

**Updated September 25, 2013
Announcement of Funding Opportunity**

2013-2014

Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten Grant Program for High Need Students

Purpose

The purpose of the Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten Grant Program for High Need Students is to increase the availability of high quality prekindergarten placements for the highest need children and schools within New York State's public school districts. In response to the recommendations of the New NY Education Reform Commission and as recommended by Governor Andrew M. Cuomo and enacted in the 2013-14 budget, this competitive grant initiative builds on the foundation established by the allocational Universal Prekindergarten (UPK) program. Grant funds will create new full-day prekindergarten placements, convert existing half-day placements to full-day, or create a limited number of new half-day placements designated for higher need children in lower wealth school districts. This prekindergarten grant program will provide additional resources to significantly enhance program quality by requiring grantees to adopt program quality standards including valid and reliable measures of environmental quality, the quality of teacher-student interactions, and student outcomes.

Studies show that children who participate in high-quality early education programs are far more likely to read at grade level and graduate from high school, and that quality full-day prekindergarten programs in particular are credited with producing significant increases in student performance in math and reading for participating students by the second grade as well as decreasing the rates of grade retention. Research indicates that as much as one-half of the achievement gap is already established before students enter the first grade. Investing in high-quality prekindergarten programs has been demonstrated to have a positive long-term impact on children's life outcomes, narrow the achievement gap between poor and affluent youth, and provide benefits to children and taxpayers that outweigh their cost. High quality prekindergarten programs, especially those that provide full-day services and serve low-income or high need students, will help those students stay on track to graduate from high school and, over the long term, significantly reduce costs for remedial education, social services, health and criminal justice programs.

Project Funding

\$25 million will be available to fund grants for the 2013-2014 school year and each school year thereafter subject to the achievement of performance targets and the availability of annual appropriations. Grant funding may be used to establish new full-day placements, convert existing half-day placements to full-day or create a limited number of new half-day placements.

Prekindergarten programs operated under this grant generally must operate 180 days per year, five days per week; however, in the 2013-14 school year, awardees implementing programs must operate a minimum of 90 days. Grant awards for winning school districts will be based on the number of days in which students are to be served. The grant payable will be reduced by 1/180th for each day less than 180 that the program is in operation.

Preference shall be given to proposals establishing full-day placements, while ensuring that a portion of the grants awarded fund the creation of new half-day placements. Priority funding, 75% of all available resources, will be used to fund grants creating new full-day placements or converting

existing half-day placements into full-day. The remaining 25% (\$6.25 million) will be set aside to fund new half-day placements. If total grant awards for proposals creating new half-day prekindergarten placements are below \$6.25 million, any remaining funds will be awarded to proposals creating new full-day prekindergarten placements or converting existing half-day placements into full-day placements. Grant funding must be used to supplement, not supplant, existing prekindergarten programs.

For purposes of this grant, no school district shall receive more than 40% of the total grant funds. Further, no grantee may receive final payment that exceeds the total actual expenditures incurred by the district.

Grant awards under the Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten Grant Program will be based on the number of new placements/conversions and on a school district's selected grant per pupil as set forth in Column J of the 2013-2014 Universal Prekindergarten Allocations List (available at <http://www.p12.nysed.gov/upk/>) and will be calculated as follows:

- **New Full-day Placements:** The applicant's approved number of new full-day placements multiplied by twice the selected UPK grant per pupil amount;
- **Half-day to Full-day Conversions:** The applicant's approved number of half-day placements that will be converted to full-day multiplied by the selected UPK grant per pupil amount; and
- **New Half-day Placements:** The applicants approved number of new half-day placements multiplied by the selected UPK grant per pupil amount.

The chart below illustrates how the grant award would be calculated for each type of placement if the school district's UPK selected grant per pupil is \$2,700, as well as how the grant is adjusted if the program is in operation for less than 180 days.

A. Type of Placement	B. Number of Placements	C. Grant Amount Per Placement	D. Maximum Grant Amount	E. Number of Days in Operation	F. Proration Factor (#days/180)	G. Adjusted Grant Amount (Col. D X Col. F)
New full-day placements	40	\$5400 (\$2700 X 2)	\$216,000	100	56% (100/180)	\$120,960
Conversion of existing half-day to full-day	20	\$2700	\$54,000	90	50% (90/180)	\$27,000
New half-day placements	18	\$2700	\$48,600	120	67% (120/180)	\$32,562

Applicants can use the Grant Calculator in Appendix 1 to assist them in determining the maximum grant request based on the number of new full-day, half-day to full-day conversion and/or new half-day placements to be created and the adjusted grant for Year 1 based on the number of days the program will be in operation.

Legislative Authority and Purpose of Grant Funds	Chapter 53, Section 1 of the Laws of 2013 appropriates \$25 million for prekindergarten grants to establish new high quality full-day and half-day prekindergarten placements and/or convert existing half-day slots to full-day for the highest need children and schools in public school districts. Preference shall be given to proposals establishing full-day placements, while ensuring that a portion of the grants awarded include the creation of new half-day placements.
Project Period	Initial period: Seven (7) months, from December 1, 2013 through June 30, 2014. Grantees will have the opportunity to renew funding on an annual basis for the following school year and thereafter subject to the achievement of performance targets and the annual appropriation of funds in the State budget for this purpose. The project period for subsequent awards will be one year from July 1 st through June 30 th .
Eligible Applicants	A school district is eligible to apply for this grant if it has a Need Resource Index within the top 50 percent of all school districts, as most recently calculated by the State Education Department, or if it is a high-need school district based on the State Education Department's most recent calculation of the Need Resource Category. A list of eligible districts, as well as the Need Resource Index for each public school district, can be accessed at http://www.p12.nysed.gov/upk/ For purposes of this grant, charter schools are not included in the definition of public schools and are not eligible to apply.
Notice of Intent	To assist SED in planning for the grant review process and expediting the announcement of awards, school districts that intend to submit a proposal are strongly encouraged to send a Notice of Intent via E-Mail to PREKRFP@mail.nysed.gov no later than September 30, 2013 .
Application Due Date	Submit 1 original and 2 copies postmarked by October 16, 2013 to: New York State Education Department Attn: Full-Day Pre-K Grant Grants Management 89 Washington Avenue Room 464 EBA Albany, NY 12234
Due Date for Questions	All questions must be submitted via E-Mail to PREKRFP@mail.nysed.gov by close of business September 13, 2013. A complete list of all Questions and Answers will be posted to http://www.p12.nysed.gov/funding/currentapps.html no later than September 25, 2013.
Webinar	A pre-recorded webinar reviews the purposes and key aspects of the grant. To view this webinar you must register with your name and email address at: http://ellum2.nyit.edu/play_recording.html?recordingId=1336512912144_1379610057464
Appendices (Separate Documents)	Appendix 1 Grant Calculator Appendix 2 Self-Assessment Form Appendix 3 Quality Improvement Action Plan Form Appendix 4 Scoring Rubric Appendix 5 Collaboration Variance Request Appendix 6 Prekindergarten Grant Eligible Districts

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portion of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiotape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Department's Office for Diversity, Ethics, and Access, Room 530, Education Building, Albany, NY 12234.

Statutory Requirements

Chapter 53, Section 1 of the Laws of 2013 establishes several requirements that school districts must meet or assure to be eligible to receive a Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten for High Need Students Grant.

1. Teacher and principal evaluation: No school district is eligible to receive any portion of this funding unless it has submitted documentation that has been approved or determined by the Commissioner by September 1, 2013 demonstrating that it has fully implemented new standards and procedures for conducting Annual Professional Performance Reviews of classroom teachers and building principals to determine teacher and principal effectiveness as required by Section 3012-c of Education Law.
2. Length of the school day: Programs funded with this grant must provide instruction for at least five hours per school day for full-day programs and at least two and one-half hours per school day for half-day prekindergarten programs.
3. Alignment with Common Core Learning Standards: Programs must offer instruction consistent with the *New York State Prekindergarten Foundation for the Common Core* within three years. For districts operating a UPK program, this requirement does not alter the existing requirement established by Section 151-1.3(a) of 8 NYCRR requiring implementation of the State learning standards.
4. Inclusion of community-based organizations (CBOs): Unless waived by the Commissioner, a minimum of 10 percent of this total grant award to school districts must be set aside for the provision of the instructional program through collaborative efforts with eligible CBOs. The program must effectively use the resources of the school district, eligible CBOs and the community to ensure that services are provided in an efficient and non-duplicative manner.

Eligible CBOs include existing providers of child care and education, licensed or registered day care providers, Head Start programs, nursery schools, special education 4410 providers, BOCES, non-public schools, libraries and museums. Such providers must currently meet, or be willing to adapt their programs to meet, the standards and requirements of Subpart 151-1 of the regulations of the Commissioner of Education (<http://www.p12.nysed.gov/upk/regulations.html>), as well as the requirements of this grant.

The State Education Department (SED) will consider a variance from the collaboration requirement based on documented evidence that the district is unable to develop a collaborative arrangement for reasons that are outside the control of the district. Allowable reasons include: a lack of eligible CBOs located within the district's boundaries; the existing agencies are not interested or able to collaborate with the district; or there is good cause for not entering into a contract (e.g., health and safety concerns). Such request should describe the district's efforts to identify and recruit eligible CBOs and the reasons for not collaborating. Applicants seeking a variance from the collaboration requirement must complete and submit Appendix 5, Collaboration Variance Request.

To the extent that CBOs are part of the program, the instructional staff must at a minimum, meet the requirements of paragraphs d-1 and d-2 of subdivision 12 of Section 3602-e of Education Law.

4. Compliance: Programs funded with this grant must comply with all the same rules and requirements as UPK programs funded pursuant to Section 3602-e of Education Law, unless

otherwise noted in this Request for Proposals (RFP). Subpart 151-1 of 8 NYCRR establishes requirements that apply to all UPK programs, including both district-operated and CBO-operated classrooms. Applicants must incorporate the implementation of these requirements in their program design. The UPK regulations and guidance for districts implementing a prekindergarten program can be found on SED's website at <http://www.p12.nysed.gov/upk/>.

5. **Quality Indicators:** The school district must agree to adopt approved program quality indicators within two years, including, but not limited to, valid and reliable measures of environmental quality, the quality of teacher-student interactions and student outcomes.
6. **Evaluation data:** The school district must ensure that any measurement of student outcomes will not be used to make high-stakes, educational decisions for individual children.

Eligible Children

An eligible student is a child who resides in the school district who is four years of age on or before December 1st of the year in which he or she will be enrolled or who will otherwise be first eligible to attend public school kindergarten the following school year. Children who are eligible for kindergarten enrollment are not eligible for prekindergarten.

Approved Quality Indicators

A condition of a school district's eligibility for these funds includes the adoption of an approved research-based set of quality indicators within two years including, but not limited to, valid and reliable measures of environmental quality, the quality of teacher-student interactions and child outcomes. The State's approved quality indicators are set forth in the NYS Prekindergarten Program Quality Self-Assessment (see Appendix 2). These high quality program indicators address the following categories:

- Classroom Environment
- Teaching Staff Qualifications
- Curriculum Planning and Implementation
- Child Screening and Assessment
- Professional Development
- Family Engagement and Supports
- Transitions to Kindergarten

Upon receiving an award, successful applicants must complete and submit to SED the Program Quality Self-Assessment tool (Appendix 2). Based on the results of the Self-Assessment, the awardee must develop a Quality Improvement Action Plan (Appendix 3). The Action Plan will establish goals and objectives, action steps, key responsibilities and a timeline for implementation. Once approved by SED following any changes or amendments required by SED to ensure program quality, the goals, action steps, and timeline in the approved Action Plan constitute the performance targets that must be met in order for a grantee to receive funding in Year 2, subject to an appropriation for this purpose in the State budget.

Expenditures Allowed under the Grant

Approved expenditures means any expenses for which grant funds may be used, such as, but not limited to, program components, professional salaries, professional development, support services, materials and supplies, administrative support services, transportation services, leasing expenses or other appropriate facilities expenses and other costs as approved by the commissioner. Pursuant to section 3202 of the Education Law, no parent and/or guardian of a child participating in a prekindergarten program should be subjected to a fee/charge for the instructional program.

Budget (FS-10)

Applicants must submit a proposed budget on the FS-10 Budget Form with this application for the project period of 12/01/13 – 6/30/14. This budget will be reviewed and scored. Budgeted costs must be in compliance with applicable State laws and regulations and the Department's Fiscal Guidelines. These guidelines, as well as the FS-10 form, are available online at <http://www.oms.nysed.gov/cafe>. 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 at <http://www.oms.nysed.gov/cafe/guidance/guidelines.html>.

The budget should be reasonable and appropriate to cover program expenses. **School districts** must use the restricted indirect cost rates calculated by the State Education Department.

For more information, visit the website
<http://www.oms.nysed.gov/cafe/guidance/faqs.html#indirect>

Application Submission Instructions

Only complete applications will be reviewed. A complete application must include all items on the Application Checklist in the order listed on the checklist.

Method of Award

Subject to available eligible grant applicants, under this \$25 million funding opportunity, preference will be granted for full-day placements, in that at least 75% or an expected \$18.75 million total grant funding available under this program will be allocated to those programs creating new full-day placements and/or converting existing half-day placements to full-day. Subject to available eligible grant applicants, up to \$6.25 million, or 25 percent of grant funding, will be set-aside for the creation of new half-day placements. Grant funding must be used to supplement, not supplant, existing prekindergarten programs (including programs funded by Federal, State and/or local sources).

Grant awards will be based upon the full annualized value of each winning school district's approved application. However, in the 2013-2014 school year, payment will be prorated based upon the actual number of students served and the number of days out of 180 that the program is in operation. Grant funds remaining as the result of this proration may be made available for subsequent awards in the subsequent school years, based upon available eligible grant applicants, and will be divided into the same pools in the same ratios as in the 2013-2014 year.

Proposals postmarked after **October 16, 2013** will not be reviewed.

Each eligible proposal will be scored by at least two reviewers. Each reviewer will score the proposal according to the indicated point criteria in the Proposal Submission and the Budget using the

Proposal Evaluation Rubric. If individual scores are more than 15 points apart, another reviewer will rate the application. The two scores mathematically closest to each other will be averaged for the final score unless the difference between the third review score and the first two are equidistant; in which case the third reviewer's score will solely be used. Proposals that receive a final average score of 70 points or more will be considered for funding.

Awards will be made starting with the highest scoring proposal in rank order from the full-day pool or half-day pool as appropriate, until no funding is available. In the event that an awardee is creating both full-day and new half-day placements, the grant will be funded proportionally from both the full-day pool and the half-day pool. If remaining funds are inadequate to allocate the full amount requested to the next ranking proposal, the applicant will be given the opportunity to implement a reduced program with the remaining funds. If there are remaining funds after all awards have been made from the pool allocated for half day placements, the funds will be allocated to fund programs creating new full-day placements and/or converting existing half-day placements to full-day.

In the event of tie scores, proposals with the highest combined score on Part 1 Need Narrative will be ranked higher. If a tie still remains, the proposal with the highest combined score on Part 2 Program Quality Narrative will be ranked higher.

School District 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, <http://www.oms.nysed.gov/cafe/guidance/> .

Reporting

Annually, a grantee must report on the status of implementation of its approved Quality Improvement Action Plan. To allow for review and timely determination of eligibility for continued funding, the status report for Year 1 will be due no later than May 31, 2014, unless an extension is granted by the State Education Department.

In addition, grantees must submit an annual program report at the end of the grant period but no later than July 31st, unless an extension is granted by the State Education Department. The program

report will include: a summary of student progress; information about the district's prekindergarten sites; and fiscal information including additional sources of funding used to support this initiative.

Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals Pursuant to Article 15-A of the New York State Executive Law (Please see corresponding forms at the end of this document)

All applicants are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) participation goals for this grant through one of three methods. The M/WBE goals will not be applied to the budget for direct personal services, related fringe benefits, and indirect costs as requested in the FS-10 budget. Compliance methods are discussed in detail in the M/WBE Participation Goals section below.

For purposes of this grant, NYS Education Department has established an overall goal of 20% for M/WBE participation based on the current availability of qualified MBEs and WBEs. The M/WBE goals will not be applied to any portion of the grant funds that are budgeted for direct personal services and related fringe benefits as requested in the FS-10 budget. All applicants must document a good faith effort to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of this contract. M/WBE participation includes any and all services, materials or supplies purchased from New York State certified minority and women-owned firms. Utilization of certified minority and women-owned firms will be applied toward the goals. Bidders can achieve compliance with NYSED's Minority and Women-Owned Business Enterprise goals as described below.

Achieve Full Compliance with Participation Goals (Preferred)

Applicants should submit subcontracting/supplier forms that meet or exceed NYSED's participation goals for this grant. All subcontracting/supplier forms must be submitted with the application. In addition, applicants must complete and submit M/WBE 100: Utilization Plan, M/WBE 102: Notice of Intent to Participate and EEO 100: Staffing Plan. Instructions and copies of these forms are contained in the RFP. All firms utilized must be certified with the NYS Division of Minority and Women Business Development before beginning any work on this contract. For additional information and a listing of currently certified M/WBEs, see <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>.

The contact person on M/WBE matters is available throughout the process to assist applicants in meeting the M/WBE goals. The contact person can be reached at mwbe@mail.nysed.gov. 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.

Documentation of Good Faith Efforts

Applicants must undertake a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers in fulfillment of this grant. Means of solicitation may include but are not limited to: advertisements in minority centered publications; solicitation of vendors found in the NYS Directory of Certified Minority and Women-Owned Business Enterprises; the solicitation of minority and women-oriented trade and labor organizations and by contacting the person on M/WBE matters. Applicants will be required to certify and attest to their good faith efforts by completing NYSED's Certification of Good Faith Efforts (Form M/WBE 105). See the M/WBE Submission Documents for detailed examples of and required forms to document good faith efforts.

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

In the event applicants cannot comply with NYSED’s designated participation goals, said applicants must document their “good faith efforts” to comply and submit one of the following requests.

Request a Partial waiver of Participation Goals

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

Request a Complete Waiver of Participation Goals

In order to request a complete waiver of the participation goals for this grant, applicants must provide documentation of their good faith efforts to obtain the use of certified M/WBE enterprises along with their application forms. Applicants will be required to certify and attest to their good faith efforts. Applicants should submit a request for a complete waiver on Form M/WBE 101 and document their good faith efforts (Form M/WBE 105) at the same time as they submit their application. The M/WBE Coordinator is available throughout the process to assist in all areas of M/WBE compliance.

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

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) utilize any and all ideas submitted in the proposals received; (13) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (14) 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; (15) to request best and final offers.

Grant Award Protest Procedures

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

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the grant awards by NYSED.

2. The protest must be filed within ten (10) business days of receipt of a debriefing letter. The protest letter must be filed with:

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

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

4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

2013-2014
Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten Grant

Cover Page

Agency Code of Fiscal Agent

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LEA:	Chief Administrator:
Address:	Contact Person:
	Title:
	Telephone: Fax:
City: Zip Code:	E-Mail:
County:	Amount of Funding Requested: \$

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 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.

Authorized Signature (in blue ink)	Title:
Typed Name:	Date:

Indicate the type(s) of placements to be created by this grant request.

Full Day Options:

- New full-day
- Converting half-day to full-day

Half Day Options:

- New half-day

Submit the completed application postmarked by October 16, 2013 to:

New York State Education Department
 Attn: Full-Day Prekindergarten Grant
 Grants Management
 89 Washington Avenue
 Room 464 EBA
 Albany, NY 12234

Application Checklist

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

REQUIRED DOCUMENTS	CHECKED – APPLICANT	CHECKED – SED
Application Cover Page	<input type="checkbox"/>	<input type="checkbox"/>
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>
Program Abstract	<input type="checkbox"/>	<input type="checkbox"/>
Collaboration Variance, if needed	<input type="checkbox"/>	<input type="checkbox"/>
Part 1: Need Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Part 2: Program Quality Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Part 3: Budget Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Budget (FS-10)	<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
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
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

SED Comments:

Has the applicant complied with the application instructions? YES NO

SED Reviewer: _____ Date: _____

Page Limits

The Program Abstract and the narrative sections must be submitted on single-spaced 8.5” x 11” pages with one-inch margins. Use a Times Roman or Arial font in a 12-point size for the narrative sections. Charts/tables within the narrative sections are not required to adhere to this standard. The use of a 10-point font size is permissible in charts/tables. If the narrative sections exceed the page limit, the excess pages will not be read by the reviewers. Do not include any attachments or addenda.

Need Narrative, Program Quality Narrative and Budget Narrative -- no more than a total of 25 pages, not including the abstract.

Proposal Submission (100 points)

The proposal submission consists of four distinct sections. These are: 1) Abstract; 2) Need Narrative, 3) Program Quality Narrative; and 4) FS-10 Budget and Narrative. Each section of the proposal builds logically on the preceding section. Be clear, precise and adhere to the following required format. The Need Narrative and Program Quality Narrative and Budget Narrative sections must not exceed 25 pages, not including the abstract. The proposal will be reviewed in accordance with the following points and based on the criteria set forth in the Proposal Evaluation Rubric.

Abstract (no points)

The abstract is the applicant’s opportunity to provide a clear and concise **one-page** summary that describes the entire project. The abstract should illustrate the primary purpose of the program, touch upon those children and schools most in need of services and highlight planned collaboration efforts that will provide high quality programming for parents and their children. The abstract should provide information and context that will assist the reviewers as they score the proposal. The abstract must also include the below chart.

	Public School Operated	CBO Operated	# of Days Operating
How many new full-day UPK seats are requested?			
How many existing half-day seats will be converted to full-day?			
How many new half-day seats are requested?			

Part 1 - Need Narrative (36 points)

In this section, applicants should clearly document the resources and needs of the community to be served by the project; the needs of the priority population to be served; and gaps in services currently available. Applicants are strongly encouraged to use a variety of data sources as evidence. Applicants with existing prekindergarten programs should include performance data to support the need for the project. Describe the overall need for this project by addressing the following:

1. The district is high need as measured by Free and Reduced Price Lunch percent and Limited English Proficient numbers as a percent of school enrollment. The data used for this section can be accessed at <http://www.p12.nysed.gov/upk/>.
2. Specific indicators of district need, including the proportion of eligible children currently not served by UPK or other publicly funded prekindergarten programs; the number of children on waiting lists for prekindergarten services, if applicable; the proportion of prekindergarten students currently enrolled in half-day programs; the proportion of prekindergarten students currently enrolled in full-day programs; and the availability or lack of other resources and programs who serve the priority population.
3. The specific needs of students to be served by the district, including the criteria that identify the unserved and/or underserved children that are eligible for this prekindergarten initiative; how the district will identify and recruit the population most in need of prekindergarten enrollment.
4. The specific gaps or needs in early learning services, critical issues and problems of the community, and the method for determining these. Cite the specific source(s) of any demographic, socioeconomic or educational data used in the description of needs.
5. How the applicant's proposal focuses services on the highest need schools and students, including the applicant's outreach plans and strategy for making enrollment information broadly available to parents and the public.
6. How the applicant's proposal would prioritize funds to maximize the total number of eligible children in the district served by prekindergarten programs, including the length of day (full/half), duration of services (projected start date and number of days program will operate) and who will provide the instructional program (public school/CBO/combo). Applicants that do not have at least one CBO collaborating partner must complete and submit a request for a variance from the collaboration requirement (Appendix 5).

Part 2 – Program Quality Narrative (44 points)

The school district must ensure that its prekindergarten program is providing high quality services and appropriately supporting its youngest and most vulnerable students. As a condition of receiving the Priority Full-day Prekindergarten and Expanded Half-day Prekindergarten Grant, applicants must agree to adopt approved high quality program indicators within two years.

Applicants must detail how they will meet quality standards for prekindergarten services offered directly by the district and its collaborating CBOs. Districts that currently offer prekindergarten may use the Self-Assessment tool in Appendix 2 to help them evaluate the status of their implementation of these standards.

The narrative should describe the policies, processes and procedures that the school district has implemented or will implement across the following domains and, in cases where elements have not yet been fully implemented, the specific action steps that the school district will take:

1. Classroom Environment (maximum of 6 points)

A quality application will demonstrate that:

- The daily schedule allows for a balance of intentionally-planned active and quiet play; indoor and outdoor gross motor activities; and individual and small group activities. Approximately one-third of the daily schedule is designated for children to engage in self-initiated activities.

- The classroom is divided into clearly defined, well-equipped learning centers including, but not limited to: dramatic play; blocks and construction; library, language arts, technology/media; science and nature; mathematics and manipulative materials; writing; creative arts; sand and water play and music.
- The district uses valid and reliable measures of environmental quality that allows it to evaluate the program's strengths and weaknesses and make program improvements that will increase quality.

2. Teaching Staff Qualifications (maximum of 8 points)

A quality application will demonstrate that:

- Prekindergarten teachers have NYS Early Childhood Teacher (Birth - Grade 2) Certificate -- OR — NYS Students with Disabilities (Birth - Grade 2) Certificate – OR – have a Bachelor's degree in early childhood education or a related field and have a written five-year plan for becoming certified.
- Prekindergarten teachers employed by a CBO that is regulated by another State agency either meet the qualifications set forth in the first bullet – OR – meet the qualifications established by their program's regulatory authority and submit a copy of their written five-year plan for becoming certified.
- Prekindergarten teachers employed by a CBO that is not subject to regulation by any State agency either meet the qualifications set forth in the first bullet – OR – meet the qualifications established by their program's administration and submit a copy of their written five-year plan for becoming certified.
- The district has written procedures for ensuring that all Prekindergarten teaching staff are certified or have a viable plan for becoming certified within five years of commencing employment as a Prekindergarten teacher.
- CBOs that employ teachers who are not certified have a supervisor who is certified for service in the early childhood or childhood grades and who is on-site during the hours of Prekindergarten operation.
- The district uses valid and reliable measures of teacher-student interactions to increase the understanding of the impact of the various interactions that occur within classrooms and to identify and support the use of classroom practices and processes that have the most positive effects on children's learning.

3. Curriculum Planning & Implementation (maximum of 6 points)

A quality application will demonstrate that:

- The district uses a written curriculum or curriculum framework that is evidenced-based (meaning research has been conducted regarding the relationship between the curriculum and children's learning), as well as developmentally appropriate (addresses the key domains of child development).
- The district uses a written curriculum or curriculum framework that aligns with the NYS Prekindergarten Foundation for the Common Core and ensures continuity with the district's Kindergarten to Grade 3 curriculum.
- All teaching staff receives annual training to implement the curriculum and supervision support is provided to staff to assist with curriculum implementation.
- The district implements appropriate modifications and provides additional supports to enable children with Individual Education Plans (IEPs) more effective inclusion in the full range of the program's activities.
- The district implements appropriate modifications and provides additional supports to ensure that participating children who are English language learners (ELLs) are provided equal access

to the program and opportunities to achieve the same program goals and standards as other participating children.

4. Child Screening & Assessment (maximum of 6 points)

A quality application will demonstrate that:

- The district has in place a child screening and assessment process that complies with applicable regulations includes procedures for collecting and protecting assessment results and provisions for sharing results with families.
- The district uses a developmental screening tool that is valid and reliable.
- The district documents the developmental progress of each child at least quarterly using a child development assessment tool(s) that is valid and reliable.
- The district can document that assessment results are used to inform instruction that addresses the needs of individual children.
- The district can document that aggregated assessment results are used to inform program practice.

5. Professional Development (maximum of 6 points)

A quality application will demonstrate that:

- Staffs from both the district and CBOs are involved in identifying needs and planning of the professional development focused on improving teacher performance.
- Professional development is connected to the goals and needs of the prekindergarten and K-3 programs.
- Professional development includes approaches that are grounded in research and application of practice in real situations emphasizing a strengths-based approach.
- Professional development provides information on how to integrate all the domains of early learning as set forth in the NYS Prekindergarten Foundation for the Common Core, and the NYS Common Core Learning Standards.
- Trainers have the qualifications, experience and knowledge to provide informative, practical research based training in the content areas.
- Evaluation of professional development occurs over time and addresses the benefits and applications to practice, not just the satisfaction level of the participants.

6. Family Engagement (maximum of 6 points)

A quality application will demonstrate that:

- The district has written policies and procedures to ensure active engagement of parents and/or guardians in the education of their children including:
 - Written communication with families;
 - Meeting one-on-one;
 - Parent workshops and training;
 - Opportunities for families to volunteer; and
 - Opportunities for parents to participate in program-and school-level decisions.
- Families complete a program evaluation or survey annually and results are used for program improvement.
- The district provides, directly or through referral, support services to children and their families necessary to support the child's participation in the prekindergarten program. Whenever possible, support services are provided in collaboration with other community organizations in a non-duplicative manner.

- Support services are provided to the maximum extent practicable in the language or mode of communication which the parents and/or guardians and the child best understand.

7. Transitions to Kindergarten (maximum of 6 points)

A quality application will demonstrate that:

- The district has established a contact at each of the early childhood programs located within the district boundaries.
- The district has a kindergarten registration process that includes questions about a child's preschool experience (parent feedback).
- District schools are accessible to families before children's enrollment in kindergarten (play groups, story hours, cultural activities, and open houses are established and welcome parents and preschoolers).
- Parents have the opportunity to meet school staff before the first day of kindergarten.
- Parents are provided the opportunity to express their needs and concerns about their children's attendance in kindergarten.
- The district makes outreach to families of those children not enrolled in a prekindergarten program.
- The district hosts meetings with directors and teachers from prekindergarten sites and principals and kindergarten teachers to discuss effective transitions.
- District personnel (such as: principals, reading specialists, special education representatives, kindergarten teachers) visit the prekindergarten sites in the community within the first quarter of the year, and meet with staff there for the purpose of sharing and learning curricular content of both prekindergarten and kindergarten.

Part 3 – Budget (20 points)

This section describes proposed expenditures that are appropriate, reasonable and necessary to support the project activities and goals. The proposed budget (FS-10) should reflect all required components of the program. The expenditures and activities are supplemental and do not supplant or duplicate services currently provided by a UPK grant and/or other funds used to support existing prekindergarten programming.

Applicants must provide a brief narrative that describes how the proposed expenditures are appropriate, reasonable and necessary to support the project activities and goals. For each budget category, describe how the costs are reasonable in relation to the number of children to be served, the services to be provided and the anticipated results and benefits.

Statement of Assurances

As Chief School Officer, I have signed the cover page assuring that the district and each participating agency classroom will operate according to Section 3602(e) of Education law and Subpart 151-1 of the Commissioners Regulations. Specifically, I assure the District will:

- Adhere to the Prekindergarten Plan approved by the Board of Education, including any changes or additions to district goals;
- Adopt and implement age and developmentally appropriate curriculum and activities that are learner centered across all settings and based on the *New York State Prekindergarten Foundation for the Common Core*;
- Adopt approved quality standards within two years of first accepting this grant;
- Screen all enrolled prekindergarten students in all prekindergarten sites in accordance to CR Part 117;
- Provide for an assessment of the development of language, cognitive and social skills of all enrolled prekindergarten students;
- Ensure that the measures of student outcomes will not be used to prohibit or discourage a child's enrollment in kindergarten;
- Ensure continuity between all prekindergarten classrooms and instruction in kindergarten and the early elementary grades;
- Encourage students to be self-assured and independent;
- Encourage the co-location and integration of students with special education needs;
- Utilize staff who meet the qualifications set forth in Section 3602-e of Education Law;
- Provide for strong parent partnerships and parent involvement in the education of their students;
- Provide professional development, integrated with K-Grade 3, for staff and teachers in all public and non-public UPK classrooms;
- Establish a method for selection of eligible students to receive prekindergarten program services on a random basis when there are more eligible students than can be served in a given school year;
- Provide supervision for all classrooms regardless of setting. School districts are also responsible for supervision of prekindergarten classrooms in community based organizations (CBOs);
- Adopt and use proper methods of administering each program, including (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations and

other recipients for carrying out each program; and (b) the correction of deficiencies in program operations that are identified through audits, monitoring or evaluation;

- Use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, funds under each program;
- Maintain on file a detailed accounting of grant expenditures including other sources of funding use to support the District's prekindergarten program including local tax levy;
- Agree to participate in any independent evaluation conducted by the State of the effectiveness of the prekindergarten program; and
- Make reports to the State Education Department as may be necessary to enable the Department to perform its duties under the program.

The District will maintain on file and provide to the State Education Department as requested:

- A description of the school district's competitive selection process for collaboration;
- A copy of any contracts or agreements between the collaborative agencies and the school district to implement a prekindergarten program;
- A list of all prekindergarten collaborators and the following information for each site:
 - the number of prekindergarten students;
 - the number of prekindergarten teachers; and
 - the type of certification or degree with a 5-year plan for each teacher who is not certified;
- A description of the process used to randomly select eligible students for enrollment when there are more applicants than available placements;
- Documentation to support any variances requested by the district, if applicable; and
- A copy of the Prekindergarten Program Plan approved by the Board of Education.

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, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public 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: mwbecertification@esd.ny.gov
<http://esd.ny.gov/MWBE/directorySearch.html>

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.

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.

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.

M/WBE Documents

Name of Grant Program: _____

Name of Applicant: _____

Calculation of M/WBE Goal Amount

	<u>Budget Category</u>	<u>Amount budgeted for items excluded from M/WBE calculation</u>	<u>Totals</u>
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 (20%)		.20
10.	Line 8 multiplied by Line 9 =M/WBE goal amount		

*If not included in indirect costs.

(whole dollar figures only)
2013 Prek Grant RFP

Applicant/ Name: _____

RFP #: GC13-021

M/WBE Purchases For Year One

Name of Vendor	Type <input type="checkbox"/> MBE <input type="checkbox"/> WBE	Type of Services or Supplies	Cost
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
	<input type="checkbox"/> MBE <input type="checkbox"/> WBE		
Total Year 1 M/WBE Expenses			
Year 1 M/WBE Goal			
Total Year 1 M/WBE Costs divided by Total Year 1 M/WBE Goal(%)			

M/WBE COVER LETTER

Minority & Woman-Owned Business Enterprise Requirements

NAME OF GRANT PROGRAM _____

NAME OF APPLICANT/BIDDER _____

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

In an effort to promote and assist 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 submitting responses to this procurement must complete this M/WBE Utilization Plan unless requesting a total waiver and submit it as part of their proposal. The plan must contain detailed description of the services to be provided by each Minority and/or Women-Owned Business Enterprise (M/WBE) identified by the bidder.

Bidder's Name _____

Telephone: _____

Address _____

Federal ID No.: _____

City, State, Zip _____

RFP No.: _____

Certified M/WBE	Classification (check all applicable)	Description of Work (Subcontracts/Supplies/Services)	Annual Dollar Value of Subcontracts/Supplies/Services
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____ <input type="checkbox"/> For Profit <input type="checkbox"/> Not -For-Profit		\$ _____
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____ <input type="checkbox"/> For Profit <input type="checkbox"/> Not -For-Profit		\$ _____

PREPARED BY (Signature) _____ DATE _____

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

NAME AND TITLE OF PREPARER: _____

(print or type)

TELEPHONE/E-MAIL _____

DATE _____

MWBE 100

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

**MWBE SUBCONTRACTORS AND SUPPLIERS
NOTICE OF INTENT TO PARTICIPATE**

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

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

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

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

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

DESIGNATION: MBE Subcontractor WBE Subcontractor MBE Supplier WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

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

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

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

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm

Date _____

Printed or Typed Name and Title of Authorized Representative

EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN

Instructions on Page 2

Bidder Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

RFP No: _____

Report includes:

Reporting Entity: _____

Work force to be utilized on this contract

Contractor

Contractor/Subcontractor's total work force

Subcontractor - Name: _____

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

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

PREPARED BY (Signature): _____

DATE : _____

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

TELEPHONE/EMAIL: _____

EEO 100

STAFFING PLAN INSTRUCTIONS

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

Instructions for Completing:

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

RACE/ETHNIC IDENTIFICATION

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

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

EEO 100

5 NYCRR 142.8 CONTRACTOR'S GOOD FAITH EFFORTS

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

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

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

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

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

PROJECT/CONTRACT # _____

I, _____

(Contractor/Vendor)

_____ 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'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>BUDGET REASON</u>	<u>ESTIMATED</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**



FINANCIAL ADMINISTRATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Bureau of Financial Administration - Office of Fiscal Management

REQUEST FOR WAIVER FORM

BIDDER/CONTRACTOR NAME:	TELEPHONE:
ADDRESS:	EMAIL:
CITY, STATE, ZIPCODE:	FEDERAL ID NO.:
	RFP#/CONTRACT NO.:

INSTRUCTIONS: By submitting this form and the required information, the bidder/contractor certifies that Good Faith Efforts have been taken to promote M/WBE participation pursuant to the M/WBE goals set forth under this RFP/Contract.

Please see Page 2 for additional requirements and document submission instructions.

BIDDER/CONTRACTOR IS REQUESTING (check all that apply):

MBE Waiver - A waiver of the MBE goal for this grantis requested.

Total **Partial** _____ %

WBE Waiver - A waiver of the WBE goal for this grantis requested.

Total **Partial** _____ %

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 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:	FOR AUTHORIZED USE ONLY
	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: _____ DATE: _____

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/Contractor, and the M/WBEs undertaken for purposes of complying with the certified M/WBE participations goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number and email address of the Bidder/Contractor's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

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