

## Questions & Answers

### **RFP# 21-010, *Scaling and Scale Maintenance, Standard Setting, and Reliability/Validity Analyses of the New York State Regents Examinations and Elementary/Intermediate-level Science Testing Programs***

**PLEASE NOTE:** Updated “Appendix R Data Privacy Agreement” forms are being posted with this Q&A. The single Appendix R file contains all the necessary forms for submission, although they have been renamed. DPA Exhibit 1 replaces the CPO-2-2d, and DPA Exhibit 2 replaces CPO-1-2d and CPO-1Supp-2d. Bidders are encouraged to use the new versions, but submissions using the previously posted forms are acceptable.

1. The submission checklist includes a new line item for “TAC Certification.” Can NYSED provide more context on what this is?

Answer: The TAC Certification was included on the submission checklist in error. Completion and submission of the TAC Certification form is not necessary for this RFP.

2. In the submission requirements, the RFP notes that vendors must complete and submit the CP01Supp-2d and CPO2-2d forms with their proposals. Under “Requirements of Education Law” on page 33, it says that vendors must complete these forms “...or provide a plan that materially addresses its requirements...” Please confirm that vendors may submit their own security plan in lieu of completing these forms.

Answer: Bidders may use an alternate format to provide the data security and privacy plan in lieu of the template in CPO-2-2d/DPA Exhibit 1. However, all bidders should complete and submit the CPO-1Supp-2d/DPA Exhibit 2. Note that both documents will be included in any resulting contract, and the winning bidder’s CPO-1Supp-2d/DPA Exhibit 2 will also be posted on NYSED’s website

3. With the continuing issues surrounding the pandemic, we are curious about whether the Regents exams were administered in August 2020? Or if they are on track to be administered in January 2021? Should costs still be provided if these exams were not administered?

Answer: The Regents Exams were not administered in August 2020 and will not be administered in January 2021. Ordinarily, an annual operational technical report is produced by the contractor for each subject that contains information regarding three administrations, August, January and June. As long as the June 2021 exams are administered, there will be a need for these technical reports. Consequently, costs should still be provided.

4. Can you provide more information regarding the score collection activities for the operational examinations that are scheduled for standard setting in a given year? Are the 10,000 students given a different answer sheet than the rest of the students taking the particular exam? Is the goal to ensure that the answer sheet produced by the contractor for the score collection effort looks as close to identical as possible to the answer sheet produced by the RICs for the rest of the students?

Answer: Yes, the students in the schools selected for the score collection sample will use answer sheets provided by the contractor that will be different from the answer sheets used by the students in the rest of the schools taking the exam. Sample selection for score collection is at the school level. Every student at selected schools will use a contractor-provided answer sheet. Schools not selected for score collection will use a non-contractor designed answer sheet.

Yes, the goal is to ensure that the answer sheet produced by the contractor for the score collection effort looks as close to identical as possible to the answer sheet produced by the RICs for the students in the rest of the schools.

5. Are the answer sheets for the operational score collection all single-sided, one sheet answer sheets? If not, please provide a sample of the answer sheet.

Answer: The answer sheet is one sheet, double-sided. On one side of the answer sheet students record their answers for the multiple-choice questions and raters record scores for the constructed-response questions on the other side.

6. On page 24, the RFP indicates that each standard setting will include approximately 36 educators. Please confirm that this is 36 educators for a single test (e.g., grade 5 science).

Answer: NYSED confirms that this is 36 educators for a single test (e.g., Grade 5 Science).

7. Can NYSED clarify the number of test titles by contract year on page 11 (Chart 1) and on page 14 (Chart 2)?

For example, Chart 1 indicates that "United States History and Government" are not administered in Year 1 of the contract. Chart 2 also indicated that work for Components 1 and 3 is expected to be conducted for this test title. Chart 1 also indicates that "Algebra I (Next Gen)," "Grade 5 Elementary-level Science," and "Grade 8 Intermediate-level Science (P-12)" are not administered until Year 2 of the contract, and work for Components 1 and 3 work is expected in Year 1.

Answer: Please note that the contract year overlaps but does not completely coincide with the school year. The number of test titles for which the contractor will be providing services will vary per contract year, depending on the component and their phase in, overlap, and phase out testing status. Note that

the information provided in Charts 1 and 2 are subject to change primarily due to the pandemic. As indicated in Charts 1 and 2, the estimated number of test titles to be administered operationally is as follows: Contract Year 1 – 11, Contract Year 2 – 13, Contract Year 3 – 16, Contract Year 4 – 19, and Contract Year 5 – 16. The estimated number of test titles that require other component work is as follows: Contract Year 1 – 15, Contract Year 2 – 16, Contract Year 3 – 20, Contract Year 4 – 19, and Contract Year 5 – 16.

8. Will each contract year include work associated with the previous August, current January, and current June administrations?

For example: Work performed for the 2021–2022 contract year will include data from August 2021, January 2022, and June 2022 administrations, and work performed for the 2022–2023 contract year will include data from August 2022, January 2023, and June 2023 administrations.

Answer: Yes, each contract year will include work associated with the previous August, current January, and current June administrations.

9. When establishing new scales for new tests, is the Contractor expected to use the same current IRT model for all new assessments?

Answer: Yes, the Contractor is expected to use the same IRT model for all new assessments.

10. Chart 3 states that “occasionally, a limited amount of field testing will take place in the fall.” On page 19, the RFP states “scaling and scale maintenance are required once per year for all field test administrations.” On page 16, it's noted in 4.b that the “draft is to be submitted to NYSED within 4 weeks after completion of scaling and equating.”

Question:

- 1) Does NYSED expect that occasionally field testing will take place for the selected tests both in May and in the fall, or either in May or in the fall?

Answer: NYSED expects that occasionally field testing will take place in both May and in the fall for selected tests.

- 2) If field testing takes place in both May and the fall, will NYSED expect field-test analyses to be conducted separately or together?

Answer: The analysis must take place shortly after field testing and cannot wait to be combined with analysis of field testing administered in the spring prior or in the upcoming spring.

- 3) If separately, does NYSED expect separate reports (i.e., one within four weeks of completing May scaling and equating and another within four weeks of completing fall scaling and equating) or one report (i.e.,

submitted within four weeks of completing both May and fall scaling and equating work, whichever is later)?

Answer: NYSED does not expect separate technical reports to be produced by the Contractor for fall field testing.

11. Will the Contractor be involved in constructing operational test forms? If not involved, at what stage and in what form will operational test form information (e.g., items on the form and their metadata and statistics) be shared with the Contractor?

Answer: The Contractor will not be involved in constructing operational test forms. However, NYSED may ask the Contractor for advice in test design related questions. Operational test form information will be provided in an Excel file for each subject no later than two months prior to the scheduled administration.

12. In what format will the following information be available for current items: metadata, scoring information, and statistics?

Answer: Metadata, scoring information, and statistics will be available as a flat file in Excel.

13. Will the student data files be made available to the Contractor as flat files (e.g., csv, text) or in a different format (e.g., databases, xml)?

Answer: The student data files will be available to the Contractor as flat files (e.g., csv, text).

14. Page 22 states, "For each exam requiring the determination of performance standards, the contractor will be responsible for designing operational test answer sheets to be used by schools in the score collection sample." However, in Chart 4, the "Estimated Numbers of Students Who Will Be Tested During the Initial June Administrations for Exams Being Phased In During the Contract Period" are larger than the standard setting need. Will students who are not selected as the part of the standard setting sample need an answer sheet, use a different answer sheet, or use the same answer sheet with that sheet not being shipped/collected by Contractor?

Answer: Sample selection for score collection is at the school level. Every student at selected schools will use contractor-provided answer sheets. Schools not selected for score collection will use non-contractor-provided answer sheets.

15. On page 23, the Contractor is expected to provide all participating schools with secure access to their students' total raw scores for each part of the examination, scale scores, and performance levels. Are formatted and secure static data files acceptable for fulfilling this requirement? Or is the Contractor expected to provide

dynamic group or individual reports?

Answer: Formatted and secure static data files are acceptable for fulfilling this requirement. The Contractor is not expected to provide dynamic group or individual reports.

16. In Chart 4, the estimated number of students to be tested for “Physical Setting: Physics (P-12)” is significantly lower than for all other test titles. Will NYSED provide more information about this title, particularly regarding the definition of the student population taking this test? For example, will students enrolled for this test in June 2025 be considered the operational definition of the student population for sampling purposes?

Answer: Physical Setting: Physics (P-12) is considered a higher level science course and therefore less students take the Regents Exam. Students enrolled in a course that qualifies for the Physics Regents Exam will be considered the student population for sampling purposes.

17. Page 24 states that “each standard setting meeting (two days in length) will be conducted in Albany or within 25 miles of Albany within two weeks after the examination is administered.”

Is the Contractor expected to start or finish the standard setting “within two weeks after the examination is administered?”

Answer: Yes, the Contractor is expected to finish the standard setting “within two weeks after the examination is administered.”

18. What is the number of standard settings to be conducted during the contract term? Specifications in the RFP list up to 15, 10 and 10-12.

Answer: The contractor needs to be prepared to conduct a maximum of 15 standard settings across all five years of the contract, and a maximum of five standard setting in one June administration period. These maximums will only be achieved if NYSED decides to introduce more new examinations during the contract term than are planned at this time or to revisit the achievement standards for some of the current assessments.

19. In which years will these standard settings be conducted?

Answer: The years in which these standard settings will most likely be conducted can be found in Chart 2 on page 14 of the RFP. Please note that primarily due to the pandemic the information contained in this chart is subject to change.

20. Which examination titles will require standard setting over the course of the contract?

Answer: This information can be found in Chart 2 on page 14 of the RFP. See Question 18 for more information.

21. What are the answer document page counts for each of the titles requiring standard setting?

Answer: The answer sheet is one sheet, double-sided. For the score collections associated with all standard settings in this contract, it will be necessary for the contractor to print and distribute as many as 20,000 answer sheets.

22. Page 41 of the Request for Proposals (RFP) indicates four (4) copies (one bearing an original signature) of the Technical Proposal should be submitted. However, page 42 indicates eight copies (one bearing an original signature) of the Technical Proposal are required. Please clarify the number of copies of the Technical Proposal must be submitted.

Answer: Contractors must submit eight printed copies of their Technical Proposal.

23. The sample Table of Contents for Component 3 indicates validity evidence based on other variables and testing consequences. Are these data routinely collected or is the collection of such data to be completed by the contractor?

Answer: The Contractor will not be responsible for collecting any data based on other variables and testing consequences.

24. The score collection requirement indicates a sample of schools yielding a target sample of 15,000 students per examination (minimum final sample of 10,000 students). Is there an expectation or estimate for the number of schools that are expected per sample?

Answer: The Contractor is required to sample the number of schools necessary to achieve the minimum final sample of 10,000 students. In the past this has been approximately 100 schools.

25. Please confirm that the New York State Education Department will be responsible for identifying and training the local scorers to score and record students' constructed responses.

Answer: Scorers are identified and trained at the local level, using scorer training materials provided by the New York State Education Department. The Contractor will have no responsibility in this area.

26. Please confirm that the local scorers will record students' constructed response scores on the same answer sheets used by the students.

Answer: Yes, the local scorers will record students' constructed response scores on the same answer sheets used by the students.

27. Please confirm the number of copies of the Technical Proposal required. Page 41 says 4 copies, page 42 says 8 copies, and for the Submission Documents it says 4 copies.

Answer: As indicated in our answer for question 22, Contractors must submit eight printed copies of their Technical Proposal.

28. Please confirm the number of copies of the M/WBE submission required. Page 41 says 1 copy with original signature, and page 45 says 1 original plus 1 copy.

Answer: Only one copy is required.

29. For the optional TBD Regents exam standard settings and score collection activities listed in the Cost Proposal format for each year, please confirm that these costs will be included in the overall total for price evaluation purposes.

Answer: We confirm that these costs will be included in the overall total for price evaluation purposes.

30. In year 3 of the Cost Proposal format, why is there no alignment study required for Geometry?

Answer: NYSED has determined that no alignment study is required for Geometry.

31. In year 4 of the Cost Proposal format, why are there no alignment studies required for Algebra II, Chemistry, or Physics?

Answer: NYSED has determined that no alignment studies are required for these exams.

32. For pricing purposes, can you confirm that all bidders should use a quantity of 20,000 answer sheets for the operational score collection as noted on page 22?

Answer: Page 22 of the RFP states "it will be necessary for the contractor to print and distribute as many as 20,000 answer sheets to ensure a resultant sample of at least 10,000 students."

33. The Cost Proposal format identifies that costs should include "operational score collections with all student test takers." Please confirm what quantity should be used for "all student test takers." Is this 20,000 per test as noted on page 22 of

the RFP? Or should we use the total quantities in Chart 4 on page 24 for printing, distribution, collection, and scanning purposes?

Answer: It will be necessary for the contractor to print and distribute as many as 20,000 answer sheets to ensure a resultant sample of at least 10,000 students.

34. Does NYSED intend to reimburse the Contractor for the transition period?

Answer: No

35. How long does NYSED anticipate a transition period to be?

Answer: The Contractor is expected to use its best efforts to assist NYSED in completing an efficient transition to any successive contractor and/or NYSED. NYSED anticipates that the successful transition will take place in the last two to three months of the contract term.

36. Please confirm that NYSED agrees that any contractor pre-existing IP that may be used and provided as part of the delivery, will continue to be owned by contractor.

Answer: As outlined in the "Ownership" provision on page 34 of the RFP, all preexisting intellectual property owned by the contractor, prior to this contract, and used in the performance of the contractor's obligations under this contract, are and remain the sole property of the contractor.

37. Can NYSED please clarify the number of Technical Proposal copies required for the submission, RFP page 41 indicates four copies, and RFP page 42 indicates eight copies.

Answer: As indicated in our answer for question 22, Contractors must submit eight printed copies of their Technical Proposal.

38. Does Contractor's indemnification obligation exclude 3rd party claims arising out of the negligent acts or omissions of NYSED?

Answer: The contract Indemnification provision provides that the Contractor is solely responsible for damages arising out of or related to services provided by the Contractor or its subcontractors.

39. Will the Contractor be paid with federal funds? If so, how will the Contractor be classified?

Answer: No, this contract will be paid with state funds

40. What are the liquidated damages in the current contract? What liquidated damages apply to this contract?

Answer: There are no provisions for liquidated damages in the RFP and NYSED does not envision that liquidated damages provisions will be included in the contract.

41. Based on the percentage limit on subcontracting and the percentage requirements for M/WBE participation, are these numbers exclusive? If a bidder meets full compliance of the M/WBE 30% participation goals, can another 30% of its total contract value be assigned to non-M/WBE subcontractors?

Answer: The subcontracting limit (whether M/WBE or non-M/WBE subcontractors) is 30%. Proposals that exceed the limit will not be considered for an award.

All bidders are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) policy and therefore responsible for identifying areas in their budget where an M/WBE can be utilized. M/WBE participation is not limited to subcontracting and includes services, materials, or supplies purchased from minority and women-owned firms certified with the NYS Division of Minority and Women Business Development. The MWBE Coordinator is available to assist bidders throughout the procurement process and can be reached at [MWBE@nysed.gov](mailto:MWBE@nysed.gov).

42. Are the costs of the independent third party performing the independent alignment studies considered part of the 30% subcontractor limit?

Answer: Yes

43. Based on answers to the standard setting questions, will the cost proposal need to be revised to reflect new dates or the number of standards settings in an administration year?

Answer: No. If a score collection/standard setting for a given exam is delayed by one or more years but takes place within the term of the contract, the Contractor will be paid at the prices proposed by the Contractor for that exam title when the score collection/standard setting actually takes place.

44. The Form CPO-2-2d states that the Contractor must complete the following template or provide a plan that materially addresses its requirements. However, #3 under the Technical Proposal section on pg. 42 states that bidders should complete the CPO2-2d form and return them with bidder's technical proposal. Can you please confirm that bidders can provide a data privacy and security plan that materially addresses the requirements of Education Law §2-d and Section 121.6 instead of completing the template provided?

Answer: Bidders may use an alternate format to provide the data security and privacy plan in lieu of the template in CPO-2-2d/DPA Exhibit 1. However, all bidders should complete and submit the CPO-1Supp-2d/DPA Exhibit 2. Note that both documents will be included in any resulting contract, and the winning bidder's CPO-1Supp-2d/DPA Exhibit 2 will also be posted on NYSED's website.