

RFP 20-013 New York State Charter School Technical Assistance Resource Provider

Questions and Answers

Program Questions

- 1. While it is clear that all programming provided under this grant opportunity must be offered free of charge to New York's charter school sector, will the winning contractor be able to continue to simultaneously offer fee-for-service programs in each of the four program categories?**

No. To negate any potential for mismanagement/misappropriation of NYSED's Charter Schools Program grant funds and to ensure that the professional development offered by the TARP through this contract is of the highest caliber, the entirety of the winning contractor's professional development events in each of the four program categories must be no-fee during the term of the contract. Additionally, the content offered through the professional development events may not duplicate content currently offered by or through a bidder.

- 2. Please clarify the restrictions placed on the winning contractor/subcontractor/consultants with regard to this clause: *"In the event that Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received."***

This refers to program income. 2 CFR § 200.307 defines program income as "gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance." It includes, but is not limited to, income from fees for services performed, sale of commodities or items fabricated under a federal award, and license fees and royalties on patents and copyrights.

- 3. Several of New York's charter support providers not only offer programming and services, but also advocate for laws and policies favorable to the state's charter schools - are there advocacy restrictions placed on the winning vendor with regard to their ability to advocate/lobby the NYSED and/or NY's state legislature?**

Per Appendix A-1, Agency-Specific Clauses, of the RFP, "Funds provided pursuant to this Agreement shall not be used for any partisan political activity or for activities that may influence legislation or the election or defeat of any candidate for public office."

If the contractor engages in advocacy and lobbying work, there must be a clear distinction between those efforts and the work of the TARP.

- 4. Can you please define the difference – including any legal, compliance, reporting, etc. obligations – between a "subcontractor" to the winning contractor and a "consultant" utilized by the contractor?**

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Consultants, defined as individuals or organizations hired by the contractor to provide services, are subcontractors as defined in the RFP.

5. **We understand that services must be offered in-person and that “the locations of the sessions must be throughout New York State, including New York City/Long Island, the Capital District, central New York, and western New York, in consultation with the NYSED CSO. For the second focus area, the locations must be in central and western New York State, in consultation with the NYSED CSO.” Will NYSED require that the TARP regularly move locations of trainings to various locations throughout the state? Or, worded differently, what are the minimum number of locations that NYSED will recommend/require for training delivery?**

The intent of this initiative is to target **all** charter schools and charter applicant groups statewide, with the exception of professional development around high-quality educational services and opportunities for students with disabilities, which must focus on charter schools outside New York City, and the TARP’s scope of work is meant to result in increased academic achievement outcomes for **all** students enrolled in charter schools. While there is no set minimum number of different locations required, bidders may want to note the desired outcomes listed in the RFP.

Fiscal Questions

1. **Does the cost of the required external evaluator count towards the 40% subcontracting limit?**

Yes, the cost of the third-party evaluator, which should be included under Purchased Services on the Cost Proposal form, will count toward the 40 percent subcontracting limit. Any services provided by individuals who are not employees of the bidder count toward the subcontracting percentage.

2. **Can the subcontracting limit be increased? If so, to what maximum/ceiling?**

No, the subcontracting limit will remain at 40 percent.

3. **Can you please give further detail on “INDIRECT COSTS” listed on the Year 1 Excel Budget document, including what will you allow as indirect costs and what does “Insert approved restricted indirect cost rate” mean?**

Indirect costs represent the expenses of operations that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs. Direct costs can be identified specifically with particular cost objectives such as a grant, contract, project, function or activity. An example of direct costs are salaries of employees working specifically on objectives of a grant or contract.

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Bidders should use their approved Federal or State indirect cost rate, or up to 8% if they do not have a Federal or State rate.

All proposed costs will be reviewed for reasonableness. The indirect cost rate can be applied to all direct costs except for: Purchased Services with BOCES, Equipment, any tuition assistance or instructional support, and the portion of any subcontract that exceeds \$25,000. For example, a consultant is being paid \$40,000 as part of 2. Purchased Services; the \$15,000 above the \$25,000 threshold should be subcontracted from the Total Direct Costs (modified if applicable) in Box B100.

4. What is the definition of “purchased services” and/or can you provide some tangible examples? Does this include internet, computer services etc.?

A purchased service is any service contracted for and performed by a third party rather than the bidder's employees. Certain internet and computer services may be considered purchased services as long as they meet the definition of direct costs (see #3 above). Other internet and computer services may be part of indirect costs.

M/WBE Questions

1. Does a submitted MBE application suffice at the time the bid is submitted or does the company have to be completely processed?

Only M/WBE firms certified with NYS Empire State Development can be used toward the attainment of the M/WBE goal. Having an application under review is not sufficient.

2. If the contractor is unable to obtain an MBE firm at the time the bid is submitted, will there be an opportunity to add an MBE firm later in the process?

The awardee is required to have their M/WBE firms approved before a contract can be issued. During the contract term, additional M/WBE firms may be added if approved by the program office and M/WBE unit.

3. What procedures are in place to provide MBE firms access to contractors that allows sufficient time for planning?

Once an award is issued, the M/WBE Unit works with the awardee by providing M/WBE certified lists to assist in obtaining full compliance before a contract can be issued.

4. Where can I find information about MWBE opportunities?

You may find helpful information on the [Empire State Development](#) website and the [New York State Contract System](#) website.