Organizational Capacity</b>                      Elements 2.5.2(A) – 2.5.2(F)</p>
3	<p><b>Technical Proposal Section III: Demonstrated Effectiveness</b>                      For Curriculum Module Competitive Subsections: Elements 2.5.3(A) – 2.5.3(E)  <i>[note: not all elements are applicable to all Competitive Priority Areas]</i></p>

2.5.1 **Technical Proposal Section I: Project Description Narrative (30 points)**

The complete project description narrative and supporting materials will be reviewed to determine the overall consistency of the proposal to the stated purpose and student outcomes of the RFP. Qualifications of key personnel will be checked for appropriateness of fit given the requirements of the project. The bidder’s ability to complete the required end products and design appropriate professional development around those products within the given performance metrics timeline will be taken into consideration. The degree of knowledge about specific content area curriculum development and specific deliverables will also be evaluated.

Proposal Element	Required Submission
2.5.1(A)	<p><b>Annual Work Plan.</b> The Annual Work Plan must be a clear, detailed, rational, concise, and comprehensive plan for the vendor’s approach to the development and provision of the products/services as required for the specific Competitive Priority Area for which the vendor is bidding. In the Annual Work Plan, the vendor must ensure the production of applicable products specified in Section 1 of this RFP, broken out into quarterly work time periods. Section 1 outlines that the work will involve creating curriculum modules and corresponding statewide professional development that aligns to the NYS P-12 CCLS for ELA &amp; Literacy and for Mathematics. Because the Common Core represents a new national approach to conceptualizing education, this work will require innovation from the vendor. In the proposal, the vendor must describe how it will organize and support this kind of innovative work to enable the creation of innovative curriculum modules and statewide professional development. The narrative should provide specific examples of the vendor’s past expertise working in situations in which the final products were considered innovative in nature.</p> <p>The Annual Work Plan must address <b>all</b> requirements applicable to the Competitive Priority Area for which the vendor is bidding.</p>
2.5.1(B)	<p><b>Specified Scaffolding and Expertise.</b> Include a plan for how the vendor will provide scaffolding resources for ELLs, Students with disabilities, accelerated students, and students performing above and below grade level, both in curriculum materials, as well as professional development. Narrative should detail internal expertise and/or a subcontracting plan to bring in curriculum and instruction experts of each of these student populations, and detail how such experts will be part of the curriculum development process from the outset to completion of the modules. Vendor should additionally provide a plan for consultation with individuals who are widely respected in the fields of special education or English language learning, and approved by NYSED, to develop embedded resources and scaffolding.</p> <p>NYSED requires that the vendor form a team of experts in the education of ELLs and students with disabilities to work with their writing team at the outset of the work to help provide as much access for these populations as possible in the frameworks and development of the curriculum. Once draft modules are created, NYSED requires that the vendor work with those experts to incorporate student scaffolding, strategies and support for each population.</p>

Proposal Element	Required Submission
2.5.1(C)	<p><b>Additional Resources.</b> Include a plan for how additional resources will be developed to complement the curriculum modules, samples of annotated student work, and content-related textual and video materials (including videos currently posted in a repository (e.g., the Public Broadcasting Stations' (PBS) Video in Teaching and Learning (VITAL), on Teacher's Domain from Public Television).</p>
2.5.1(D)	<p><b>Professional Development Materials Project Plans.</b> In addition to the Annual Work Plan for the entire project, the bidder should articulate specific steps required in the design, development, production, and delivery of professional learning events, videos, webinars, and materials. These Project Plans should clearly demonstrate how the vendor will ensure that materials will contribute to teacher effectiveness, which in turn leads to student success on all specified learning outcomes applicable to the materials.</p> <ul style="list-style-type: none"> <li>• The project plan should also include an outline of a Scope and Sequence for professional learning events and materials against the outcomes articulated in the NYS P-12 CCLS. A project plan which articulates the design and production of NYS P-12 CCLS (ELA &amp; Literacy and Mathematics) as well as a NYSED review and field testing process.</li> <li>• A sample professional development workshop that turnkey trainers could attend and then duplicate, preparing teachers and principals to implement the Common Core using either the Gettysburg Address exemplar or the 7th grade Math exemplar as material content for the workshop. This sample workshop would include a facilitator's guide, learning outcomes, sample power point slides, lesson plans, handouts, and reference to existing/ relevant video.</li> </ul>

## 2.5.2 Technical Proposal Section II: Organizational Capacity (20 points)

The second section of the technical proposal, "Organizational Capacity", elicits information about the vendor's organization, thereby allowing NYSED to assess the vendor's capacity to complete the work required.

Proposal Element	Required Submission
2.5.2(A)	<p><b>Organization Narrative and Staffing Plan.</b> A narrative description of the organizational structure, governance, and lines of communication is included, along with an organizational chart. Include an organizational diagram and explain whether staff are full-time, part-time, or employed on a consultative basis.</p> <p><b>Staffing Plan.</b> The proposal must provide sufficient detail to enable reviewers to evaluate the appropriateness of the proposed staff. Provide a comprehensive staffing plan. For all key staff positions provide: Name of individual in the position if currently employed at the organization, resume, or if hiring will occur please list planned hiring dates and names and/or positions</p>

Proposal Element	Required Submission
	<p>of potential employees and resumes.</p> <p>Details about the proposed staffing plan must be provided, including:</p> <ul style="list-style-type: none"> <li>• For each key staff member, the vendor must provide a résumé and a detailed description of responsibilities and qualifications. The lead staff member(s) with primary responsibility for creating curricula or professional development experiences should have demonstrated experience of similar scales and scopes of the work expressed in this RFP, and an advanced degree (Master’s or higher) in a related field and/or significant demonstrated experience.</li> <li>• The proposal must indicate the current quantity of available staff, historical staff retention rates, and methods of ensuring appropriate levels of available skilled staff can be hired as needed throughout the term of the contract.</li> <li>• The proposal must indicate a realistic projection of the number of staff that can be supplied under the terms of the RFP at any given time, and must provide its plan for ensuring that the key staff are available at all times necessary so there is no delay in provision of deliverables.</li> </ul> <p>As specified in this RFP, key staff members cannot be replaced without approval of NYSED, upon justification for the change, and must be replaced by staff with comparable experience and expertise. See Appendix A-1 for more information on requirements related to consultant staff change.</p> <p>If the vendor is awarded a contract and is unable to provide the key staff and projected number of total staff at a critical point in the project, NYSED will consider this failure a material breach of the contract</p>
2.5.2(B)	<p><b>Statement of Expertise in Creating Curriculum / Statewide Professional Development with Supporting Evidence.</b> The proposal must include a statement about the particular capacity of the vendor’s organization to provide Common Core-aligned curriculum resources and/or statewide professional development, including:</p> <ul style="list-style-type: none"> <li>• Any specific staff expertise and/or resources that could be considered key organizational assets for this work.</li> <li>• Plans and capacity to perform the research required by this RFP to ensure products have fidelity to New York State’s interpretation of the Common Core.</li> <li>• A <u>full list</u> of previous clients, including a brief statement of the scope of work completed. List should be limited to those clients for which the vendor provided services related to those requested in this RFP.</li> <li>• As required in Section 1.2, for <u>at least two</u> clients from the list, provide current client references and contact information for the client. Current shall mean relevant within the past three years. NYSED staff may not be used as references. Each reference should include the name, title, organization, address, telephone number, and email</li> </ul>

Proposal Element	Required Submission
	<p>address. The dates of service and a brief summary of the services provided should be included for each reference. The vendor should ensure that contact information is current and accurate. Industry awards or recognition of the organization or its key staff should also be noted.</p> <ul style="list-style-type: none"> <li>Any additional publicly available materials or website citations to prior work.</li> </ul>
2.5.2(C)	<p><b>Vendor Knowledge Management.</b> Vendor must demonstrate how staff members maintain current knowledge of the state of the art in Common Core curriculum development and/or Common Core statewide professional development, and in particular the content of the Competitive Priority Area for which the proposal is submitted.</p>
2.5.2 (D)	<p><b>Alignment with Publisher’s Criteria.</b> Vendor must take into account the Publisher’s Criteria in plans to develop curriculum modules and in sample module provided. Most updated version of Publisher’s Criteria can be found below:<a href="http://engageny.org/resource/publishers-criteria-for-elaliteracy-and-math/">http://engageny.org/resource/publishers-criteria-for-elaliteracy-and-math/</a></p>
2.5.2 (E)	<p><b>Alignment with Achieve Tri-State Quality Rubric and Review Process.</b> Vendors must take into account all elements of the criterion-based rubrics in development of curriculum materials (Appendix F).</p>
2.5.2(F)	<p><b>Coordination with NYSED and Other Vendors.</b> The proposal must describe how staff members propose to work with NYSED staff and other vendors, including planning and coordinating status meetings and conference calls, providing summaries and minutes of meetings, developing status reports and project plans, collaborating with NYSED and other vendors to provide scaffolding for ELLs and Students with Disabilities, notifying NYSED of any potential problems or changes to dates or deliverables, and submitting all deliverables according to the agreed upon schedule with appropriate time for NYSED review and approval.</p>

### 2.5.3 Technical Proposal Section III: Demonstrated Effectiveness (60 points)

The third section of the technical proposal, “Demonstrated Effectiveness”, elicits a series of work products that NYSED will use to assess the vendor’s effectiveness in the areas of Common Core curriculum module development and/or statewide professional development. For this third section, all bidders are required to submit the following Proposal Elements applicable to the specific Competitive Priority Areas that are being bid on through this RFP.

Vendors shall submit all submission elements below (as applicable). Failure to submit any of the required work products will result in a score of zero for this section.

**Required Submission Elements Related to Curriculum Module Development**

→ Required elements for each Competitive Priority Area are marked by an “x” below.

Proposal Element	Required Submission Element	Competitive Priority Area 1	Competitive Priority Area 2
2.5.3(A)	Vendor must provide a description that describes a narrative of a product, service, or program in which they exhibited the capacity for excellence and innovation and the ability to ultimately deliver high-quality products that ensure student proficiency against standards.	x	x
2.5.3 (B)	ELA & Literacy 6-12: An analysis of the Gettysburg Address example included in the RFP that will illustrate the vendor’s deep knowledge of the NYS P-12 CCLS for ELA & Literacy.	x	
2.5.3(C)*	FOR ELA & Literacy 6-12: An outline of a complete module of instruction covering a quarter of a school year (along with specific texts) for one grade in the grade band on which they bid. This outline would include a high-level scope and sequence for concepts and texts taught to demonstrate alignment with the Publishers’ Criteria. It should also demonstrate alignment with word study demands of CCSS, incorporate research-based word study approaches, incorporate accountable independent reading for students that aligns with the knowledge building and vocabulary demands of the CCSS. Module should also include scaffolds for ELLs and Students with Disabilities as described in Section 1.3.1.	x	

Proposal Element	Required Submission Element	Competitive Priority Area 1	Competitive Priority Area 2
2.5.3 (D)*	<p>MATH 6-HS:</p> <p>(a) High level, draft scope and sequence to outline the total number of modules for each grade level, indicating the standards to be covered in each module, as well as the rationale substantiating the scope and process /procedure . This scope and sequence should be of the quality and rigor to transition the document into the Year-long Curriculum Map.</p> <p>(b) An outline of a complete module of instruction covering a major cluster area with supporting and additional clusters layered in (see PARCC Frameworks for priority clusters).</p> <p>(c) A sample of materials that would be included in a module, with practical applications and use of modeling, to include at least one lesson plan/classroom activity and at least one problem set.</p> <p>(d) Module should also include scaffolds for ELLs and Students with Disabilities as described in Section 1.4.1.</p> <p>(e) Description of thinking and practicing that students will need to do through the curriculum module in order to meet the learning outcomes.</p> <p>(f) Details of teacher behaviors and practices required in order for students to meet the learning outcomes identified.</p>		x

**Important Note about Submissions**

Vendors that are awarded contracts in conjunction with this RFP will likely be required to allow products submitted in conjunction with Section 2.5.3 to be publicly posted and used under Creative Commons licenses (see Section 1.9). It is expected that these products will serve as initial curriculum resources for New York State teachers during the timeframe in which the vendor is preparing to submit the first set of deliverables required in this RFP.

Products marked with an asterisk in the “Proposal Element” column above are those that will be most likely considered for posting after the award of contracts.

**2.6 COST PROPOSAL SUBMISSION (47 POINTS)**

Vendors must provide a cost proposal reflecting the cost and timeline for each Competitive Priority Area for which the vendor is bidding.

The cost is to be submitted on the forms in Attachment 3.

Submit the Cost Proposal in accordance with the submission requirements in Section 2.4 above.

**The agency reserves the right to request best and final offers.**

**SECTION 3 - EVALUATION CRITERIA AND METHOD OF AWARD**

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

All complete proposals received by the deadline will be reviewed using the following criteria and ratings. Applicants must ensure that all components of this application request have been addressed, the required number of copies has been provided, all forms and assurances have been completed, and the original signatures in blue are included as required.

Evaluation teams will complete a review of timely and complete proposals submitted. Each evaluation team will include representation by the NYCDOE. The evaluation teams review the proposals to determine compliance with the requirements described in the RFP. The Department retains the right to determine whether any deviation from the requirements of this RFP is substantial in nature and may reject in whole or in part any and all proposals, waive minor irregularities and conduct discussions with all responsible bidders.

Proposals receiving at least 75 points out of the 110 available for the Technical Proposal Section will move on to the next step of the process, scoring of the cost proposal. **Proposals with a score of less than 75 points in the Technical Proposal section will be eliminated from further consideration.** When the Financial Review process is complete, the Technical Proposal and Financial Review scores will be summed to create a total score out of 157 possible points.

Technical Criteria (from Technical Proposal Section) (110 Points)

Financial Criteria (from Cost Proposal Section) (47 Points)

**3.1 TECHNICAL CRITERIA FOR EVALUATING BIDS****110 Points**

<p><b>Section I: Project Description Narrative (30 points)</b></p>	<p>Reviewers will evaluate the specific items noted in Section 2.5.1 that are applicable to the Competitive Priority Area for which the vendor is bidding. A response that meets the requirements for this section will:</p> <ul style="list-style-type: none"> <li>• Comprehensively and coherently address <u>ALL</u> requirements as specified above through an <u>Annual</u> Work Plan describing how the bidder intends to meet the plan requirements listed in the narrative of the RFP, including all mandatory requirements and other items in the RFP. The Annual Work Plan must provide evidence that development activities will result in the expected outcomes described in the proposal’s Program Plan narrative. The Annual Work Plan must ensure that all modules will be completed by summer 2013 and professional development will be completed by Fall 2014.</li> <li>• Provide justification for why the proposed approach will best meet NYSED’s needs.</li> <li>• Demonstrate adherence to New York State’s interpretation of the Common Core, as discussed in this RFP. The proposal must show a clear understanding of the needs noted in this RFP and demonstrate vendor’s ability to deliver truly innovative and high quality NYS P-12 CCLS-aligned curriculum modules and statewide professional development in a timely fashion by producing sample modules which meet the rigorous bar identified in the Criteria for Resources Aligned to the Common Core State Standards in English Language Arts and Literacy and the Criteria for Resources Aligned to the Common Core State Standards in Mathematics (see “Appendix B”).</li> <li>• Address how the vendor will ensure products are produced in a timely manner for SED per the stipulated time lines included in this RFP. The Annual Work Plan must include a <u>detailed</u> description of how the <u>individual</u> components will be developed.</li> <li>• Include how the vendor will ensure quality and accuracy of the output and describe how the vendor will assess and report their effectiveness in providing services.</li> </ul>
<p><b>Section II: Organizational Capacity (20 points) (must submit resumes for all key staff members)</b></p>	<p>Reviewers will evaluate the specific items noted in Section 2.5.2 that are applicable to the Competitive Priority Area for which the vendor is bidding. A response that meets the requirements for this section will:</p> <ul style="list-style-type: none"> <li>• Comprehensively and coherently address <u>ALL</u> requirements as specified above.</li> <li>• Show evidence of adequate human, organizational, technical, and professional resources and associated abilities to meet the needs of this RFP, including <ul style="list-style-type: none"> <li>○ Depth of experience of key staff, including resumes of leadership staff members as required in Section 1.7.1. and all other key staff associated with this proposal</li> <li>○ Track record of responsive and thorough project management</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Adequately describe how the vendor will ensure that the work of the contract has the necessary priority within the organization to be completed with the highest quality and on time, including:             <ul style="list-style-type: none"> <li>○ Ability to provide sufficient capacity to handle required scope; and</li> <li>○ Ability to meet required timetables</li> </ul> </li> <li>• Demonstrate track record of effective delivery of similar work at scale and on time.</li> <li>• Indicate approximate dates, hours, and specific staff needed to complete services.</li> <li>• Include a description of any limitations on the types of work the vendor is willing to do.</li> <li>• Provide compelling examples of ability to successfully deliver products and services to diverse groups that are spread across large regions.</li> <li>• Exhibit high quality references from previous projects.</li> </ul>
<p><b>Section III: Demonstrated Effectiveness (60 points)</b></p>	<p>Reviewers will evaluate the specific items noted in Section 2.5.3 that are applicable to the Competitive Priority Area for which the vendor is bidding. A response that meets the requirements for this section will:</p> <ul style="list-style-type: none"> <li>• (for math only) High level, draft scope and sequence to outline the total number of modules for each grade level, indicating the standards to be covered in each module, with rationale.</li> <li>• Comprehensively and coherently address <u>ALL</u> requirements as specified above.</li> <li>• Show evidence of the vendor’s ability to produce products and services that align to NYSED’s interpretation of the Common Core.</li> <li>• Provide compelling examples through the applicable Proposal Elements in Section 2.5.3 of the vendor’s ability to create new and innovative products.</li> </ul>

**3.2 FINANCIAL CRITERIA FOR EVALUATING BIDS**

**47 Points**

The Financial Criteria portion of this RFP will be scored based upon the grand total for the two-year budget summary.

- The financial portion of the proposal represents 47 points of the overall score. The Financial Criteria points will be computed by the Contract Administration Unit upon completion of the technical scoring by the technical review panel.
- NYSED reserves the right to reduce the project budget for any unallowable expenditure in the proposal.
- The agency reserves the right to request best and final offers.
- The submitted budget will be awarded points pursuant to a formula which awards the highest score of 47 points to the budget that reflects the lowest overall cost. The remaining budgets will be awarded points based on a calculation that computes the relative difference

of each proposal against the lowest budget submitted. The resulting percentage is then applied to the maximum point value of 47 points.

**3.3 METHOD OF AWARD**

The aggregate score of all the criteria listed will be calculated for each proposal received.

The contracts issued pursuant to this proposal will be awarded to the responsible vendor(s) whose aggregate technical and cost score is the highest among all the proposals rated in each competitive priority area.

In the event that more than one proposal obtains the highest aggregate score in the respective competitive priority area, the contract will be awarded to the vendor in that respective competitive priority area whose budget component reflects the lowest overall cost.

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. NYSED may require clarification from bidders for purposes of assuring a full understanding of responsiveness to solicitation requirements.

**3.4 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) eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders; (11) waive any requirements that are not material; (12) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (13) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (14) utilize any and all ideas submitted in the proposals received; (15) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 120 days from the bid opening; (16) 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; (17) to request best and final offers.

**3.5 POST SELECTION PROCEDURES**

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

**3.6 DEBRIEFING PROCEDURES**

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

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

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

**3.7 CONTRACT AWARD PROTEST PROCEDURES**

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

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

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

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

### **3.8 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 [www.osc.state.ny.us/vendrep](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; and
- the subcontract will equal or exceed \$100,000 over the life of the contract.

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

### **3.9 PROCUREMENT LOBBYING LAW**

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

### **3.10 CONSULTANT DISCLOSURE LEGISLATION**

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

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

To enable compliance with the law, State agencies must include in the Procurement Record submitted to OSC for new consultant contracts, the State Consultant Services Contractor’s Planned Employment From Contract Start Date Through the End of the Contract Term ([Form A](#) - see link below). The completed form must include information for all employees providing service under the contract whether employed by the contractor or a subcontractor. Please note that the form captures the necessary planned employment information *prospectively from the start date of the contract through the end of the contract term*.

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

Chapter 10 of the Laws of 2006 mandates that State agencies must now require State contractors to report annually on the employment information described above, including work performed by subcontractors. The legislation mandates that the annual employment reports are

to be submitted by the contractor to the contracting agency, to OSC and to the Department of Civil Service. State Consultant Services Contractor's Annual Employment Report ([Form B](#) - see link below) is to be used to report the information for all procurement contracts above \$15,000. Please note that, in contrast to the information to be included on Form A, which is a one-time report of planned employment data for the entire term of a consulting contract on a projected basis, *Form B will be submitted each year the contract is in effect and will capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31).*

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

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

### **3.11 PUBLIC OFFICER'S LAW SECTION 73**

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

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

(i) The term "state officer or employee" shall mean:

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

(ii) officers and employees of statewide elected officials;

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

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

Public Officer's Law Section 73 can be found at  
<http://www.jcope.ny.gov/law/ethc/PUBLIC%20OFFICERS%20LAW%2073a.pdf>.

## **SECTION 4 - ASSURANCES**

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

The documents listed below are included in **Section 5 - Submission Documents**, which must be signed by the Chief Administrative Officer. Please review the terms and conditions. Certain documents will become part of the resulting contract that will be executed between the successful bidder and the New York State Education Department.

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

**Non-Collusive Bidding Certification**

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 6**)

**MacBride Certification**

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 7**)

**Certification-Omnibus Procurement Act of 1992**

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 8**)

**Appendix A-1 – Additional New York State Standard Clauses for New York State Contracts**

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

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 9**)

Offerer Disclosure of Prior Non-Responsibility Determinations

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 10**)

**Appendix A-2 – American Recovery and Reinvestment Act of 2009 Additional Contract Record Keeping Requirements**

**Attachment 2 – Mandatory Requirements Certification Form**

(Signature Required - the form is included in **Section 5 - Submission Documents as Attachment 2**)

**Attachment 12 - M/WBE Documents** – For more information on New York State M/WBE requirements, see Section 1.2 and Section 1.14. As noted in Section 1.2, the forms referenced above are included in this RFP.

Each set must include the following:

- M/WBE Cover Letter Signature Required
- M/WBE 100 Utilization Plan
- M/WBE 102 Notice of Intent to Participate
- EEO 100 Staffing Plan and Instructions
- M/WBE 105 Contractor’s Good Faith Efforts
- M/WBE 105A M/WBE Contractor Unavailable Certification
- M/WBE 101 Request for Waiver Form and Instructions Signature Required

**SECTION 5 – SUBMISSION DOCUMENTS**

**Availability of Attachments**

All attachments are available on the following page of the NYSED Race to the Top Web site:

<http://usny.nysed.gov/rttt/rfp/>

**Index of Attachments**

- Attachment 1: Response Sheet for Bids
- Attachment 2: Mandatory Requirements Certification
- Attachment 3: Bid Form Cost Proposal for Services
- Attachment 4: NYSED Subcontracting Form
- Attachment 5: NYSED M/WBE Subcontracting Form
- Attachment 6: NYSED Non-Collusive Bidding Certification
- Attachment 7: NYSED MacBride Certification
- Attachment 8: NYSED Certification – Omnibus Procurement Act of 1992
- Attachment 9: NYSED Certifications Regarding Lobbying; Debarment, Suspension And Other Responsibility Matters; And Drug-Free Workplace Requirements
- Attachment 10: NYSED Offerer Disclosure of Prior Non-Responsibility Determinations
- Attachment 11: NYSED Substitute Form W-9
- Attachment 12: M/WBE Documents

**Attachment 1: Response Sheet for Bids**

**Attachment 1: Response Sheet for Bids**  
**NEW YORK STATE EDUCATION DEPARTMENT**

**Please complete the bidder section on this sheet.** Read the detailed specifications, terms, and conditions, and submit this form along with your completed bid form and supporting materials.

<b>Vendor Name:</b>	
<b>Vendor SFS#</b>	(Note: If you do not have an SFS # complete and submit Attachment 11)

**This is a bid for the following (mark only one):**

	ELA & Literacy	Math
Grades 6-12 (HS)Curriculum Modules and corresponding Statewide Professional Development	<input type="checkbox"/>	<input type="checkbox"/>

**Bidder Information—Please Complete This Section**

Please complete the following. Responses must be legible. By signing, you indicate your express authority to sign on behalf of yourself, or your company or other entity and full knowledge and acceptance of the terms and conditions of the bid. You also affirm that you understand and agree to comply with the procedures of the NYSED relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

**Legal Name of Company Bidding**                      **Address:**

**Employer's Federal Tax ID Number**

**Check one of the following:**

- I certify that my organization has filed its Vendor Responsibility Questionnaire online via the New York State VendRep System and that the current questionnaire was certified within the past six months.
- I am including a completed paper copy of the Vendor Responsibility Questionnaire with the bid proposal.
- My entity is exempt based on the OSC listing.
- Other, explanation:

<b>Bidder's Signature</b>	<i>Date</i>	<i>E-mail</i>
	<i>Phone</i>	<i>Fax</i>
<b>Print Name as Signed and Title</b>		

## RFP #SA-06

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

**Attachment 2: Mandatory Requirements Certification**

**Attachment 2**  
**MANDATORY REQUIREMENTS CERTIFICATION**  
**New York State Education Department**  
**Curriculum Modules and Statewide Professional Development for New York State English Language**  
**Arts & Literacy, Mathematics**

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

***Mandatory Bid Requirements***

- 1) Any proprietary material considered confidential by the bidder must specifically be so identified, and the basis for such confidentiality must be specifically set forth in the proposal.
- 2) For those activities that will be subcontracted, the proposed subcontractors' names, M/WBE status, specific services, and costs must be specifically indicated on the Subcontracting Form (See "Attachment 4: NYSED Subcontracting Form" for more information). Subcontracting is defined as, "Non-employee direct personal services and related incidental expenses, including travel." Subcontracting will be limited to forty percent (40%) of the annual contract budget for each respective Competitive Priority Area. NYSED reserves the right to approve all subcontractors. If subcontractors should change during the contract term, NYSED must be notified immediately and reserves the right to reject any new subcontractor the vendor considers. The Subcontracting Form must be updated annually and submitted to NYSED.
- 3) The bidder must include at least two references with the submission of the technical proposal to substantiate qualifications. "Current" shall mean references for whom the vendor has performed work within the last three years. Do not use NYSED staff as references.
- 4) All bidders must sign and return the Mandatory Requirements Certification (See "Section 2.4: Checklist of Documents for Submission" for more information on this form). Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

***Mandatory Contract Requirements***

- 1) In order to leverage maximum use of the federal Race to the Top grant proceeds used to fund this contract, NYSED SHALL OWN all materials, processes, and products produced for NYSED pursuant to this contract, including but not limited to curriculum modules and programming, instructional resources, methodologies, measures, software, code, documentation, white papers, implementation guidance, training materials, evaluation forms, data compilations, and reports shall be the sole and exclusive property of the New York State Education Department.

It is NYSED's strong preference that all content used by the bidder in such materials, processes and products must be created for NYSED or obtained from publicly available

sources, and that no materials should be used which are proprietary or for which a license must be obtained. However, in the event that pre-existing proprietary content is selected for use, such proprietary content must be specifically identified by the vendor and NYSED must be given an irrevocable, royalty-free, non-exclusive perpetual license to use, sub-license and make, or have made, derivatives of said material consistent with the use of such materials as outlined in this RFP in the deliverables owned by NYSED.

IN THE ALTERNATIVE, NYSED will permit the contractor to reserve the right to copyright the materials produced under the contract resulting from this RFP; however, NYSED AND THE STATE OF NEW YORK SHALL HAVE A NONEXCLUSIVE, PERPETUAL, IRREVOCABLE, ROYALTY-FREE LICENSE TO COPY, DISSEMINATE, CREATE, OR HAVE CREATED BY THIRD PARTIES, DERIVATIVES, SUB-LICENSE, AND USE IN ANY WAY SUCH MATERIALS, SOLEY FOR EDUCATIONAL PURPOSES.<sup>5</sup>

The applicant should indicate in its proposal cover page which alternative it chooses: NYSED ownership or a perpetual license to NYSED. For either alternative, at the end of the resulting agreement, the contractor shall deliver paper copies and the source code for all such materials to NYSED. The applicant shall ensure that any sub-contractor is also bound to these terms, and that the agreements for third-party owned content is also consistent with such ownership.

- 2) It is further the intent of NYSED that written deliverables resulting from this contract (i.e., excluding pre-existing proprietary materials), whether owned directly by NYSED or subject to license pursuant to paragraph 1 of this subsection, will be sub-licensed via a Creative Commons License for use by third parties. The vendor must agree to execute any necessary licenses or documents necessary to accomplish the Creative Commons License, including securing any necessary third-party approval in the licenses required in paragraph 1 of this subsection.
- 3) Certain rules will also apply to the use of any material obtained through Creative Commons licenses and used in the deliverables for the contract(s) resulting from this RFP. See "Section 1.9 – Creative Commons License" for complete language on Creative Commons licenses as they apply to this RFP.
- 4) Should the vendor use the services of consultants or other organizations or individuals who are not regular employees of the vendor, the subcontract agreement shall provide that such copyrightable work produced pursuant to the agreement shall be the sole and exclusive property of NYSED, or obtain a license for NYSED as described in paragraph (1) of this subsection.
- 5) The vendor shall reproduce, use, display, and include copies of NYSED's trademarks, trade name, logos, copyrights, and other intellectual property (collectively, the "Marks") on all copies of materials produced for NYSED. The vendor acknowledges that the Marks are owned solely and exclusively by NYSED, and nothing contained in the resulting contract shall give the vendor any ownership right or interest in such Marks or a right to use the Marks except pursuant to this contract.
- 6) All vendors must adhere to NYSED's security protocols regarding the transmission of secure materials via encrypted files and the secure shipment of all materials using a carrier that has ground tracking capability. Electronic transfer via e-mail, Internet, or

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<sup>5</sup> 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.

- facsimile (FAX) of any vendor generated products is not permitted unless authorized by NYSED to do so on a case-by-case basis.
- 7) All materials created pursuant to the contract resulted from this RFP are to be held strictly confidential unless and until otherwise authorized by NYSED, and must not be copied, duplicated, or disseminated in any manner or discussed with anyone other than persons authorized by NYSED. Certain rules, however, apply to intellectual property rights through Creative Commons licenses. See “Section 1.9 – Creative Commons License” for complete language on Creative Commons licenses as they apply to this RFP.
  - 8) The vendors and all of its subcontractors’ staff performing work on the contract resulting from this RFP must sign a Non-Disclosure Agreement assuring the confidentiality of all work and discussions carried out under this contract after the contract is awarded. These signed agreements must be submitted to NYSED prior to the initiation of work under this contract.
  - 9) All invoices submitted for payment must include dates of services and an itemized list of activities and costs consistent with the approved Schedule of Deliverables contained in the executed contract. Payment(s) for subcontractor(s) must list the subcontractor’s name(s), payment amount(s), and nature of services provided separately on the invoice submitted. Invoices with incomplete information will be returned to the vendor.
  - 10) The vendor agrees to cooperate with, and when there is a difference of opinion, defer to NYSED, on the continual review and refinement of vendor products to ensure that all materials align to the New York State Board of Regents’ approved NYS P-12 CCLS for ELA & Literacy and the NYS P-12 CCLS for Mathematics, as well as NYC DOE assessment plans to the extent provided in Section 1.7.4 of this RFP
  - 11) Any vendor staff travel must be in accordance with the approved NYS rates. New York State rates are available at: <http://www.gsa.gov/portal/category/21287>.
  - 12) Pursuant to New York State Policy 08-005, web sites must comply with the *Web Accessibility of Web-Based Information and Applications* guidelines, <http://www.cio.ny.gov/policy/NYS-P08-005.pdf>, developed by the State Chief Information Officer.
  - 13) NYSED requires that all materials developed by contractors adhere to the Universal Design for Learning Guidelines (CAST (2011). *Universal Design for Learning Guidelines version 2.0*. Wakefield, MA: Author, available at <http://www.udlcenter.org/aboutudl/udlguidelines>).

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

<b>Vendor Signature</b>	_____	<b>Date</b>	_____
<b>Printed Name</b>	_____		
<b>Title</b>	_____		
<b>Company Name</b>	_____		
<b>Company Address</b>	_____		

**Attachment 3: Bid Form Cost Proposal for Services**

**NYSED Bid Form Cost Proposal: Curriculum Modules and Professional Development**

***Please include the following components for each deliverable:***

- Total Staff Cost
- Total Fringe Benefit Cost
- Total Purchased Services (non-employee consultants, subcontractors)
- Total Non-Personal Services (supplies and materials, employee travel, etc.)
- Other Costs (indirect costs, overhead, etc.)

Whole dollar figures only, please.

***Note:***

- Vendors should be prepared to show how they derived the amounts listed in each column for each activity should they be subject to audit by NYSED or the NYS Office of the State Comptroller.
- The Financial Criteria portion of the RFP will be scored based upon the grand total of the budget application.

**Vendor Name:**

**This is a bid for the following (mark only one):**

	ELA & Literacy	Math
Grades 6-12 (HS) Curriculum Modules and corresponding Statewide Professional Development	<input type="checkbox"/>	<input type="checkbox"/>

**PART 1A: CURRICULUM MODULE DEVELOPMENT, ELA & LITERACY and PROFESSIONAL DEVELOPMENT**

Instructions: Only submit costs for those products required for the Competitive Priority Area on which you are bidding. Refer to Section 1.5 for products that must be submitted for your Competitive Area. For products not required for your Competitive Area, please indicate “n/a” in each cost column.

Req.	Brief Description <sup>1</sup>	Total Staff Cost	Total Fringe Benefit Cost	Total Purchased Services	Total Non-Personal Services	Other Costs	Total Cost
1.5 (2)	Module Overview/Framing						
1.5 (3)	Module Map						
1.5 (4)	Unit Overview/Framing						
1.5 (5)	Unit Maps						
1.5 (6)	Recommended Texts						
1.5 (7)	Lesson Plans						
1.5 (8)	Lesson Plan Scaffolds						
1.5 (9)	Student Classwork						
1.5 (10)	Student Classwork Scaffolds						
1.5 (11)	Performance Tasks: Module Level						
1.5 (12)	Performance Task: Module Level Scaffolds						
1.5 (13)	Performance Tasks: End of Unit						
1.5 (14)	Performance Task: End of Unit Level Scaffolds						
1.5 (15)	Short Performance Task at the Daily Level						
1.5 (16)	Short Performance Task at the Daily Level Scaffolds						
1.5 (17)	Feedback on Development						
1.5 (18)	Material Preparation and Delivery						
1.5 (20)	Use Pre-Produced Video Content						
1.5 (21)	Mandatory Quarterly Vendor Meetings						
1.6.2(1)	Comprehensive 20-Day Scope and Sequence						
1.6.2(2)	Turnkey Materials						
1.6.2(3)	Field Testing of Learning Experiences						
1.6.2(4)	Delivery through Workshops						
1.6.2(5)	Materials to Deliver PD (handouts, etc)						
1.6.2(6)	Travel and M&IE (Meals & Incidental Expenses)						
	TOTAL ACROSS CONTRACT						

<sup>1</sup> For full description, see Section 1.

\* For full description, see Section 1.6.

\*\*Vendors only need to budget costs for personnel to travel and deliver PD at event site. NYSED will coordinate travel and conference related expenses for participants.

<b>Vendor Signature:</b>	_____	<b>Date:</b>	_____
<b>Printed Name and Title:</b>	_____		
<b>Company Name:</b>	_____		
<b>Company Address:</b>	_____		

**PART 1B: CURRICULUM MODULE DEVELOPMENT, MATH and PROFESSIONAL DEVELOPMENT**

Instructions: Only submit costs for those products required for the Competitive Priority Area on which you are bidding. Refer to Section 1.5 for products that must be submitted for your Competitive Area. For products not required for your Competitive Area, please indicate "n/a" in each cost column.

Req.	Brief Description <sup>1</sup>	Total Staff Cost	Total Fringe Benefit Cost	Total Purchased Services	Total Non-Personal Services	Other Costs	Total Cost
1.5 (1)	<b>Yearlong Curriculum Map</b>						
1.5 (2)	<b>Module Overview/Framing</b>						
1.5 (3)	<b>Module Map</b>						
1.5 (7)	<b>Lesson Plans</b>						
1.5 (8)	<b>Lesson Plan Scaffolds</b>						
1.5 (9)	<b>Student Classwork</b>						
1.5 (10)	<b>Student Classwork Scaffolds</b>						
1.5 (11)	<b>Performance Tasks: Module Level</b>						
1.5 (12)	<b>Performance Task: Module Level Scaffolds</b>						
1.5 (15)	<b>Short Performance Task at the Daily Level</b>						
1.5 (16)	<b>Short Performance Task at the Daily Level Scaffolds</b>						
1.5 (17)	<b>Feedback on Development</b>						
1.5 (18)	<b>Material Preparation and Delivery</b>						
1.5 (19)	<b>Technology Use</b>						
1.5 (20)	<b>Use Pre-Produced Video Content</b>						
1.5 (21)	<b>Mandatory Quarterly Vendor Meetings</b>						
1.6.2(1)	<b>Comprehensive 20-Day Scope and Sequence</b>						
1.6.2(2)	<b>Turnkey Materials</b>						
1.6.2(3)	<b>Field Testing of Learning Experiences</b>						
1.6.2(4)	<b>Delivery through Workshops</b>						
1.6.2 (5)	<b>Materials to Deliver PD (handouts, etc)</b>						
1.6.2 (6)	<b>Travel and M&amp;IE (Meals &amp; Incidental Expenses)</b>						
	<b>TOTAL ACROSS CONTRACT</b>						

<sup>1</sup> For full description, see Section 1.

\* For full description, see Section 1.6.

\*\*Vendors only need to budget costs for personnel to travel and deliver PD at event site. NYSED will coordinate travel and conference related expenses for participants.

<b>Vendor Signature:</b>	<b>Date:</b>
<b>Printed Name and Title:</b>	
<b>Company Name:</b>	
<b>Company Address:</b>	



**Attachment 4: NYSED Subcontracting Form**

**NEW YORK STATE EDUCATION DEPARTMENT  
Subcontracting Form**

(whole dollar figures only; add additional lines as needed)

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

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

**Total Subcontracting Cost    Total Project Budget    Percent of Subcontracting to Total Budget**

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Subcontracting is limited to forty percent (40%) of the annual contract budget for each Competitive Priority Area.

Attachment 5: NYSED M/WBE Subcontracting Form

**NEW YORK STATE EDUCATION DEPARTMENT  
M/WBE Subcontracting Form**

(whole dollar figures only)

**M/WBE Purchases For Duration of Contract**

**Development of Growth and Value-Added Measures of  
Teacher and Principal Effectiveness**

**Table 1-- Minority Business Enterprise**

Name of Vendor	Type of Services or Supplies	Cost
<b>Total MBE Costs</b>		
<b>Total Budget</b>		
<b>Total MBE Costs divided by Total Budget (%)</b>		

**Table 2-- Women-Owned Business Enterprise**

Name of Vendor	Type of Services or Supplies	Cost
<b>Total WBE Costs</b>		
<b>Total Budget</b>		
<b>Total WBE Costs divided by Total Budget (%)</b>		

**M/WBE Purchases For Duration of Contract**

<b>Type of Purchased Service</b>	<b>Contract Total</b>
<b>% MBE Purchases to Budget</b>	
<b>% WBE Purchases to Budget</b>	

Attachment 6: NYSED Non-Collusive Bidding Certification

**NEW YORK STATE EDUCATION DEPARTMENT  
NON-COLLUSIVE BIDDING CERTIFICATION**

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

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

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

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

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

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

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

**RFP #SA-06**

**Identifying Data**

Name of Potential Contractor \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, zip code: \_\_\_\_\_

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

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

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

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

\_\_\_\_\_  
Legal name of person, firm or corporation

\_\_\_\_\_  
Legal name of person, firm or corporation

By: \_\_\_\_\_

Name

By: \_\_\_\_\_

Name

\_\_\_\_\_  
Title

Title

\_\_\_\_\_  
Title

Title

Street Address

\_\_\_\_\_

\_\_\_\_\_

City, State, Zip Code

\_\_\_\_\_

\_\_\_\_\_

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

**NAMES OF PARTNERS OR PRINCIPALS**

**LEGAL RESIDENCE**

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

**NAME**

**LEGAL RESIDENCE**

\_\_\_\_\_  
President:

---

\_\_\_\_\_  
Secretary:

---

\_\_\_\_\_  
Treasurer:

---

\_\_\_\_\_  
President:

---

\_\_\_\_\_  
Secretary:

---

\_\_\_\_\_  
Treasurer:

---

Attachment 7: NYSED MacBride Certification

**NEW YORK STATE EDUCATION DEPARTMENT  
MacBride Certification**

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

In accordance with Chapter 807 of the laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership, or any individual or legal entity that holds a 10% or greater ownership in the bidder, either:

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

1. Has business operations in Northern Ireland:

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes:

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Company Name: \_\_\_\_\_

Printed Name and Title of Authorized Representative:  
\_\_\_\_\_

Signature: \_\_\_\_\_

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

Proposal: \_\_\_\_\_

Commodity: \_\_\_\_\_

**Attachment 8: NYSED Certification – Omnibus Procurement Act of 1992**

**NEW YORK STATE EDUCATION DEPARTMENT  
Certification – Omnibus Procurement Act of 1992**

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

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

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

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

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

**Attachment 9: NYSED Certifications Regarding Lobbying; Debarment, Suspension And Other Responsibility Matters; And Drug-Free Workplace Requirements**

**NEW YORK STATE EDUCATION DEPARTMENT  
Required Assurances**

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

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

**1. LOBBYING**

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

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

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

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

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

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

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil 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.

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

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

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

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's

workplace and specifying the actions that will be taken against employees for violation of such prohibition;

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

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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

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

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Professional, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

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

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

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

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

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

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

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

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

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

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

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

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

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	

SIGNATURE	DATE
CONTRACT YEAR	CONTRACT NUMBER

Attachment 10: NYSED Offerer Disclosure of Prior Non-Responsibility Determinations

NEW YORK STATE EDUCATION DEPARTMENT
Offerer Disclosure of Prior Non-Responsibility Determinations

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

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

\_\_\_\_\_

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

\_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

\_\_\_\_\_

Contract RFP Number: \_\_\_\_\_

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

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

No Yes

If yes, please answer the next questions:

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

No Yes

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

No Yes

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

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Add additional pages as necessary)

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

No Yes

6. If yes, please provide details below.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

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

Title: \_\_\_\_\_



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

Attachment 11

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

<b>Part I: Payee/Vendor/Organization Information</b>		<b>AGENCY ID:</b>
1. Legal Business Name:	2. If you use a DBA, please list below:	
3. Entity Type (Check one only):		
<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Co. <input type="checkbox"/> Business Corporation <input type="checkbox"/> Unincorporated Association/Business <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> Public Authority <input type="checkbox"/> Local Government <input type="checkbox"/> School District <input type="checkbox"/> Fire District <input type="checkbox"/> Other _____		

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

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

--	--	--	--	--	--	--	--	--	--

2. Taxpayer Identification Type (check appropriate box):

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

**Part III: Address**

1. Physical Address:	2. Remittance Address:
Number, Street, and Apartment or Suite Number	Number, Street, and Apartment or Suite Number
City, State, and Nine Digit Zip Code or Country	City, State, and Nine Digit Zip Code or Country

**Part IV: Certification of CEO or Properly Authorized Individual**

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

**Sign Here:**

Signature	Date	
Print Name	Phone Number	Email Address

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

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 (Print Name)

Contact's Email Address: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

**Part VI: Survey of Future Payment Methods**

Please indicate all methods of payment acceptable to your organization:   
 Electronic   
 Check   
 VISA

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

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

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

**Part I: Payee/Vendor/Organization Information**

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

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

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

**Part III: Address**

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

**Part IV: Certification of CEO or Properly Authorized Individual**

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

**Part V: Contact Information**

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

**Part VI: Survey of Future Payment Methods**

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

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

# M/WBE Documents

- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 102 Notice of Intent to Participate
- EEO 100 Staffing Plan and Instructions
- M/WBE 105 Contractor's Good Faith Efforts
- M/WBE 105A M/WBE Contractor Unavailable Certification
- M/WBE 101 Request for Waiver Form and Instructions

**M/WBE COVER LETTER****RFP #SA-06****Minority & Woman-Owned Business Enterprise Requirements****NAME OF FIRM** \_\_\_\_\_

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

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

Bidders are required to respond to the participation goals by completing and submitting **M/WBE 100**, Utilization Plan, **M/WBE 102**, Notice of Intent to Participate and **EEO 100**, Staffing Plan in this RFP.

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 100  
M/WBE UTILIZATION PLAN**

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

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

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

PREPARED BY (Signature) \_\_\_\_\_ DATE \_\_\_\_\_

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

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

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

**M/WBE 102  
M/WBE SUBCONTRACTORS AND SUPPLIERS  
NOTICE OF INTENT TO PARTICIPATE**

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

Bidder Name: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ E-mail: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Authorized Representative of Bidder's Firm      Print or Type Name and Title of Authorized Representative of Bidder's Firm  
 Date: \_\_\_\_\_

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

Name of M/WBE: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_ E-mail: \_\_\_\_\_

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

**DESIGNATION:**     MBE Subcontractor     WBE Subcontractor     MBE Supplier     WBE Supplier

**PART C - CERTIFICATION STATUS (CHECK ONE):**

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

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

The estimated dollar amount of the agreement \$ \_\_\_\_\_      \_\_\_\_\_  
 \_\_\_\_\_      Signature of Authorized Representative of M/WBE Firm  
 \_\_\_\_\_      \_\_\_\_\_  
 Date      Printed or Typed Name and Title of Authorized Representative

**EEO 100  
EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN  
Instructions on Page 2**

Bidder Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_  
 Federal ID No.: \_\_\_\_\_  
 RFP No: \_\_\_\_\_

Report includes:

Reporting Entity:

Work force to be utilized on this contract

Contractor

Contractor/Subcontractor's total work force

Subcontractor - Name: \_\_\_\_\_

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

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

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

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

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

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

(print or type)

## EEO 100 STAFFING PLAN INSTRUCTIONS

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

### Instructions for Completing:

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

### RACE/ETHNIC IDENTIFICATION

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

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

**F****5 NYCRR 142.8 CONTRACTOR'S GOOD FAITH EFFORTS (MWBE 105)**

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

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

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

- (1) whether the contractor submitted an alternative utilization plan consistent with the subcontract or supplier opportunities in the contract;
- (2) the number of certified minority- and women-owned business enterprises in the region listed in the directory of certified businesses that could, in the judgment of the State agency, perform work required by the State contract scope of work;
- (3) The actions taken by the contractor to contact and assess the ability of certified minority- and women-owned business enterprises located outside of the region in which the State contract scope of work is to be performed to participate on the State contract;
- (4) whether the contractor provided relevant plans, specifications or terms and conditions to certified minority- and women-owned business enterprises sufficiently in advance to enable them to prepare an informed response to a contractor request for participation as a subcontractor or supplier;
- (5) the terms and conditions of any subcontract or provision of suppliers offered to certified minority- or women-owned business enterprises and a comparison of such terms and conditions with those offered in the ordinary course of the contractor's business and to other subcontractors or suppliers of the contractor;
- (6) whether the contractor offered to make up any inability to comply with the certified minority- and women-owned business enterprises goals in the subject State contract in other State contracts being performed or awarded to the contractor; and
- (7) any other information that is relevant or appropriate to determining whether the contractor has demonstrated a good faith effort.

M/WBE 105-A  
M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

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

I, \_\_\_\_\_  
(Contractor/Vendor)

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

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

I certify that on \_\_\_\_\_ (Date) I contacted the following New York State Certified Minority/Women Business Enterprises by \_\_\_\_\_ (Telephone/E-mail) to obtain a quote for work to be performed on the abovementioned project/contract.

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

<u>NAME</u>	<u>PHONE</u>	<u>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 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. I did not have the capability to perform the work
- B. Contract too small
- C. Remote location
- D. Received solicitation notices too late
- E. Do not want to work with this contractor
- F. Other (give reason) \_\_\_\_\_

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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title Date

**M/WBE 101  
REQUEST FOR WAIVER FORM**

**BIDDER/CONTRACTOR NAME:**

**TELEPHONE:**

**ADDRESS:**

**EMAIL:**

**FEDERAL ID NO.:**

**CITY, STATE, ZIPCODE:**

**RFP#/CONTRACT NO.:**

**INSTRUCTIONS:** By submitting this form and the required information, the bidder/contractor 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.

<b>BIDDER/CONTRACTOR IS REQUESTING (check all that apply):</b>	
<input type="checkbox"/> <b>MBE Waiver</b> - A waiver of the MBE goal for this procurement is requested. <input type="checkbox"/> <b>Total</b> <input type="checkbox"/> <b>Partial</b> _____%	<input type="checkbox"/> <b>WBE Waiver</b> - A waiver of the WBE goal for this procurement is requested. <input type="checkbox"/> <b>Total</b> <input type="checkbox"/> <b>Partial</b> _____%
<input type="checkbox"/> <b>Waiver Pending ESD Certification</b> (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/CONTRACTOR'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:	<b>FOR AUTHORIZED USE ONLY</b>
TITLE OF PREPARER:	REVIEWED BY: _____ DATE: _____
TELEPHONE:	<b>WAIVER GRANTED</b> <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>TOTAL WAIVER</b> <input type="checkbox"/> <b>PARTIAL WAIVER</b> <input type="checkbox"/> <b>ESD CERTIFICATION WAIVER</b> <input type="checkbox"/> <b>NOTICE OF DEFICIENCY</b> <input type="checkbox"/> <b>CONDITIONAL WAIVER</b>
EMAIL:	COMMENTS: _____ DATE: _____

**REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS (MWBE 101)**

**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/Contractor, 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/Contractor'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/Contractor 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.**

**SECTION 6 – APPENDICES**

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Appendix A-2:	ARRA Additional Contract Record Keeping Requirements
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APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

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- 12. Equal Employment Opportunities For Minorities and Women**
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**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).

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

**5. NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public

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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-

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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

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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.

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**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.

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

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

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

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

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

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

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

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

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

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

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

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

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

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

**25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.**

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

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**APPENDIX A-1**

Payment and Reporting

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

Terminations

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

Property

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

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

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

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

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

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

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

### Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the

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sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.

- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a writing signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed at the per diem rate in effect at the time for New York State Management/Confidential employees.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.
- H. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.

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

### Certifications

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

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§73(4)(a).

### Notices

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

### Miscellaneous

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

The initial planned employment report must be submitted at the time of approval of this Agreement. The annual employment report on Form B will be submitted each year the contract is in effect and will detail actual employment data for the most recently concluded State fiscal year (April 1 – March 31). The first report will be filed no later than May 15, 2012. Thereafter, Form B will be filed no later than May 15<sup>th</sup> of each succeeding year. Copies of the report will be submitted to the NYS Education Department, OSC and the NYS Department of Civil Service at the addresses below.

By mail: NYS Office of the State Comptroller  
Bureau of Contracts  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236  
Attn: Consultant Reporting

By fax: (518) 474-8030 or (518) 473-8808

Reports to DCS are to be transmitted as follows:

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

Reports to NYSED are to be transmitted as follows:

By mail: NYS Education Department  
Contract Administration Unit  
Room 505 W EB  
Albany, NY 12234

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By fax: (518) 408-1716

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

**Appendix A-2: ARRA Additional Contract Record Keeping Requirements**

**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 30, 2009. 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: Criteria for Resources Aligned to the Common Core State Standards in ELA & Literacy and in Mathematics**

**Criteria for Common Core-Aligned ELA/Literacy Resources, Grades 3-12**

<http://engageny.org/resource/criteria-for-common-core-aligned-elaliteracy-resources-grades-3-12/>

**Criteria for Common Core-Aligned Math Resources**

<http://engageny.org/resource/criteria-for-common-core-aligned-math-resources/>

**Appendix C: Exemplar Modules for ELA & Literacy and for Mathematics**

**Important note on terminology:** Some of the resources below are labeled as “exemplar modules.” For the purposes of this RFP, these shall be considered activities that compose units, and units can be strung together to create modules that can last as long as a quarter of a school year.

**Common Core Exemplar for Middle School ELA & Literacy: Monk’s “Words We Live By”**

<http://engageny.org/resource/common-core-exemplar-for-middle-school-ela-monk%E2%80%99s-words-we-live-by/>

**Common Core Exemplar for Elementary School ELA & Literacy: Feynman’s “The Making of a Scientist”**

<http://engageny.org/resource/common-core-exemplar-for-elementar-school-ela-feynmans-the-making-of-a-scientist/>

**Common Core High School ELA& Literacy Exemplar: Lincoln’s Gettysburg Address**

<http://engageny.org/resource/common-core-exemplar-for-high-school-ela-lincolns-gettysburg-address/>

**Common Core Seventh Grade Straw Man Outline for Middle School Math**

<http://engageny.org/resource/common-core-exemplar-for-middle-school-math/>

**Common Core First Grade Adding and Subtracting Single-Digit Numbers**

<http://engageny.org/resource/math-module-first-grade/>

### Appendix D: Mathematics Standards That Must Be Prioritized During Curriculum Module Development

This section identifies those standards that are part of mathematics clusters that should be prioritized earlier in the development cycle of modules.

**Note:** The following utilizes the standard Common Core coding methodology. For example, the code “2.NBT 1-9” refers to 2<sup>nd</sup> Grade Common Core Standards 1 through 9 for Numbers and Operations in Base Ten as found on p. 19 of the official Common Core State Standards for Mathematics PDF or p. 18 of the official NYS P-12 Common Core Learning Standards for Mathematics PDF.

#### Prioritized Modules: Mathematics Grades 6-8

##### Grades 6-7: Ratios and Proportional Relationships

The following standards must be prioritized during module development:

Grade Level	Standards Alignment
Grade 6	6.RP 1-3 & 6.EE 9
Grade 7	7.RP 1-3

Key connection: 7.G 1. Also, handle proportional relationships in a way that will prepare for Grade 8 work in Functions (8.F).

##### Grades 6-8: Expressions and Equations

The content focus for this progression in the **NYS P-12 CCLS for Mathematics** consists of using properties of operations to transform expressions, and reasoning to solve equations. The following standards must be prioritized during module development:

Grade Level	Standards Alignment
Grade 6	6.EE 2-4
	6.EE 5-8
Grade 7	7.EE 1
Grade 8	8.EE 7
	8.EE 8

Not included in these modules: Inequalities.

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### Grades 6-8: Number System

The content focus for this progression in the **NYS P-12 CCLS for Mathematics** is the extension of arithmetic from fractions to rational numbers, based on properties of operations. The following standards must be prioritized during module development:

Grade Level	Standards Alignment
Grade 6	6.NS 5-8
Grade 7	7.NS 1,3
	7.NS 2,3

Key connections: 5.G 1,2

### Grades 6-8: Geometric Measurement

The following standards must be prioritized during module development:

Grade level	Standards Alignment
Grade 6	6.G 1
	6.G 2
Grade 7	7.G 1
	7.G 4, 6
Grade 8	8.G 6-8
	8.G 9

Key connections: 4.MD 3; 5.MD 3-5; 7.RP 2.

### Grade 8: Geometry

The following standards must be prioritized during module development:

Standards Alignment	Standards Alignment
Grade 8	8.G 1-5

Key connections: 7.G 2, 5.

### Prioritized Modules: Mathematics Grades 9-12

Required curriculum modules are identified by domain as included in the **NYS 6-HS CCLS for Mathematics**. The following standards must be prioritized during module development:

High School Course	Standards Alignment
Algebra I	N-Q 1, 2 & A-SSE 1 & A-CED

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	1-4 <sup>7</sup>
	A-APR 1
	A-REI 4
	A.SSE 2 <sup>8</sup> , 3
	F-BF 1 <sup>9</sup>
	F-IF 1, 2, 4, 7, 8 <sup>10</sup> , 9 <sup>11</sup>
Geometry	G-GPE 1
	G-GPE 4
	G-GPE 7
	G-MG 2
	G-CO 8
Algebra II	A.SSE 2, 3
	F-IF 1, 2, 4, 7, 8, 9
	F-BF 1
	F-LE 1a-c, 3
	N-CN 1,2

<sup>7</sup>For Algebra I, limit systems of simultaneous equations to 2x2 systems of linear equations; limit systems of simultaneous inequalities to systems of linear inequalities in two variables; limit rearranging of formulas to formulas linear in the quantity of interest; and limit creating equations to represent relationships between quantities to linear and quadratic relationships.

<sup>8</sup>Note, the following standards from K-8 should inform the approach to A-SSE 2 in Algebra I: 6.EE3,4 and 7.EE1,2. The following explicit cases of A.SSE 2 should be included: (a) Use the distributive property to express a sum of terms with a common factor as a multiple of a sum of terms with no common factor. For example, express  $4x^2 + 8x$  as  $4x(x + 2)$ . (b) Use the properties of operations to express a product of a sum of terms as a sum of products. For example, use the properties of operations to express  $(x + 5)(3 - x + c)$  as  $-x^2 + cx - 2x + 5c + 15$ . (c) Factor differences of squares. Consistent with the standard, these should be seen as instances of using the structure of an expression to identify ways to rewrite it, and not as a checklist of isolated *ad hoc* techniques.

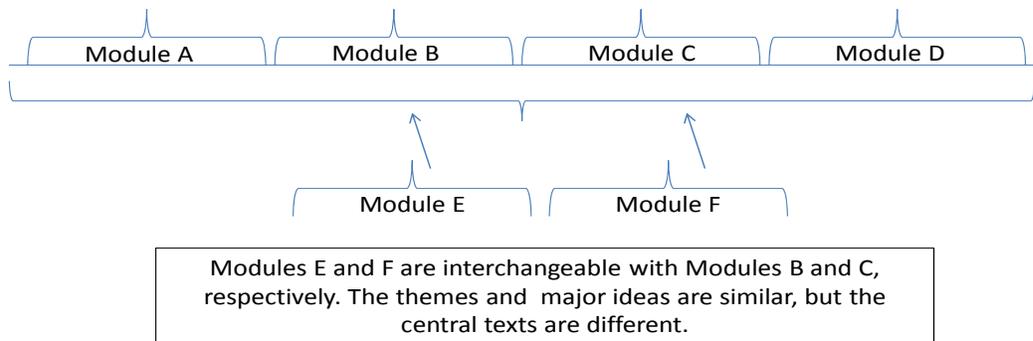
<sup>9</sup>For Algebra I, limit F-BF 1 in the module to linear and quadratic functions.

<sup>10</sup>For Algebra I, limit F-IF 8 in the module to linear and quadratic functions.

<sup>11</sup>For Algebra I, limit F-IF 9 in the module to linear and quadratic functions.

**Appendix E: Sample Product Description for ELA & Literacy Competitive Priority Area 1**

To illustrate how the requested six ELA & Literacy modules, grades 6-12 (covering 150% of the academic year) can be manipulated to construct a full academic year and cover 100% of the ELA & Literacy NYS P-12 CCLS standards, see the conceptual model below.



**Appendix F: ACHIEVE Tri State Rubric**

<http://engageny.org/resource/tri-state-quality-review-rubric-and-rating-process/>