

RFP 21-013 New York State Charter School Technical Assistance Resource Provider

Questions and Answers

Program Questions

1. Where the RFP states “Each session must also be offered live to participants in all other regions of the State and be recorded for use by NYSED”:
 - How does the state define “live” in this context? For example, does “live” exclusively mean simultaneous presentation to other regions of the state (e.g. the in-person training is “simulcast” over the web with remote participation made available during the same session)?
 - Would the state consider that having remote participants attend either synchronous online offerings independent of the in-person sessions and/or asynchronous online offerings paired with live Q&A or other remote synchronous engagement to fulfill this requirement? For example, a recording of an earlier live session or the same session produced specifically for a recorded format with “office hours” or other direct access to presenters for questions and follow up?

It is up to the bidder to define the term “live” and apply it to the bidder’s proposed activities. The intent of the RFP is to offer high-quality, effective professional development to all charter schools in New York State using best practices. Creative methods of offering effective, inviting professional development opportunities will be considered as part of a bid.

2. The RFP states: “It is expected that in-person technical assistance activities or trainings will be a majority (more than 50 percent) of the proposed services.” Once an applicant meets the required 5 events in-person (1 in each strand and the district offering), how does the 50% in-person rule apply to additional proposed programming? For example, if 120 more events were being proposed, is it that 60 of them need be in-person? If yes, can those 60 be delivered in person as the grantee deems appropriate, in consultation with NYSED, to each strand (30 in one strand, 6 in another, etc.) or do they have to be evenly distributed across the 4 strands?

The expectation that in-person activities or trainings will be a majority of the proposed services applies to the deliverable for professional development, not to any proposed activities above and beyond that deliverable. Any activities above and beyond the minimum do not have to be evenly distributed across the four focus areas or be conducted in person.

3. When you state that “any potential bidder currently offering PD to the same populations identified in this RFP must design PDs that supplement the services currently offered,” does this mean a bidder/subcontractor’s existing fee-for-service programming can still continue to occur?

Yes, as long as the opportunities offered through the TARP supplement what is currently offered by the bidder as “fee-for-service programming”.

4. The RFP now includes this language: “Any potential bidder currently offering PD to the same populations identified in this RFP must design PD that supplements the services

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currently offered.” Please clarify if this means a bidder/subcontractor can win this RFP and to continue to charge for professional development it currently offers.

Yes, as long as the opportunities offered through the TARP supplement what is currently offered by the bidder as “fee-for-service programming”.

- 5. In the last Q&A for the previous TARP RFP, the below Q&A was provided. Please confirm the answer to this question is now that the bidder/subcontractor can continue to charge for their PD currently offered as long as the PD created for the RFP is new impactful programming that supplements work the bidder/subcontractor has already made.**

“Question: 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?”

Answer: 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.”

Yes, that is correct.

- 6. Some of the potential materials/resources to be used in TARP trainings are proprietary to the main applicant or subcontractor (for example, a published book). If the applicant or subcontractor chooses to use these materials in a newly-developed TARP training (to the benefit of the sector), is it acceptable to NYSED that these materials be co-branded with, for example, the owner’s logo as well as the State’s/TARP’s logo?**

Yes, that is acceptable. NYSED does not claim ownership of pre-existing intellectual property, only what is created under the contract. Therefore, contractors can continue to claim ownership of such materials and have logos contained therein. (Please note that NYSED may choose to reuse materials later or post them online, so contractors may not want to employ proprietary materials that they do not want reused in that way.)

- 7. As per the section below, will every PD developed under the TARP be considered “copyrightable” and be copyrighted? Does this prevent the lead grantee and its subcontractors/presenters from ever using any aspect presented in the PD (concepts, resources, etc.) in programming after the end of the TARP period?**

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“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.”

NYSED owns all products and materials created as part of its contracts. Former contractors or presenters cannot claim ownership of those products or materials, but like any member of the public, they may use NYSED-owned materials which are made public by NYSED, provided they meet the terms of use outlined [here](#).

- 8. The RFP states that “Each session must be recorded for use by NYSED.” Is it permissible, in consultations with NYSED, for some events/activities not to be recorded due to the sensitive nature of issues discussed or documents shared (e.g., students' names and IEPs)?**

The bidder will have the opportunity to consult with NYSED regarding the content of recordings so that sensitive information may be edited.

- 9. Are there certain copyright restrictions to be aware of when citing authors in resources that are published?**

Please credit authors for their work either in the body of the text where you cite the work or in a footnote. Contractors and presenters should consult with legal counsel to ensure that they follow all applicable laws with respect to any copyright requirements.

- 10. How many charter schools are currently open and serving students in New York State?**
I've seen the number of 325 referred to (<http://www.p12.nysed.gov/psc/facts/documents/nyscsfactsheet011121.pdf>). I've also received communication from the NYSED office that the number of currently operational charter schools statewide serving students is 270. This correct number is of course critically important given the requirement of the grant to provide services to every charter school.

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325 charter schools are in operation throughout New York State during the 2020-2021 school year.

Fiscal Questions

1. **Please provide the rationale for reducing the maximum subcontracting amount from 60/40 to 70/30.**

NYSED has determined that a 30% subcontracting rate is appropriate for this RFP. The rate was lowered from the previous RFP (20-013) because there are fewer professional development sessions required in the new RFP.

2. **Please provide any available information on the cost parameters/budgetary availability for this project award.**

There is no specific budget for this RFP. However, all proposed costs will be reviewed for reasonableness. Please also keep in mind that this RFP employs a “best value” method of procurement, with 30 percent of the overall points awarded based on cost. (See “Criteria for Evaluating Bids” section of the RFP for additional information.) Bidders are encouraged to submit budgets that are cost-effective.

3. **Should we be calculating the M/WBE percentage on the full annual budget or on the annual budget less indirect cost rate or only on OTPS? See the attachment as an example.**

The M/WBE percentage is based on the 33-month grand total of the bid, including all salaries and benefits. The Excel Cost Proposal document included online with the RFP will calculate the MBE and WBE percentages automatically.

4. **Can you please give further detail on “indirect” on the budget document, including what you will 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.

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 may be applied to all direct costs except for purchased services with BOCES, equipment, and the portion of

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any subcontract that exceeds \$25,000. For example, if a consultant will be paid \$40,000 as part of budget category 2. Purchased Services; the \$15,000 above the \$25,000 threshold should be subtracted from the total direct costs (modified if applicable) in Box B100.

5. In your **Staffing Requirements**, it says, “The hiring, supervision and evaluation of TARP staff will be the responsibility of the contractor.” To assure the quality and supervision of the TARP program and team, may we include supervisory staff (such as the organization’s COO) in addition to the 2 FTE professional staff who will “assist the project director in providing the deliverables in this RFP”?

Yes, that is permissible. Please keep in mind that this RFP employs a “best value” method of procurement, with 30 percent of the overall points awarded based on cost. (See “Criteria for Evaluating Bids” section of the RFP for additional information). Bidders are encouraged to submit budgets that are cost-effective and are reminded that all proposed costs will be reviewed for reasonableness.

M/WBE Question

1. What will be the impact of applicants’ meeting/not meeting MWBE targets on the final award decision?

Meeting or not meeting MWBE goals has no bearing on selection of a tentative award winner. The contract issued pursuant to this proposal will be awarded to the vendor whose aggregate technical proposal (70 points maximum) and cost proposal score (30 points maximum) is the highest among all the proposals rated.

However, applicants must make good faith efforts to solicit MWBE firms to meet participation goals. If efforts are unsuccessful, the bidder may apply for a partial or full request for a waiver. This request must be accompanied by documentation demonstrating the efforts made and reasons why the applicant was unsuccessful in obtaining MWBE utilization. The MWBE Coordinator is available to assist bidders throughout the procurement process and can be reached at MWBE@nysed.gov.

2. 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.