

FUNDING OPPORTUNITY
RFP #: GC18-012
ESSA, Title IV Part A
2018-2019 Student Support and Academic Enrichment Grant Application

LEGISLATIVE AUTHORITY	The Student Support and Academic Enrichment (SSAE) program is authorized under Title IV, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) Act of 2015.
PURPOSE OF GRANT	<p>Title IV, Part A of the Every Student Succeeds Act of 2015 is intended to improve student’s academic achievement by increasing the capacity of States, local educational agencies (LEAs), schools, and local communities to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology in order to improve the academic achievement and digital literacy of all students.</p> <p>The overarching purpose of this request for proposals (RFP) is to encourage and support eligible districts and public charter schools to increase the capacity of local educational agencies (LEAs) to:</p> <ol style="list-style-type: none"> 1. Provide all students with access to well-rounded educational opportunities; 2. Support safe and healthy students; and/or 3. support the effective use of technology. <p>In accordance with <i>ESEA</i> section 4106(e) (2) and (f), an LEA or consortium of LEAs must assure in its application that it will:</p> <p>Prioritize the distribution of funds to schools served by the LEA based on one or more of the following criteria</p> <ol style="list-style-type: none"> (i) are among those with the greatest needs, as determined by the LEA, (ii) have the highest numbers of students from low-income families, (iii) are identified for comprehensive support and improvement under Title I, Part A of the ESEA; (iv) are implementing targeted support and improvement plans under Title I, Part A of the ESEA; or (v) are identified as a persistently dangerous public school under section 8532 of the ESEA. (ESEA section 4106 (e)(2)).
PROJECT PERIOD	The grant period is 15 months, anticipated to begin July 1, 2018 and will end September 30, 2019.

<p>ELIGIBLE APPLICANTS</p>	<p>Eligible applicants are:</p> <ul style="list-style-type: none"> • Individual New York State public school districts (“Eligible Districts”), or public charter schools (“Eligible Charter Schools”) that received Title I, Part A funds for the preceding fiscal year (2016-2017). A list of public school districts and public charter schools that meet this criterion, and are thus Eligible Districts or Eligible Charter Schools, can be found on the NYSED Office of Accountability webpage. • Consortiums, as follows: <ul style="list-style-type: none"> – Eligible District-led consortiums comprised of Eligible Districts and/or Eligible Charter Schools as consortium members; or – Eligible Charter School-led consortiums comprised of Eligible Charter Schools and/or Eligible Districts as consortium members (note: a charter management organization cannot be a lead applicant or be a consortium member) <p>Additional requirements:</p> <ul style="list-style-type: none"> • Eligible Districts or Eligible Charter Schools can apply individually OR as a part of a consortium, but not both. • The consortium lead must be an active participant in the consortium, providing a minimum of 15% of the grant activities, and cannot act solely as a flow-through for grant funds. • All applicants must comply with Title VIII, Sec. 8501-8504 regarding equitable participation of private school children and teachers.
<p>AMOUNT OF FUNDING</p>	<p>Source: Title IV: Student Support and Academic Enrichment Estimated funds available: \$28,500,000</p>
<p>APPLICATION DUE DATE AND SUBMISSION INSTRUCTIONS</p>	<p>Submit one (1) original signed application and four (4) copies of the application (in the format described in RFP) labeled- RFP #GC18-018, along with one (1) CD containing a copy of the signed application in Microsoft Word (.doc) format. Include all relevant appendices and required attachments on the CD.</p> <p>The mailing address for all the above documentation is:</p> <p style="text-align: center;">NYS Education Department Office of Education Policy 89 Washington Avenue, Room 2M EB Albany, NY 12234 ATTN: RFP #GC18-012</p> <p>Applicants are responsible for making sure the application package is complete and in the correct order based on the included Application Checklist. All materials, as detailed in the RFP, must be postmarked by February 16, 2018. Hand delivered applications must be received at the Office of Education Policy Program Office by 5:00 p.m. on or before February 16, 2018. Applications not received or postmarked by February 16, 2018 will not be accepted for review.</p>

<p>QUESTIONS AND ANSWERS</p>	<p>Questions regarding this Request for Proposals (RFP) must be submitted to: TitleIVRFP@nysed.gov by January 9, 2018.</p> <p>A complete list of all questions and answers will be posted at: LINK no later than January 23, 2018.</p>
<p>MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE) PARTICIPATION</p>	<p>Pursuant to Article 15-A of the New York State Executive Law, the M/WBE participation goal for this grant is 30% of each applicant's total discretionary non-personal service budget over the entire term of the grant. See the M/WBE Participation Goals section and for further information and forms for completion.</p>
<p>Non-Mandatory Notice of Intent</p>	<p>The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application deadline; however, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process. A non-profit applicant's NOI will also help to facilitate timely review of their prequalification materials. The notice of intent is a simple email notice stating your organization's (use the legal name) intent to submit an application for this grant. Please also include your organization's NYS Vendor ID. The due date is February 6, 2018. Please send the NOI to TitleIVRFP@nysed.gov.</p>
<p>Prequalification Requirement</p>	<p>The State of New York has implemented a new statewide prequalification process (described on the New York State Grants Reform website) designed to facilitate prompt contracting for not-for-profit vendors. All not-for-profit vendors are required to prequalify prior to grant application. This includes all currently funded not-for-profit institutions that have already received an award and are in the middle of the program cycle. The prequalification must be completed by all not-for-profit institutions prior to application in order to receive an award under this RFP. Please review the additional information regarding this requirement in the Prequalification for Individual Applications section below.</p>

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ESSA, Title IV Part A

Student Support and Academic Enrichment Grant Application

PURPOSE

The Student Support and Academic Enrichment (SSAE) program is authorized under Title IV, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) of 2015. Its purpose is to encourage and support eligible districts, eligible charter schools and eligible consortium to increase the capacity of local educational agencies (LEAs) in order to:

1. Provide all students with access to well-rounded educational opportunities.

The purpose of a well-rounded education is to provide an enriched curriculum and educational experiences to all students, starting with early learning opportunities that make time for exploration and continues with K-12 education that helps students make important connections among their studies, their curiosities, their passions, and the skills they need to become critical thinkers and productive members of society. In addition, a well-rounded education promotes a diverse set of learning experiences that engages students across a variety of courses, activities, and programs in subjects such as English, reading/language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, and physical education.

Research supports the benefits of a well-rounded education. For example, students are better able to understand a text when they have had exposure to the knowledge and experiences referenced in that text.¹ Experience shows that students who have been exposed to the language and vocabulary of the natural world, the sciences, and social studies are better readers. Research also shows that students who have strong experiences in the arts often perform better in math.² The arts also help children think creatively, and develop language skills in other languages.³

2. Support safe and healthy students.

When students are healthy and feel safe and supported, they are more likely to succeed in school. According to the *Indicators of School Crime and Safety 2015*⁴ report, schools have made significant progress toward improving school safety

¹ Afflerbach, Peter P. "The Influence of Prior Knowledge on Expert Readers' Main Idea Construction Strategies." *Reading Research Quarterly* 25, no. 1 (1990): 31-46. and Georgia Kosmoski, Geneva Gay, and Edward Vockell. "Cultural Literacy and Academic Achievement." *The Journal of Experimental Education* 58, no. 4 (1990): 265-272.

² "Arts Integration: A Promising Approach to Improving Early Learning" February 2016
<http://www.wolftrap.org/~media/files/pdf/education/arts-integ-brief-2016-final.pdf?la=en>.

³ Carolyn Asbury and Barbara Rich, *Learning, Arts, and the Brain: The DANA Consortium Report on Arts and Cognition*. (Washington, DC: Dana Press, 2008).

⁴ Zhang, A., Musu-Gillette, L., and Oudekerk, B.A. (2016). *Indicators of School Crime and Safety: 2015* (NCES 2016-079/NCJ 249758). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. Accessed from <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2016079>.

and on many measures schools are safer than they have ever been. However, significant challenges still remain:

- In 2014, about 33 out of every 1,000 students ages 12-18 reported being the victim of a non-fatal crime at school. This was down from 85 students out of 1,000 in 2000.⁵
- The percentage of students who reported being bullied was still significant but lower in 2013 (22 percent) in comparison to every prior survey year (28 percent in 2005, 2009, and 2011 and 32 percent in 2007).⁶
- Twenty-two percent of students in grades 9-12 in 2013 reported that illegal drugs were made available to them on school property.⁷
- The percentage of public schools reporting student sexual harassment of other students at least once a week was lower in 2013-14 (1.4 percent) than prior survey years, including 2009-2010, when it was 3.2 percent.⁸

In addition, students' physical health issues such as epilepsy, diabetes, and asthma may pose a barrier to learning.⁹ Furthermore, poor eating habits and a lack of physical activity have contributed to a significant increase in the number of young people who are obese. According to the U.S. Center for Disease Control and Prevention, childhood obesity is a serious problem in the United States. Despite recent declines in the prevalence among preschool-aged children, obesity among children is still high. For children and adolescents aged 2-19 years, the prevalence of obesity has remained fairly stable at about 17% and affects about 12.7 million children and adolescents for the past decade. In 2011-2012, 17.7% of 6 to 11-year-olds had obesity, and 20.5% of 12-19-year-olds.¹⁰

In addition, unaddressed mental health issues may also interfere with learning and place young people at greater risk of using drugs and engaging in other harmful behaviors.¹¹ Approximately 20 percent of youth ages 13 to 18 have experienced a severe mental disorder¹² and 13 percent of children ages 8 to 15 had a diagnosable mental disorder in a given year.¹³ In summarizing studies on the relationship between children's emotional distress and academic achievement, researchers found that students with frequent feelings of

⁵ Zhang, A., Musu-Gillette, L., and Oudekerk, B.A. (2016).

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ If a student has a physical or mental health impairment (such as epilepsy, diabetes, or asthma) and that impairment substantially limits a major life activity, then the student is a student with a disability and may be entitled to services or reasonable modifications under section 504 of the *Rehabilitation Act of 1973* (Section 504) and *Title II of the Americans with Disabilities Act of 1990 (Title II)*. 34 *CFR* Part 104; 28 *CFR* Part 35.

¹⁰ Ogden CL, Carroll MD, Kit BK, Flegal KM. Prevalence of Childhood and Adult Obesity in the United States, 2011-2012. *JAMA*.2014;311(8):806-814. doi:10.1001/jama.2014.732. Accessed from: <http://jama.jamanetwork.com/article.aspx?articleid=1832542>

¹¹ If a student has a mental health impairment that substantially limits a major life activity, then the student is a student with a disability and may be entitled to services or reasonable modifications under Section 504 and *Title II*. 34 *C.F.R.* Part 104; 28 *C.F.R.* Part 35.

¹² Merikangas, K. R., He, J., Burstein, M., Swanson, S. A., Avenevoli, S., Cui, L.,... Swendsen, J. (2010). Lifetime Prevalence of Mental Disorders in US Adolescents: Results from the National Comorbidity Study-Adolescent Supplement (NCS-A). *Journal of the American Academy of Child and Adolescent Psychiatry*, 49(10), 980-989. <http://doi.org/10.1016/j.jaac.2010.05.017>.

¹³ National Institutes of Mental Health. (n.d.) Prevalence Statistics: Any Disorder among Children. Accessed from <http://www.nimh.nih.gov/health/statistics/prevalence/any-disorder-among-children.shtml>.

internalized distress (such as sadness, anxiety, or depression) showed diminished academic functioning and those with externalized distress (such as anger, frustration, and fear) exhibited difficulties including learning delays and poor achievement.¹⁴ School mental health programs improve educational outcomes by decreasing absences and discipline referrals and improving test scores.¹⁵

3. Support the effective use of technology.

When carefully designed and thoughtfully applied, technology can accelerate, amplify, and expand the impact of effective practices that support student learning, increase community engagement, foster safe and healthy environments, and enable well-rounded educational opportunities. Technology can expand growth opportunities for all students while affording historically disadvantaged students greater equity of access to high quality learning materials, field experts, personalized learning, and tools for planning for future education. Such opportunities can also support increased capacity for educators to create blended learning opportunities for their students, rethinking when, where, and how student's complete different components of a learning experience. However, for technology to be truly transformative, educators need to have the knowledge and skills to take full advantage of technology-rich learning environments.

Allowable uses of funds include, but are not limited to: direct services for students, professional development for teachers and administrators, salaries of personnel to carry out identified programs and services, and supplemental educational resources and equipment.

PROJECT FUNDING

Award Distribution:

Approximately \$28,500,000 is available through Title IV funding. Funds available will be divided into three categories: (1) \$11,400,000 for access to a well-rounded education (2) \$5,700,000 for safe and healthy schools and (3) \$11,400,000 for improved use of technology to improve academic achievement and digital literacy of all of students. Each applicant may apply for a grant award in each content area with a minimum amount of \$100,000 to a cumulative maximum amount as indicated in the table below. If applying for multiple content areas, applicants must submit a separate and complete application for each area. Applicants seeking funding in the Improved use of technology area may not exceed 25% of total budget request for technology for infrastructure expenditures. Technology infrastructure includes purchasing devices, equipment, and software applications in order to address readiness shortfalls.

Applicants' maximum grant requests will be based on the combined total enrollment of the lead applicant, any district and/or public charter school consortium members (if applicable), and the total students attending non-public schools within the individual

¹⁴ Roeser, R. W., Eccles, J. S., & Strobel, K. R. (1998). Linking the study of schooling and mental health: Selected issues and empirical illustrations at the level of the individual. *Educational Psychologist*, 33, 153-176.

¹⁵ Jennings, J., Pearson, G., & Harris, M. (2000). Implementing and maintaining school-based mental health services in a large, urban school district. *Journal of School Health*, 70, 201-205.

school districts, for an award of up to \$250 per student, up to the maximum award amounts defined in the following table. The New York City Department of Education may submit one application per content area up to the maximum amount defined in the table below.

Total combined number of K-12 students enrolled in individual district/charter schools or consortium and the number of K-12 non-public students within the district as applicable. (These numbers can be found in the [BEDS data](#) and the [non-public data](#) on the NYSED website).

Total K-12 Student Enrollment for the combined SSAE applicant(s)	SSAE Cumulative Maximum Award Amount
Less than 1,000 K-12 Students	Up to \$250,000
Between 1,000-2,000 K-12 Students	Up to \$500,000
Between 2,001-4,000 K-12 Students	Up to \$1,000,000
Between 4,001-8,000 K-12 Students	Up to \$2,000,000
Between 8,001 – 10,000 K-12 Students	Up to \$2,500,000
Greater than 10,000 K-12 Students	Up to \$8,000,000

Example: A subset (but not an inclusive list) of allowable application combinations for a district with 4,000 K-12 students would include the following:

1. One application for well-rounded educational activities for \$1,000,000
2. One application for well-rounded educational activities for \$400,000 and one application for an improved use of technology for \$600,000
3. One application for well-rounded educational activities for \$250,000, one application for safe and healthy schools for \$350,000 and one application for the improved use of technology for \$400,000
4. One application for safe and healthy schools for \$200,000 and one application for the improved use of technology for \$800,000

Please note:

Eligible Applicants are individual public-school districts, and public charter schools. Eligible Applicants may apply individually or form a consortium with eligible districts or public charter schools. The consortium lead applicant and all consortium members must be eligible applicants.

- See the Award Methodology section for additional information.
- Final payment will be pending successful completion of the grant, including the submission of all required reports (please see the Payments and Reporting section below) and fulfillment of awardee responsibilities.

The following should be identified in Attachment 1/1a: Application Cover Page:

- A list of the consortium members, if applicable.
- Total combined number of K-12 students enrolled in individual district/charter school or consortium, as well as the number of K-12 non-public students in the

applying district as applicable. (These numbers can be found in the [BEDS data](#) and the [non-public data](#) on the NYSED website).

- The total funding amount requested (based on the maximum award amounts listed in the table above, not to exceed \$8,000,000, please see the Award Methodology section for additional information).

Award Methodology:

Applicants will be scored based on the content area application(s) they submit, which will be scored independently from each other:

Content Areas:

1. Provide all students with access to well-rounded educational opportunities;
2. Support safe and healthy students; and/or
3. Support the effective use of technology.

Applicants receiving the highest scores in each content area will be funded until there are insufficient funds to award the next ranked applicant in full. The next ranked applicant in each content area will be given the opportunity to operate a smaller program using the remaining funds.

After the award processes described above have been completed, excess funds in any content area will be combined and awarded in the following manner:

- If the state has failed to meet the minimum 20% or \$5,700,000 distribution to safe and healthy students as required by the federal grant, the next highest ranked partially funded individual district/charter school/consortium applicant(s) in safe and healthy students will be fully funded.
- If excess funds remain, the next highest ranked partially funded or unfunded individual district/charter school/consortium applicant(s) in the access to well-rounded education opportunities content area will be funded until there are insufficient funds to award the next ranked applicant in full or there are no additional passing applications.
- If excess funds remain, the next highest ranked partially funded or unfunded individual district/charter school/consortium applicant(s) in the effective use of technology content area will be funded until there are insufficient funds to award the next ranked applicant in full or there are no additional passing applications.
- If excess funds remain, the next highest ranked unfunded individual district/charter school/consortium applicant(s) in the safe and healthy students content area will be funded until there are insufficient funds to award the next ranked applicant in full or there are no additional passing applications.
- If excess funds remain, the next ranked applicant in the access to a well-rounded education opportunities content area will be given the opportunity to operate a smaller program using the remaining funds.

Preliminary notifications of award will be made to fundable applicants that meet the requirements set forth in this RFP.

PROJECT PERIOD

Grants will be for 15 months; anticipated to begin July 1, 2018 and to end September 30, 2019, subject to availability of funds from the United States Department of Education.

ELIGIBLE APPLICANTS

Eligible applicants are:

- Individual New York State public school districts (“Eligible Districts”) and public charter schools (“Eligible Charter Schools”) that received Title I, Part A funds for the preceding fiscal year. The eligibility is based on the [data](#) submitted and certified by public school districts and public charter schools in the SIRS BEDS Day Enrollment Verification Report by Location of Enrollment & Student Subgroup; **OR**
- Consortium of eligible districts or eligible charter schools
 - The Consortium lead must be an active participant in the consortium, providing a minimum of 15% of the grant activities, and cannot act solely as a flow-through for grant funds.

COMPETITION PRIORITIES

SSAE awards will give priority to LEAs, or consortia of LEAs, with the greatest need based on the number or percentage of children counted under Section 1124(c) of the ESEA. Therefore, 5 priority points will be awarded to applications that have a free and reduced price lunch percentage of 60% or greater as indicated in the BEDS data for the 2016-17 school year.

DESCRIPTION OF PROGRAM

Approved activities that support improvement of students’ academic achievement may include:

1. Well-rounded educational opportunities:
 - a. Improving access to foreign language instruction, arts and music education.
 - b. Promoting access to accelerated learning opportunities including Advanced Placement (AP) and International Baccalaureate (IB) programs, dual or concurrent enrollment.
2. Safe and Healthy students:

- a. Increase the capacity of local educational agencies (LEAs) to provide services related to planning and capacity building for the implementation of:
 - i. Culturally responsive teaching and professional learning of implicit bias
 - ii. Restorative practice programs,
 - iii. Strategies designed to reduce chronic absenteeism,
 - iv. Trauma-informed strategies,
 - v. The school climate index,
 - vi. Preventing bullying and harassment,
 - vii. Relationship-building skills,
 - viii. School dropout prevention,
 - ix. Re-entry programs and transition services for Justice Involved Youth,
 - x. School readiness and academic success,
 - xi. Child sexual abuse awareness and prevention,
 - xii. Reducing use of exclusionary discipline practices and promoting supportive school discipline,
 - xiii. Suicide prevention,
 - xiv. Violence prevention, crisis management, and conflict resolution,
 - xv. Preventing human trafficking,
 - xvi. Building school and community relationships, including planning and capacity building relative to school climate surveys, and/or
 - xvii. Other strategies designed to improve school conditions for student learning.

Capacity building under this funding may involve professional learning for school administrators, faculty, staff, parents, students, and/or community members, development of a comprehensive implementation plan, or a combination of the two. Applicants are encouraged to consider development of train the trainer programs that will encourage the dissemination of professional knowledge throughout our communities and state. Applicants are further encouraged to select **no more than four** of the options above to focus on for this project.

3. Effective use of technology:
 - a. Delivering personalized learning or rigorous academic courses and curricula using technology, including digital learning technologies and assistive technology providing programming to improve instruction and student engagement in science technology, engineering and mathematics (STEM) including computer science and increasing access to these subjects for underrepresented groups.

PROGRAM DESIGN

Proposed activities should address the objectives described in Title IV, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) of 2015. An LEA that requests at least \$30,000 in SSAE program funds is required to conduct a comprehensive needs assessment that includes, at a minimum, a focus on the three content areas: providing all students with access to a well-rounded education, a safe, healthy, supportive, and drug-free environment that supports student achievement, and/or increased access to personalized, rigorous learning experiences supported by technology. This assessment will help to identify areas in need of focus and technical assistance. Specifically, the SSAE program design should integrate allowable activities to improve student outcomes and address the opportunity gaps identified through the needs assessment.

Activities should support goals and objectives designed to address the identified needs of the students. Include key elements of the design that are innovative or unique to the mission and goals and are core to the overall design.

Activities should be aligned with the State's learning standards, designed to improve student academic achievement as well as overall student success, and based on successful existing models, or research or other information that supports the efficacy of the proposed design if the design does not have a precedent.

Applicants must complete a comprehensive needs assessment as part of the application to ensure that Title IV, A activities are targeted to meet the needs for: improvement in access to, and opportunities for, a well-rounded education for all students; improved school conditions for student learning in order to create a healthy and safe school environment; and access to personalized learning experiences supported by technology and professional learning for the effective use of data and technology. The comprehensive needs assessment must ensure that chosen activities are aligned with local needs, the evidence base and local capacity are considered when selecting a strategy, a robust implementation plan exists with adequate resources, and reflection informs next steps. Applications must demonstrate that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students.

ELEMENTS OF THE PROPOSAL

Applicants will include a Proposal Narrative, and all applicable attachments, for Sections A-C (see application instructions for formatting guidelines) as detailed below. Please be sure to review the following appendices for additional guidance and information:

Section A: Background information, needs assessment and project objectives (30 Points)

The overarching purpose of Section A of the proposal narrative is to clearly and comprehensively detail the following:

- A description of the district using both qualitative and quantitative information, to include relevant information necessary to understand the application;
- a comprehensive needs assessment;
- a demonstration of program management and organizational capacity; and
- a summary of stakeholder involvement.

Include the following in Section A of the Proposal Narrative (charts/graphs may be included as necessary):

A1. Relevant background information:

Please include both qualitative and quantitative information regarding size, grade levels, student composition, staff and any other information necessary to understand the district, as applicable.

A2. Comprehensive needs assessment:

Please provide a narrative summarizing the comprehensive needs assessment that was conducted. The summary should directly link chosen activities to each content area being applied for in one or more of the following areas: (i) access to, and opportunities for, a well-rounded education for all students; (ii) school conditions for student learning to create a healthy and safe school environment; and/or (iii) access to personalized learning experiences supported by technology and professional learning for the effective use of data and technology.

A3. Program Management and Organizational Capacity

Grantees must be able to manage the SSAE program to meet the needs of their district and should ensure equitable access to all students. All program partners must adhere to mandated data collection and reporting, including management of provisions to access individual student records and to share individual and aggregated student data for program evaluation in compliance with applicable laws relating to privacy and confidentiality. The proposed management structure, key staff positions and plan for program oversight should reflect capacity to establish and maintain a successful SSAE program. Grantees should demonstrate strong fiscal management capabilities.

A4. Evidence of stakeholder involvement:

Program and partnering administrative staff, school and partnering agency representatives, students, parents and community members should be represented on the program advisory committee and should have meaningful involvement in program design, planning and assessment. Such stakeholders must include, but are not limited to, the following:

- Students
- Parents
- Teachers

- Principals
- School leaders
- Non-public schools
- Charter schools
- Specialized instructional support personnel
- Indian tribes or tribal organizations
- Local government representatives
- Community based organizations
- Other

Section B: Project Design (50 Points)

The overarching purpose of Section B of the proposal narrative is to:

- detail the program's project design for the evidence-based activities selected;
- how the activities are part of the district strategy;
- a thorough implementation and workplan;
- the project's goals and measurable outcomes; and
- a sustainability plan.

B1. Project goals and outcomes:

In order to better develop programs and activities and determine if they are successful or not, there should be overarching goals and corresponding measurable outcomes and alignment to the comprehensive needs assessment. These overarching goals and measurable outcomes should be provided with a rationale that connects to the relevant background information provided, baseline data and consideration of local needs. The goals and measurable outcomes included should be accomplished by the end of the grant period and will be the measure by which NYSED determines the success of the program. However, applicants are encouraged to include additional goals and measurable outcomes that extend beyond the grant period to support sustainability of their proposed activity.

B2. Evidence-based activities:

Applicant should provide detailed information regarding the evidence-based activities. Chosen activities need to be aligned with local needs, and ensure the evidence base and local capacity are considered when selecting a strategy.

B3. District strategy:

Applicant provides information in the narrative on how the selected activities are part of a district strategy for providing all students with access to a well-rounded education, a safe, healthy, supportive, and drug-free environment that supports student achievement, or increased access to personalized, rigorous learning experiences supported by technology.

B4. Implementation plan/workplan

Applicant provides a plan for implementation of the selected activities with a realistic and rational workplan/timeline that includes the steps needed for implementing. An implementation plan developed with input from stakeholders that outlines what staff or outside resources will be leading the work. This must be included in detail for the entire grant period. If appropriate, general next steps that extend beyond the life of the grant may be noted. Effective implementation of the selected activities is essential to achieving identified goals. Describe an ongoing process to identify and address implementation issues, and to collect information for performance monitoring and evaluation. The applicant may begin implementing selected activities beginning July 1, 2018 through September 30, 2019. Please review Attachment 6, which may be used as a template, if appropriate for the applicant.

B5. Sustainability Plan:

Points awarded based on the submitted sustainability plan that includes each cost associated with the implementation of the chosen activities to demonstrate how the district plans to fund the programs after the grant period.

Section C: Budget (20 Points)

The overarching purpose of Section C of the proposal narrative is to:

- provide a detailed budget narrative aligned to the activities;
- provide justification for the proposed costs and complete and accurate FS-10s.

C1. Budget narrative:

Complete Attachment 5/5a: Budget Narrative. This must detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the project period, and illustrate how the proposed expenditures align with the proposal's initiatives and goals. If applicable, include a detailed description of any other funding streams/contributions related to the proposed activities. Additional sections/charts may be added as needed to provide all necessary information.

For each proposed expenditure, be sure to include the following in Attachment 5/5a:

- All proposed expenditures are included, and the calculations and amounts match the FS-10
- Provide all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure, as well as why the proposed expenditure is appropriate, reasonable and necessary.
- Demonstrate that the proposed expenditures are supplemental and do not supplant or duplicate services currently provided.

- If applicable, include a description of any other sources of funds (within and outside the district/school).
- Indicate, for each proposed expenditure, the total funding amount requested and the code under which it applies:

Code 15: Professional Salaries
 Code 40: Purchased Services
 Code 46: Travel
 Code 90: Indirect Costs
 Code 30: Minor remodeling

Code 16: Support Staff Salaries
 Code 45: Supplies & Materials
 Code 80: Employee benefits
 Code 49: BOCES Services
 Code 20: Equipment

C2. Budget justification:

Applicant provides a thorough and detailed justification for each identified cost associated with implementing the proposed initiatives and goals, including why the costs are reasonable and necessary to support the proposal’s initiatives and goals. Complete FS-10 (Proposed budget for a federal or state project) form for the project period covering July 1, 2018-September 30, 2019. The most current [FS-10 form](#) is available online. Applicants seeking funding in the Improved use of technology area may not exceed 25% for infrastructure related expenditures.

Note to Consortium applicants:

Consortiums should provide all of the information requested above. The lead applicant will serve as the fiscal agent for the grant and, as such, the above must be completed only by the lead applicant, in consultation with all consortium members. Budget items should include all project income and expenses for all consortium members, identifying individual members as appropriate. *Consortium applications should demonstrate in the budget narrative that the lead applicant will not act solely as a flow-through for grant funds and that a minimum of 15% of the funding will directly support the activities of the lead consortium applicant.*

Budget Guidance:

Information about the categories of expenditures, general information on allowable costs and applicable federal costs principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).

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

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

ALLOWABLE EXPENDITURES

Allowable Costs

To be considered allowable for reimbursement, costs must meet all requirements above as well as the following general criteria:

- Be necessary and reasonable for proper and efficient operation of the program.
- Be permissible under applicable state and/or federal laws and regulations.
- Conform to any limitations or exclusions set forth in these guidelines, laws or regulations, or other governing limitations as to types or amounts of cost items.
- Be the net amount after applying all applicable credits, such as purchase discounts, project-generated income, and adjustments of overpayments.
- Must not be included as a cost in any other project or grant.

Unallowable Costs

Unallowable expenditures include, but are not limited to:

- planning expenses prior to grant start date,
- food or refreshments,
- purchase of vehicles or facilities,
- incentives of any kind,
- major remodeling or new construction,
- expenses that would supplant already existing activities and services, and
- any expenditures that do not contribute to achievement of the goals and objectives of the program.

BUDGET (FS-10)

Applicants must submit a FS-10 budget with this application, for the 15-month project period of July 1, 2018 through September 30, 2019. The 15-month budget will be reviewed and scored.

The applicant must complete the FS-10 Budget Form. Budgeted costs must be in compliance with applicable State and federal laws and regulations and the Department's Fiscal Guidelines. These guidelines, as well as the FS-10 form, are available online at the [Grants Finance website](#). The FS-10 must bear the original signature of the Chief School/Administrative Officer.

Information about the categories of expenditures and general information on allowable costs, applicable cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).

The budget should be reasonable and appropriate to cover program expenses.

For more information, visit the [Grants Finance website](#)

Administrative Cost Cap

Section 4105(c) states that "Of the amount received under

subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this subpart.”

Indirect Cost Cap

LEAs may include indirect costs in the budget. Indirect costs are costs of activities that benefit more than one program or objective and, therefore cannot be readily assigned to only one specific program or objective. Indirect costs are generally classified under functional categories such as general maintenance and operation expenses, general office and administration expenses, general overhead expenses and other allowable general expenses.

- **School districts** must use the restricted indirect cost rates calculated by the State Education Department.

Minimum Direct Service Level Participation

As stated in the NYSED Consortium Policy, a lead agency cannot act as a flow-through for grant funds to pass to other recipients. NYSED has established a minimum level of direct service of 15% to be provided *by the lead fiscal agent*. Services provided by partners or vendors of the lead fiscal agent may not be applied to the 15% minimum direct service. Direct services by the lead fiscal agent can include costs connected with the Program Director, teachers, activity leaders, rent for program space and school usage fees, program supplies and materials, the provision of specific activities for students and families, travel for student trips, etc. Administrative and professional development costs to the lead fiscal agent do not qualify as direct services to students. No portion of Purchased Services may be considered a direct service by the lead agency.

NYSED CONSORTIUM POLICY FOR STATE AND FEDERAL DISCRETIONARY GRANT PROGRAMS

Applicants may form a consortium to apply for the grant. In order to do so, the consortium must meet the following requirements:

1. The consortium must designate one of the participants to serve as the applicant and fiscal agent for the grant. The applicant agency must be an eligible grant recipient. All other consortium members must be eligible grant participants, as defined by the program statute or regulation.
2. In the event a grant is awarded to a consortium, the grant or grant contract will be prepared in the name of the applicant agency/fiscal agent, not the consortium, since the group may not be a legal entity.
3. The applicant agency/fiscal agent must meet the following requirements:
 - Must be an eligible grant recipient as defined by statute;

- Must receive and administer the grant funds and submit the required reports to account for the use of grant funds;
- Must require consortium partners to sign an agreement with the fiscal agent that specifically outlines all services each partner agrees to provide.
- Must be an active member of the consortium.
- Cannot act as a flow-through for grant funds to pass to other recipients. NYSED has established a minimum level of direct service of 15% to be provided by the fiscal agent.
- Is PROHIBITED from sub-granting funds to other recipients. The fiscal agent is permitted to contract for services with other consortium partners or consultants to provide services that the fiscal agent cannot provide itself.

Must be responsible for the performance of any services provided by the partners, consultants, or other organizations and must coordinate how each plan to participate.

ENTITY'S RESPONSIBILITY

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

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

For additional information about grants, please refer to the [Fiscal Guidelines for Federal and State Aided Grants](#).

REPORTING

Grantees must submit an Interim and a final report during the grant period. The reports should demonstrate that substantial progress has been made toward meeting the project

goals and the program performance indicators. Additional information about the annual performance report will be made available to grantees by SED after grant awards are made. Grantees that do not demonstrate adequate performance may be discontinued.

1. **An Interim Report will be required on or before December 31, 2018.**
2. **A Final Report will be required on or before October 15, 2019** for activities conducted July 1, 2018 through September 30, 2019.
3. The NYSED Program Office will distribute reporting forms to school districts at least 30 days prior to report dates. Grantees will be required to report an Interim report in addition to their final report.
4. Interim payments are generated by the submission of an FS-25: Request for Funds for a Federal or State Project form. Requests for Interim Payments may only represent actual expenditures. All FS-25s must be submitted directly to the State Education Department Grants Finance Unit at the address listed on the form for payment.
5. A final payment for the balance of the grant term (no less than 10%) will be made after an FS-10-F: Final Expenditure Report for a State or Federal Project is submitted to the Grants Finance Unit and approved. The FS-10 is due in the Grants Finance Unit no later than 15 days after the end of the grant term.
6. Failure to provide required reports when requested may result in a stop payment on future payments and jeopardize future awards until the situation has been resolved to the satisfaction of the NYSED.

Each recipient of funds under this RFP will be required to submit a mid-year report by December 31, 2018 to the State Education Department in a format to be provided by the Department. Reporting elements include but are not limited to:

- Summary of program activities.
- Progress made toward achieving the goals and objectives in each of the three content areas of the SSAE program.
- Progress made toward expenditures indicated in the budget.

The Final Report is due with the final voucher by October 15, 2019.

ACCESSIBILITY OF WEB-BASED INFORMATION AND APPLICATIONS

Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by NYSED employee or contractor and the results of such testing

must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

REQUIREMENTS OF FUNDING

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

Payee Information Form/NYSED Substitute W-9 – The [Payee Information Form](#) is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specific instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through the NYSED.

PREQUALIFICATION FOR INDIVIDUAL APPLICATIONS

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the [Grants Reform Website](#).

Proposals received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway by 5:00 PM on the proposal due date of 2/16/18 cannot be evaluated. Such proposals will be disqualified from further consideration

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](#) on the Grants Reform Website details the requirements and an [online tutorial](#) are available to walk users through the process.

1) Register for the Grants Gateway.

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username, please email grantsreform@budget.ny.gov. If you do not know your Password

please click the [Forgot Password](#) link from the main log in page and follow the prompts.

2) Complete your Prequalification Application.

- Log in to the [Grants Gateway](#). **If this is your first-time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to your agency representative at prequal@nysed.gov or to the Grants Reform Team at grantsreform@budget.ny.gov.

3) Submit Your Prequalification Application

- After completing your Prequalification Application, click the **Submit Document Vault** Link located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Vendors are strongly encouraged to begin the process as soon as possible in order to participate in this opportunity.

APPLICATION SUBMISSION INSTRUCTIONS

Submit one (1) original signed application and four (4) copies of the application (in the format described in RFP) labeled- RFP #GC18-012, along with one (1) CD containing a copy of the signed application in Microsoft Word (.doc) format. Include all relevant appendices and required attachments on the CD.

The mailing address for all the above documentation is:

NYS Education Department
Office of Education Policy
89 Washington Avenue, Room 2M EB
Albany, NY 12234
ATTN: RFP # GC18-012

Applicants are responsible for making sure the application package is complete and in the correct order based on the included Application Checklist. All materials, as detailed in the RFP, must be received by February 16, 2018. Hand delivered applications must be received at the Office of Education Policy by 5:00 p.m. on or before February 16, 2018. Applications not received or postmarked by February 16, 2018 will not be accepted for review.

APPLICATION SCORING

Proposals received after the due date will not be reviewed. Only the first 25 pages of an application's program narrative will be reviewed. The allowed 25-page limit includes charts or graphs used to display numerical data or activity schedules. Other types of charts are not allowed and will not be reviewed.

Upon receipt, an applicant's eligibility will be determined. Upon determination that an applicant is eligible, the application will be reviewed.

Applicants will be scored on the basis of 100 possible points, excluding priority points, from reviewers including 30 points for Section A, 50 points for Section B, and 20 points for Section C. Proposals must receive a minimum of 60 points, before priority points, out of 100 points in order to be eligible for an award.

Each accepted application will be reviewed and rated by two reviewers according to the points indicated in the Scoring Evaluation Rubric (Appendix 1). Scores from each reviewer will be averaged to compute the final score. If there is a difference of more than 15 points between the two reviewer's scores, a third reviewer will review the application and the two closest scores will be averaged to compute the final score. In those instances where the third review falls equally between the initial two scores, the score of the third review will be used as the final score.

Budgets will be reviewed and included in the Scoring Evaluation Rubric. Only proposed expenditures which are consistent with the purposes and goals in the grant application will be funded. If any inappropriate and/or unallowable items are included in the budget, they will be deleted, and the budget will be reduced accordingly.

An application must receive a final average score of 60 or higher out of 100 points, before priority points, to be considered for funding.

In the event of a tie score, the score on the following parts of the Proposal Narrative will be used to determine the higher ranking:

- The score on section B; Program Design, and if still tied;
- The score on Section A2; Need for Project.

- If still tied, the application with the highest percentage of free and reduced lunch rate (free lunch rate in NYC) of the school(s) will be ranked higher.

DEBRIEFING PROCEDURES

All applicants may request a debriefing within fifteen (15) calendar days of receiving notice of non-award from NYSED. Applicants may request a debriefing on the selection process regarding this Grant by emailing the request to TitleIVRFPABC@nysed.gov.

If requested, a debriefing letter including a summary of the strengths and areas for improvement of the application will be provided to the applicant within fifteen (15) business days.

AWARD PROTEST PROCEDURES

Applicants who receive a notice of non-award or disqualification 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 the notice of the written debriefing letter. The protest letter must be filed with:

NYS Education Department
Contract Administration Unit
89 Washington Avenue
Room 501W EB
Albany, NY 12234

3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the applicant with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original protest and decision will be filed with 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.

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

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

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

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

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

The M/WBE participation goal for this grant is 30% of each applicant's total discretionary non-personal service budget each year of the grant. Discretionary non-personal service budget is defined as total annual budget, excluding the sum of funds budgeted for:

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

The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

All requested information and documentation should be provided at the time of submission. If this cannot be done, the applicant will have thirty days from the date of notice of award to submit the necessary documents and respond satisfactorily to any follow-up questions from the Department. Failure to do so may result in loss of funding.

METHODS TO COMPLY

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

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

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet

M/WBE Cover Letter
M/WBE 100 Utilization Plan
M/WBE 102 Notice of Intent to Participate

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

COMPLETE FORMS:

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

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

COMPLETE FORMS:

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

GOOD FAITH EFFORTS

Applicants must make a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers to achieve the goals for this grant. Solicitations may include, but are not limited to: advertisements in minority and women-centered publications; solicitation of vendors found in the [NYS Directory of Certified Minority and Women-Owned Business Enterprises](#); and the solicitation of minority and women-oriented trade and labor organizations.

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

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

REQUEST FOR WAIVER

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

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

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 104G Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be requested at MWBEGrants@nysed.gov.

NYSED's M/WBE Coordinator is available to assist applicants in meeting the M/WBE goals. The Coordinator can be reached at MWBEGrants@nysed.gov.

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

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

CONTRACT TERMS AND CONDITIONS

Grant awards to charter schools and charter-led consortia will require that the awardee enter into a grant contract, the form of which is contained in an attachment to this RFP. In addition to being signed by the awardee and NYSED Counsel, the contract will need to be submitted for review and approval by the NYS Attorney General and the Office of the State Comptroller. All provisions of this RFP are subordinate to the terms and conditions of the grant contract. The contents of this RFP, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

NYSED'S RESERVATION OF RIGHTS

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing

subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation; (16) request best and final offers.

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 [OSC's website](#).

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](#) or go directly to the [VendRep System online](#).

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 ITServiceDesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the [VendRep website](#) or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

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

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

WORKERS' COMPENSATION COVERAGE AND DEBARMENT

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

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

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

PROOF OF COVERAGE REQUIREMENTS

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

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

Proof of Workers' Compensation Coverage

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

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or

- **Form SI-12**– Certificate of Workers’ Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers’ Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

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

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

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the [New York State Workers’ Compensation Board website](#). Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

ATTACHMENT 1: SIGNED APPLICATION COVER PAGE FOR INDIVIDUAL DISTRICT/CHARTER SCHOOL APPLICATIONS

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
 Albany, NY 12234
 2018-2019 Student Support and Enrichment Grant

APPLICATION COVER PAGE

NYSED Assigned BEDS or Agency Code

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Name of Applicant Agency	
Employer's Federal Tax ID Number (charter schools only):	
NYS Vendor ID (charter schools only):	
Address	
City	County
Zip Code	
Contact Person	Telephone ()
Title	Organization
E-Mail Address	FAX ()
Total number of students in the individual school district/charter school:	Total Funding Amount Requested:
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, Appendix A, Appendix A-1G, and, if applicable, the terms of the Master Contract for Grants, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>	
Authorized Signature (in blue ink)	Title: Chief School/Administrative Officer
Typed Name:	Date:

ATTACHMENT 1a: SIGNED APPLICATION COVER PAGE FOR CONSORTIUM APPLICATIONS

**The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, NY 12234
2018-2019 Student Support and Enrichment Grant**

APPLICATION COVER PAGE

NYSED Assigned BEDS or Agency Code

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

Name of Applicant Agency	
Employer's Federal Tax ID Number (charter schools only):	
NYS Vendor ID (charter schools only):	
Address	
City	County
Zip Code	
Contact Person	Telephone ()
Title	Organization
E-Mail Address	FAX ()
Total combined number of students from individual school district/charter schools which are part of the consortium:	Total Funding Amount Requested:
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, Appendix A, Appendix A-1G, and, if applicable, the terms of the Master Contract for Grants, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>	
Authorized Signature (in blue ink)	Title: Chief School/Administrative Officer
Typed Name:	Date:

Application Checklist

Listed below are the required documents for a complete application package, in the order that they should be submitted. Use this checklist to ensure that your application submission is complete and in compliance with application instructions.

Required Documents	Checked-Applicant	Checked – SED	
Application Cover Page with Original Signature of Chief Administrative Officer	<input type="checkbox"/>	<input type="checkbox"/>	
Payee Information Form (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>	
Proposal Narrative	<input type="checkbox"/>	<input type="checkbox"/>	
FS-10 Budget (signature required)	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Narrative	<input type="checkbox"/>	<input type="checkbox"/>	
Worker's Compensation Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>	
Disability Benefits Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>	
Is the applicant prequalified, if required? (While no documentation is required with the application, the applicant may be required to prequalify in order to be eligible for this grant opportunity)	<input type="checkbox"/>	<input type="checkbox"/>	
M/WBE Documents Package (original signatures required)			
<input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver			
Forms Required			
Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EE0 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SED Comments:

Has the applicant complied with the application instructions? Yes No

SED Reviewer: _____ Date: _____

Page Limits

The Proposal Narrative and Budget Narrative are to be submitted on single-spaced 8.5" x 11" pages with one-inch margins. Charts/tables are not required to adhere to this standard. Use a Times Roman or Arial font in a 12-point size. If the Proposal Narrative and Budget Narratives exceed the page limit, the excess pages will not be read by the reviewers. Do not include any attachments or addenda.

Proposal Narrative-- no more than 25 pages

Budget Narrative-- no more than 3 pages

Proposal Narrative (80 points)

Provide a comprehensive description of the proposed project. Be clear, precise and adhere to the following required format. The narrative will be reviewed in accordance with the following points and according to the Proposal Narrative Rubric.

1. **Relevant Background Information (8 points)**
2. **Comprehensive Needs Assessment (10 points)**
3. **Program Management and Organizational Capacity (8 points)**
4. **Evidence of Stakeholder Involvement (4 points)**
5. **Evidence-based Activities (10 points)**
6. **District Strategy (10 points)**
7. **Implementation Plan/Workplan (10 points)**
8. **Project Goals and Outcomes (10 points)**
9. **Sustainability Plan (10 points)**

Form FS-10 Budget and Narrative (20 points)

Using the Form FS-10 Budget Form, provide an itemized budget and brief narrative of how the requested funds will be used for the **first year** of the project

Budgeted items must be reasonable in cost and necessary for the project in order to receive the maximum points. SED staff will eliminate any unallowable or unreasonable items in the budget. Grantees will not be allowed to substitute new items for those that have been eliminated.

Budgeted costs must be in compliance with applicable State and federal laws and regulations and the Department's Fiscal Guidelines. These guidelines, as well as the FS-10 form, are available online on the [Grants Finance website](#). The FS-10 must bear the original signature of the Chief School/Administrative Officer.

Information about the categories of expenditures and general information on allowable costs, applicable cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).

M/WBE Documents

M/WBE Goal Calculation Worksheet (This form should reflect Year 1 budget totals)

RFP # and Title: _____

Applicant Name: _____

The M/WBE participation for this grant is 30% of each applicant's total discretionary non-personal service budget for each year of the grant. Discretionary non-personal service budget is defined as the total annual budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries) and fringe benefits, as well as rent, lease, utilities, and indirect costs, if these are allowable expenditures. Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Totals
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Indirect Costs		
6.	Rent/Lease/Utilities*		
7.	Sum of lines 2, 3, 4, 5, and 6		
8.	Line 1 minus Line 7		
9.	M/WBE Goal percentage (30%)		0.30
10.	Line 8 multiplied by Line 9 =M/WBE goal amount		

*If not included in #5

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

NAME OF GRANT PROGRAM _____

NAME OF APPLICANT _____

In accordance with the provisions of Article 15-A of the NYS Executive Law, 5 NYCRR Parts 140-145, Section 163 (6) of the NYS Finance Law and Executive Order #8 and in fulfillment of the New York State Education Department (NYSED) policies governing Equal Employment Opportunity and Minority and Women-Owned Business Enterprise (M/WBE) participation, it is the intention of the New York State Education Department to provide real and substantial opportunities for certified Minority and Women-Owned Business Enterprises on all State contracts. It is with this intention the NYSED has assigned M/WBE participation goals to this contract.

In an effort to promote and assist in the participation of certified M/WBEs as subcontractors and suppliers on this project for the provision of services and materials, the bidder is required to comply with NYSED's participation goals through one of the three methods below. Please indicate which one of the following is included with the M/WBE Documents Submission:

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

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

M/WBE UTILIZATION PLAN

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

Bidder/Applicant's Name _____

Telephone/Email: _____/_____

Address _____

Federal ID No.: _____

City, State, Zip _____

RFP No.: _____

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

PREPARED BY (Signature) _____ DATE _____

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

NAME AND TITLE OF PREPARER: _____
(print or type)

TELEPHONE/E-MAIL _____

DATE _____

REVIEWED BY _____ DATE _____

UTILIZATION PLAN APPROVED YES/NO DATE _____

NOTICE OF DEFICIENCY ISSUED YES/NO DATE _____

NOTICE OF ACCEPTANCE ISSUED YES/NO DATE _____

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

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

Bidder/Applicant Name: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

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

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

Date: _____

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

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

Address: _____ Phone No.: _____

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

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

DESIGNATION: ___ MBE Subcontractor ___ WBE Subcontractor ___ MBE Supplier ___ WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

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

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

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

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm _____

Printed or Typed Name and Title of Authorized Representative _____

Date _____

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

PROJECT/CONTRACT # _____

I, _____
(Bidder/Applicant)

_____ of _____
(Title) (Company)

_____ (Address) (_____) _____
(Telephone Number)

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

(1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;

(2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;

(3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;

(4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;

(5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;

(6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

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

Submit additional pages as needed.

Authorized Representative Signature

Date

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME _____

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

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

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

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

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

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

_____ Authorized Representative Signature _____ Date _____ Print Name

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:

TELEPHONE:

ADDRESS:

EMAIL:

FEDERAL ID NO.:

CITY, STATE, ZIPCODE:

RFP#/PROJECT NO.:

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

BIDDER/APPLICANT IS REQUESTING (check all that apply):	
<input type="checkbox"/> MBE Waiver - A waiver of the MBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%	<input type="checkbox"/> WBE Waiver - A waiver of the WBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%
<input type="checkbox"/> Waiver Pending ESD Certification (check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development)	
Subcontractor/Supplier Name: _____ Date of application filing: _____	

PREPARED BY (*Signature*): _____

DATE: _____

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

NAME OF PREPARER: _____ TITLE OF PREPARER: _____ TELEPHONE: _____ EMAIL: _____	<p align="center">FOR AUTHORIZED USE ONLY</p> REVIEWED BY: _____ DATE: _____ WAIVER GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> TOTAL WAIVER <input type="checkbox"/> PARTIAL WAIVER <input type="checkbox"/> ESD CERTIFICATION WAIVER <input type="checkbox"/> NOTICE OF DEFICIENCY <input type="checkbox"/> CONDITIONAL WAIVER COMMENTS: _____
---	---

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

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

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

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

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

Applicant Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

Project No: _____

Report includes:

Work force to be utilized on this contract OR

Applicant's total work force

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

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

PREPARED BY (Signature): _____

DATE: _____

NAME AND TITLE OF PREPARER: _____

TELEPHONE/EMAIL: _____

EEO 100

STAFFING PLAN INSTRUCTIONS

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

Instructions for Completing:

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

RACE/ETHNIC IDENTIFICATION

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

- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian (Not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- **Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.
- **Disabled** - Any person who has a physical or mental impairment that substantially limits one or more major life activity; has a record of such an impairment; or is regarded as having such an impairment
- **Vietnam Era Veteran** - a veteran who served at any time between and including January 1, 1963 and May 7, 1975.

EEO 100

New York State Education Department

Assurances for Federal Discretionary Program Funds

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

Federal Assurances and Certifications, General:

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

Federal Assurances and Certifications, NCLB (if appropriate):

The following are required as a condition for receiving any federal funds under the Elementary and Secondary Education Act. (ESEA)

- ESEA Assurances

LEA or Consortium of LEA's

In accordance with *ESEA* section 4106(e) (2) and (f), an LEA or consortium of LEAs must assure in its application that it will:

Prioritize the distribution of funds to schools served by the LEA based on one or more of the following criteria

- (vi) are among those with the greatest needs, as determined by the LEA,
- (vii) have the highest numbers of students from low-income families,
- (viii) are identified for comprehensive support and improvement under Title I, Part A of the ESEA;
- (ix) are implementing targeted support and improvement plans under Title I, Part A of the ESEA; or
- (x) are identified as a persistently dangerous public school under section 8532 of the ESEA. (ESEA section 4106 (e)(2)).

A portion of funds to support one or more activities authorized under section 4109(a) pertaining to the effective use of technology, including an assurance that it will not use more than 25 percent of the remaining portion for purchasing technology infrastructure as described in section 4109(b).

Comply with section 8501-8504, regarding equitable participation of private school children and teachers. (*ESEA* section 4106(e)(2)(B)).

Complete an annual State report regarding how funds for the SSAE program are being used. (*ESEA* section 4106(e)(2)(F)).

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

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

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) "§§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§" 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as

a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

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

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

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the Application Cover Page provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 2 CFR 3485, "Government-wide Debarment and Suspension (Nonprocurement)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

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

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement:
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR 3485 for prospective participants in primary covered transactions, as defined at 2 CFR 3485--

- A. The applicant certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
 - d. Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

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

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

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR 3485, for all lower tier transactions meeting the threshold and tier requirements stated at 2 CFR 3485.

Instructions for Certification

1. By signing the Application Cover Page, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

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

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

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

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

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

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

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

DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 2 CFR 3485, Subpart F, for grantees, as defined at 2 CFR 3485 -

- A. The applicant certifies that it will or will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an on-going drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - 1. Abide by the terms of the statement; and
 - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

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

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

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 2 CFR 3485, Subpart F, for grantees, as defined at 2 CFR 3485 -

- 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

NEW YORK STATE DEPARTMENT OF EDUCATION ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) ASSURANCES

**These assurances are required for programs funded under the
Elementary and Secondary Education Act as amended by the Every
Student Succeeds Act of 2015.**

As the chief school officer of the applicant, by signing the Application Cover Page, I certify that:

- (1) the applicant will comply with the requirements of Education Law § 3214(3)(d) and (f) and the Gun-Free Schools Act (20 U.S.C. § 7151);
- (2) the applicant will comply with the requirements of 20 U.S.C. § 7908 on military recruiter access;
- (3) the applicant will comply with the requirements of 20 U.S.C. § 7904 on constitutionally protected prayer in public elementary and secondary schools;
- (4) the applicant will comply with the requirements of Education Law § 2802(7), and any state regulations implementing such statute and 20 U.S.C. § 7912 on unsafe school choice; and
- (5) the applicant will comply with all fiscal requirements that apply to the program, including but not limited to any applicable supplement not supplant or local maintenance of effort requirements.
- (6) the applicant understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 20 U.S.C. 1232g (FERPA) (ESSA §854)

Appendix A

STANDARD CLAUSES FOR NYS CONTRACTS

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

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

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

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

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

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

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

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

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

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

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

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

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

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

improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

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

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwb certification@esd.ny.gov
[MWBE Directory](#)

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

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

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

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

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

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

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

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

properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

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

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

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

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("[Prohibited Entities List](#)").

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

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

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

(January 2014)

APPENDIX A-1 G

General

- A. In the event that the Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.
- B. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.
- C. For each individual for whom costs are claimed under this agreement, the contractor warrants that the individual has been classified as an employee or as an independent contractor in accordance with 2 NYCRR 315 and all applicable laws including, but not limited to, the Internal Revenue Code, the New York Retirement and Social Security Law, the New York Education Law, the New York Labor Law, and the New York Tax Law. Furthermore, the contractor warrants that all project funds allocated to the proposed budget for Employee Benefits, represent costs for employees of the contractor only and that such funds will not be expended on any individual classified as an independent contractor.
- D. Any modification to this Agreement that will result in a transfer of funds among program activities or budget cost categories, but does not affect the amount, consideration, scope or other terms of this Agreement must be approved by the Commissioner of Education and the Office of the State Comptroller when:
 - a. The amount of the modification is equal to or greater than ten percent of the total value of the contract for contracts of less than five million dollars; or
 - b. The amount of the modification is equal to or greater than five percent of the total value of the contract for contracts of more than five million dollars.
- E. Funds provided by this contract may not be used to pay any expenses of the State Education Department or any of its employees.

Terminations

- A. The State may terminate this Agreement without cause by thirty (30) days prior written notice. In the event of such termination, the parties will adjust the accounts due and the Contractor will undertake no additional expenditures not already required. Upon any such termination, the parties shall endeavor in an orderly manner to wind down activities hereunder.

Responsibility Provisions

A. General Responsibility Language

The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of Education or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

B. Suspension of Work (for Non-Responsibility)

The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the

Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

C. Termination (for Non-Responsibility)

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

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.
- H. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.
- I. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.
- J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

Rev. 5/12/14

ATTACHMENT 2: MEMORANDUM OF UNDERSTANDING

The lead applicant must complete a separate MOU with each consortium member.

**(Insert Lead Applicant Name) and (Insert Consortium Member Name)
District/Public Charter School**

Student Support and Academic Enrichment Grant

This cooperative agreement reflects the overall commitment as well as the specific responsibilities and the roles of the (Insert Lead Applicant Name) and (Insert Consortium Member Names) District/Charter School. The overarching purpose of this consortium is to increase the capacity of local educational agencies (LEAs) to: provide all students with access to well-rounded educational opportunities; support safe and healthy students; and/or support the effective use of technology for (Insert Names of All Districts/Charter Schools in Consortium Application). Per the NYSED Consortium Policy for State and Federal Discretionary Grant Program, (Insert Lead Applicant Name) will not act solely as a flow-through for grant funds to pass to other recipients and will be responsible for the performance of any services provided by the consortium members, any partners, consultants, or other organizations, and coordinate participation. This consortium will only benefit the (Insert Lead Applicant Name)'s and/or (Insert All Consortium Member Names)'s student populations. The (Insert Lead Applicant Name) agrees to facilitate communication with and between (Insert All Consortium Member Names) in order to ensure that all consortium members fully know all aspects/activities that will be conducted through this grant program.

Up front Planning Activities:

SPECIFIC ROLES AND RESPONSIBILITIES

The partnership of the (Insert Lead Applicant Name) and the (Insert Consortium Member Name) District/ Charter School entails the following:

The (Insert Lead Applicant Name) District/Charter School agrees to:	The (Insert Consortium Member Name) District/Charter School agrees to:
List all activities/services/etc. that the Lead Applicant will provide to the partnership.	List all activities/services/etc. that the District/Charter School will provide to the partnership.

Name of Lead Applicant School District/Charter School

Signature _____ **Printed Name:** _____

Title: _____ **Date:** _____

Name of Consortium Member School District/ Charter School

Signature _____ **Printed Name:** _____

Title: _____ **Date** _____

THE AGREEMENT FOR YOUR PROGRAM SHOULD REFLECT THE SPECIFICS OF YOUR PROGRAM AND YOUR CONSORTIUM MEMBERS. ALL ACTIVITIES/SERVICES, ETC. THAT ARE PERTINENT TO YOUR PROJECT SHOULD BE INCLUDED.

ATTACHMENT 3: ASSURANCE OF FUNDING FORM

TEMPLATE

By signing this document, the (Insert applicant public school district/public charter school name) certifies that any and all funding and services/activities supported through this application for the Student Support and Enrichment grant is supplemental to and will not supplant or duplicate services funded through any other funding source. Any funding received under this RFP that supplants or duplicates services/activities supported through other grants/funding sources will result in the immediate suspension of SSAE funds to the applicant and any applicable consortium members.

(Insert public school district/public charter school name)

CHIEF ADMINISTRATIVE OFFICER (Insert other title if applicable)	
Signature (in blue ink)	Date
Type or print name	

ATTACHMENT 4: PARTICIPATING DISTRICT INFORMATION AND INITIAL NEEDS ASSESSMENT FORM

**Student Support and Enrichment Grant (SSAE)
Participating District Information and Initial Needs Assessment**

District Name:

SSAE Program Contact Name:

Title: _____

Email: _____

Phone Number: _____

Please indicate which tool(s) were used to complete the initial needs assessment:

Please indicate which elements you would like to focus your SSAE Program on, including the supporting data:

Needs Assessment Component	Supporting Data from Initial Needs Assessment

ATTACHMENT 5: BUDGET NARRATIVE

TEMPLATE

The budget narrative chart below should detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the 15 months. ***Please note: while already existing activities may be included in the description, funding from this grant cannot supplant or duplicate positions/activities already funded through other sources. Consortium applications must demonstrate that the consortium lead is an active participant, with a minimum of 15% of the SSAE grant funding directly supporting lead applicant activities. The lead cannot act solely as a flow-through for grant funds. Additional sections/columns and/or separate charts may be added as needed to provide all necessary information.***

Please be sure to check that all amounts match the FS-10 budget summary. Please add/delete rows as needed.

EXPLANATION AND JUSTIFICATION OF PROPOSED EXPENDITURE AND CALCULATION OF COST	GRANT TOTAL
Support Staff (Code 16)	
Purchased Services (Code 40)	
Supplies & Materials (Code 45)	

Travel Expenses (Code 46)	
Employee Benefits (Code 80)	
Indirect Cost (Code 90)	
BOCES Services (Code 49)	
Minor Remodeling (Code 30)	
Equipment (Code 20)	

ATTACHMENT 5a: NON-PUBLIC SCHOOL LIST AND BUDGET

Nonpublic School List and Budget

On this page, please list all nonpublic schools in your district and whether each will be participating in Title IV, Part A equitable participation funding for the 2018-2019 school year.

Note: If applying as part of a consortium, each LEA in the consortium must consult with each nonpublic school in their respective geographic locations prior to applying for Title IV funds.

Nonpublic BEDS Number (if applicable)	Nonpublic School Name	Nonpublic School Enrollment (Use same date as LEA enrollment to determine this count)	Participating? (Yes/No)	Equitable Participation Amount (Use Step E below)	Signature of Nonpublic school representative
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
			Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	

A. Total Nonpublic School Enrollment	B. Total LEA Enrollment <input type="text"/>	C.
C. Total Enrollment (A + B) <input type="text"/>	D. Total Allocation Minus Administrative Costs <input type="text"/>	
E. Per Pupil Allocation (PPA) <input type="text"/> (Step D divided by Step C)		

ATTACHMENT 6: IMPLEMENTATION PLAN TEMPLATE

Following is a template to be used as guidance for creating the Implementation plan/timeline required for Section B, question B3. This may be used in its entirety, modified as necessary, or disregard for a more appropriate format as determined by the applicant.

Month/Year	Details
<i>This template has been divided on a monthly basis as an example.</i>	<i>This column should include activity title(s) and brief description (1-3 sentences), including relevant staff/outside resources, general resources, etc.</i>
07/01/2018 – 09/30/2019	
July 2018	
August 2018	
September 2018	
October 2018	
November 2018	
December 2018	
January 2019	
February 2019	
March 2019	
April 2019	
May 2019	
June 2019	
July 2019	
August 2019	
September 2019	

Appendix 1:APPLICATION SCORING RUBRIC

Title IV, A Student Support and Enrichment (SSAE) 2018-19 Scoring Rubric

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

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

In the event of a tie score, the score on the following parts of the Proposal Narrative will be used to determine the higher ranking:

- The score on section B; Program Design, and if still tied;
- The score on Section A2; Need for Project.
- If still tied, the application with the highest percentage of free and reduced lunch rate (free lunch rate in NYC) of the school(s) will be ranked higher.

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

Priority Points					
5 priority points will be awarded to applications that have a Title I free and reduced price lunch percentage of 60% or greater as indicated in the BEDS data for the 2016-17 school year.			Priority Points: () out of 5		
	Very Good	Good	Fair	Poor	N/A
A. Background information, comprehensive needs assessment and stakeholder engagement. (30 Points) The applicant provides a comprehensive description of the district, a complete comprehensive needs assessment and project justification, including the following:					

Quality Indicator	Description
Very Good	Specific and comprehensive. Complete, detailed, and clearly articulated information as to how the criteria are met. Well-conceived and thoroughly developed ideas.
Good	General but sufficient detail. Adequate information as to how the criteria are met, but some areas are not fully explained and/or questions remain. Some minor inconsistencies and weaknesses.
Fair	Non-specific and lacks focus and detail. The response addresses some of the selection criteria, but not all. Some ideas presented are sound, but others are not responsive to the purpose of the RFP/required elements of the proposal. Additional information would be needed in order to be reasonably comprehensive and meet the criteria of a response that is good.
Poor	Does not meet many criteria; provides inaccurate information or provides information that would require substantial clarification as to how the criteria are met; lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.
N/A	Does not address the criteria or simply re-states the criteria.

A1. Both qualitative and quantitative information providing an overview of the district and the extent to which relevant information regarding the applicants' size, grade levels, student composition, staff and any other information necessary to understand the application is included.	8	6	4	2	0
A2. The comprehensive needs assessment must examine the applicants needs for improvement of (i) access to, and opportunities for, a well-rounded education for all students; (ii) school conditions for student learning to create a healthy and safe school environment; and/or (iii) access to personalized learning experiences supported by technology and professional learning for the effective use of data and technology. The needs assessment must ensure that chosen program and activities are aligned with local needs.	10	8	5	2	0
A3. Grantees must demonstrate their ability to manage the SSAE program to meet the needs of their district and should ensure equitable access to all students. The proposed management structure, key staff positions and plan for program oversight should reflect capacity to establish and maintain a successful SSAE program. Grantees should demonstrate strong fiscal management capabilities.	8	6	4	2	0
A4. Applicants need to provide evidence of consultation with internal and external stakeholders, non-public schools and provide a description of consultation activities.	4	3	2	1	0
Comments:	Score () out of 30				
B. Project Design (50 Points) The applicant provides comprehensive detail regarding the project design for the activities selected and a sustainability plan that includes each cost associated with the implementation of the activities to demonstrate how the district plans to fund these after the grant period:					
B1. Description of overarching goals and corresponding measurable outcomes and how they align to the comprehensive needs assessment. These overarching goals and measurable outcomes	10	8	5	2	0

should be provided with a rationale that connects to the relevant background information provided, baseline data and considers the local needs. The goals and measurable outcomes included should be accomplished by the end of the grant period and will be the measure by which NYSED determines the success of the program. Applicant included additional goals and measurable outcomes that extend beyond the grant period to support sustainability of their proposed activity.					
B2. Applicant should provide detailed information regarding the evidence-based activities. Chosen activities need to be aligned with local needs, and ensure are the evidence based with and local capacity is considered when a strategy was selecting a strategy. Select relevant, evidence-based activities that will work in the local context and local capacity.	10	8	5	2	0
B3. Applicant discusses how the selected activities are part of a district strategy for providing all students with access to a well-rounded education, a safe, healthy, supportive, and drug-free environment that supports student achievement, or increased access to personalized, rigorous learning experiences supported by technology.	10	8	5	2	0
B4. Plan for implementation of the selected activities with a realistic and rational workplan/timeline that includes the steps needed for implementing. An implementation plan developed with input from stakeholders that outlines what staff or outside resources will be leading the work. This must be included in detail for the entire grant period. If appropriate, general next steps that extend beyond the life of the grant may be noted. Effective implementation of the selected activities is essential to achieving identified goals. Describe an ongoing process to identify and address implementations issues, and to collect information for performance monitoring and evaluation. Activities will be implemented beginning July 1, 2018 through September 30, 2019.	10	8	5	2	0
B5. Points awarded based on the submitted sustainability plan that includes each cost associated with the implementation of the chosen activities to demonstrate how the district plans to fund the program after the grant period.	10	8	5	2	0

Comments:		Score () out of 50			
C. Budget (20 Points) Provide details and justification for this funding under the following criteria:					
C1. Applicant provides a clear, detailed description, indicating the basis of each calculation, illustrating how the proposed expenditures align with the proposal's activities and why the costs are reasonable and necessary to support the proposal's initiatives and goals.	10	8	5	2	0
C2. Applicant provides a thorough and detailed justification for each identified cost associated with implementing the proposed activities, including an outline of all expenditures using a FS-10. Applicant accurately calculates all expenditures and ensures that the amounts are consistent across the budget narrative and FS-10s.	10	8	5	2	0
Comments:		Score () out of 20			
Priority Points:		Score () out of 5			
Total Points:					