

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Higher Education
Office of Access, Equity and Community Engagement Services
89 Washington Avenue
Room 505W, Education Building
Albany, New York 12234

**Guidelines
For
Submission of
Liberty Partnerships Program Proposals
GC 22-007
For the Period
September 1, 2022 through August 31, 2027**

Proposals are due by June 28, 2022

**Announcement of Funding Opportunity
Liberty Partnerships Program 2022-2027**

Introduction/Background: Through this RFP, New York State Education Department (NYSED) seeks to identify Institutions of Higher Education (IHE) that will create strong school and community partnerships to deliver research-based programming to students enrolled in public and non-public schools that are identified as having a high risk of students dropping out of school.

As leaders in the educational community, IHEs are encouraged to collaborate, design and implement programming that creates new strategies that influence the way schools work and the way we treat students as active participants in their own learning.

Legislative Authority: The Liberty Partnerships Program (LPP) was established in 1988 under Section 612, Subdivision 6 of the Education Law to address the significantly elevated high school dropout rate among New York's youth. The authorizing legislation stated, "the failure of many young New Yorkers to complete their secondary education limited their opportunity for a life of fulfillment, prevents them from advancing into postsecondary education and hinders the State's efforts to provide a well-trained workforce for business and industry in New York."

Purpose/Services:

The purpose of the Liberty Partnerships Program is to provide for a continuity of services throughout a student's progression through secondary school for those students who are identified as at-risk of dropping out. Services to be provided under this section may include skills assessment, tutoring, academic and personal counseling, family counseling and home visits, staff development activities for personnel with direct responsibility for such students, and mentoring programs.

Eligible Applicants: EDL § 612; "...awards shall be made on a competitive basis to degree-granting institutions of higher education or consortia of degree-granting higher education institutions in cooperation with school districts and not-for-profit community-based organizations. In addition, in areas of the state where no degree-granting institution or consortium of degree-granting institutions of higher education can provide appropriate services to students, the commissioner may award grants to not-for-profit community-based organizations in cooperation with school districts."

Each proposal must be submitted by at least one New York State eligible degree granting Institution of Higher Education (IHE) acting as the fiscal and project coordinator for a partnership with a Local Education Agency (LEA) and a Community Based Organization (CBO).

In a designated Regent's Region of the state in which no IHE applies to provide appropriate services to eligible students, a not-for-profit community-based organization(s) in cooperation with a LEA may apply. The CBO

would then apply as the lead agency with an IHE and LEA as identified partners. If such an application is made in a region where an IHE has applied, the CBO application would be deemed ineligible.

Although SUNY and CUNY colleges may use their respective “Research Foundation” as their fiscal agent if they receive a LPP award, the Research Foundation is not a degree-granting institution and therefore cannot be the applicant.

Priorities:

According to EDL § 612; the priorities shall include schools identified by the Commissioner as in need of assistance; rural schools with students at risk; programs which provide for small group partnerships with low student-staff ratios; colleges which demonstrate a high level of commitment to programs in such fields as education, social work, psychology, and sociology, and involve faculty members and graduate students from these degree programs.

Requirements

The requirements shall include:

1. The IHE must have a partnership with at least one LEA that falls within the categories below:
 - 1) Be a school eligible for schoolwide programs under Title 1, Section 1114 of Every Student Succeeds Act, and the families of these students, or
 - 2) Be a school with at least 40 percent of students eligible for free or reduced priced lunch; and the families of these students or
 - 3) Be identified as a Comprehensive Support and Improvement (CSI) school, or a Targeted Support and Improvement (TSI) school _or
 - 4) Be a rural school with students at risk.

Priority Schools including a Comprehensive Support and Improvement (CSI) school, or a Targeted Support and Improvement (TSI) school: <http://www.nysed.gov/accountability/essa-accountability-designations>

1. Identifying students who are at risk of dropping out of middle or secondary school.
2. Projects with an overall student enrollment of at least 200 students with at least 40 students enrolled at each partner school and/or LEA.
3. A project that involves volunteers, parents, and current or former LPP students.
4. A project that provides continuity of services throughout a student’s progression through middle or secondary school.

5. A project that provides the following services and activities:
 - a. Skills assessment/ Personal Learning Plans (PLPs)
 - b. Social emotional assessment
 - c. Tutoring
 - d. Mentoring
 - e. Academic, Personal, and Family Counseling and home visits
6. A project that provides staff development for personnel with direct responsibility for eligible students.
7. A project which has cooperative relationships with school districts and not for profit community based organizations to ensure continuity of services until students graduate from high school or receive a high school equivalency diploma.
8. A project which provides sufficient space and institutional resources consistent with other academic support programs on the campus for the effective operation of the project. This would include sufficient access to space needed to conduct the following: group meetings/workshops, conferencing, confidential academic and/or financial counseling, program administration, and tutoring services. Should a conflict regarding this provision arise, LPP- SED shall investigate the situation and issue a written decision regarding the adequacy of the access and space.

Student Risk Factors:

According to EDL § 612; the student risk factors for being eligible for participation in LPP shall include: poor academic performance, poor attendance, discipline problems, teenage pregnancy or parenting, residence in a homeless shelter or temporary living arrangement, substance abuse, child abuse or neglect, limited English proficiency, or other identified factor affecting school performance.

Important Dates:

1. A Non-Mandatory Notice of Intent (NOI) may be submitted by June 21, 2022.
2. An RFP Conference by Webinar will be posted on May 17, 2022. Eligible applicants planning to apply for funding are invited to view the presentation at: <http://www.nysed.gov/postsecondary-services/liberty-partnerships-program>
3. All questions must be submitted to: LPPRFP@nysed.gov through the close of business on June 3, 2022.
4. A question-and-answer summary will be posted no later than June 14, 2022 at: <http://www.nysed.gov/postsecondary-services/liberty-partnerships-program>
5. Applications due electronically and posted marked by June 28, 2022 at 5pm.
6. Project Period: September 1, 2022 through August 31, 2027.
7. Annual Operation Dates: September 1 through August 31.

Funding: Funding for the initial year of this cycle will be at least \$24,976,360 per the 2022-2023 New York State budget.

Applicants should check the NYSED LPP website regularly for Updates to this funding opportunity.

Application Submission:

Applicants must submit **one original and two (2) paper copies** (both the narrative application and the budget/budget narrative) as well as a **flash drive** containing a complete electronic copy (including attachments) of the proposal in one PDF file and a copy of the budget documents (FS-10, Composite Budget, and Budget Narrative) in separate PDF files, in a sealed envelope labeled “Liberty Partnerships Program Application GC 22-007”.

Applications must be sent to the address shown below:

NYS Education Department
Office of Access, Equity and Community Engagement Services
Liberty Partnerships Program
89 Washington Avenue, Room 971 EBA
Albany, NY 12234
Email: LPPRFP@nysed.gov

Prequalification Requirement:

The State of New York has implemented a new statewide prequalification process (described in <https://grantsmanagement.ny.gov/>) designed to facilitate prompt contracting for not-for-profit vendors.

All not-for-profit vendors are required to pre-qualify by the grant application deadline in order to be eligible for this grant. This includes all currently funded not-for-profit institutions that may have previously received an award and are in the middle of the program cycle. Please review the additional information regarding this requirement in the Prequalification for Individual Applications section of this RFP.

The State Education Department Contacts:

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I. INTRODUCTION

Through this RFP, New York State Education Department (NYSED) seeks to identify Institutions of Higher Education (IHE) that will create strong school and community partnerships to deliver research-based programming to students who are at a high risk of dropping out of school and who are enrolled in public and non-public schools.

As leaders in the educational community, IHEs are encouraged to collaborate, design and implement programming that creates new strategies that influence the way schools work and the way we treat students as active participants in their own learning.

II. BACKGROUND & PURPOSE

The Liberty Partnerships Program (LPP) was established in 1988 under Section 612, Subdivision 6 of the Education Law to address the significantly elevated high school dropout rate among New York's youth. The authorizing legislation stated "the failure of many young New Yorkers to complete their secondary education limited their opportunity for a life of fulfillment, prevents them from advancing into postsecondary education and hinders the State's efforts to provide a well-trained workforce for business and industry in New York. The Liberty Partnerships Program is included in the New York State Education Department's Statewide Plan for Higher Education as part of its strategy to maximize the successful transition of middle and high school students, who are at-risk of dropping out of school, into graduates, fully prepared for the rigors of higher education and the competitive demands of a fluid workplace in a global economy."

This higher education initiative will grant awards on a competitive basis to eligible applicants that agree to deliver comprehensive, evidence based, results-driven programming designed to improve the abilities of at-risk middle and high school students to graduate from high school prepared for a successful transition into postsecondary education or onto a career path.

III. INSTITUTIONAL ELIGIBILITY

In accordance with § 612 of the Education Law, "awards shall be made on a competitive basis to degree-granting institutions of higher education or consortia of degree-granting higher education institutions in cooperation with school districts and not-for-profit community-based organizations." Each proposal must be submitted by at least one New York State eligible degree granting Institution of Higher Education (IHE) acting as the fiscal and project coordinator for a partnership with a Local Education Agency (LEA). In order for any proposal to receive consideration, the applicant for your LPP RFP application must be the degree-granting institution. The Application Cover Page should list the degree-granting institution as the applicant. Although SUNY and CUNY colleges may use their respective "Research Foundation" as their fiscal agent if they receive a LPP award, **the Research Foundation is not a degree-granting institution and**

therefore cannot be the applicant or a partner. The partnership may include additional LEAs, IHEs and or community-based organizations (CBO). This item will be reviewed by the Office of Access, Equity and Community Engagement Services to ensure that the applicant meets this criterion prior to a review of the proposal on its merits. Any applicant who fails to meet this criterion will not have their proposal reviewed.

1. IN A REGION OF THE STATE IN WHICH NO IHE APPLIES to provide appropriate services to eligible students, a not-for-profit community-based organization(s) in cooperation with a LEA may apply. The not-for-profit CBO may apply, however their application would only be considered if no Institution of Higher Education applies in that region.
2. APPLICANTS MUST PARTNER WITH THE LEA(S) WHERE PARTICIPANTS ARE ENROLLED. A partnership signifies meaningful involvement in planning, as well as specific individual or joint responsibilities for program implementation. The application must contain signed Partnership Agreements with each partnering agency that describes their significant involvement in planning and program implementation. A sample Partnership Agreement is provided in Appendix II that may be used as a guide to develop customized agreements. The applicant is responsible for the performance of any service provided by the partners.
An individual, agency, organization or other entity that only provides services described in the proposed program, and is not involved in planning, is considered a sub-contractor, not a partner. Therefore, a Partnership Agreement is not required.
Please also see the section entitled “Partnership Arrangements for Liberty Partnership Applications.”
3. LETTERS OF SUPPORT FROM NON-PARTNER ORGANIZATIONS or individuals will not be reviewed as part of the evaluation of the application.

IV. STUDENT PARTICIPANT ELIGIBILITY

Eligible students will be:

1. New York State residents;
2. Enrolled in grades 5 through 12; or under 20 years old and enrolled in a [state-recognized High School Equivalency program \(HSE\)](#);
3. Attending public, non-public, or home schools, or enrolled in [state-recognized HSE program](#) in New York State; and
4. Each participant must be identified as being at risk of dropping out of school as measured by one or more of the following factors:
 - a. Unsatisfactory academic performance;
 - b. Inconsistent school attendance or truancy;
 - c. History of Behavior/discipline problems;
 - d. History of family/peers dropping out of school;

- e. Negative change in family circumstances;
- f. History of child abuse or neglect;
- g. Homeless/resident in a shelter or foster care;
- h. History of substance abuse;
- i. Limited-English proficiency;
- j. Teenage pregnancy and/or parenting;
- k. Negative peer pressure; or
- l. Other specific documented factors (should not account for more than 10% of student enrollment).

V. PROPOSAL FOCUS AND PROGRAM SERVICE REQUIREMENTS

Successful proposals will provide for the implementation of a five-year project plan, with a **Start Date of September 1, 2022**, and an **End Date of August 31, 2027**, that delivers 12-month structured programming of support services and counseling activities facilitating the following outcomes to benefit eligible students:

1. A program model that is either:
 - a. A school based model
 - b. An afterschool model
 - c. A model which is a combination of the two
2. Required services include skills assessment, tutoring, academic and personal counseling, family counseling and home visits, staff development activities for personnel with direct responsibility for such students, and mentoring programs.
3. Projects must offer at least a four week summer component in each year of the cycle. Each LPP participant must be offered a summer program opportunity at least once during the funding cycle. The summer component must have an enrollment of at least 40 students.
4. Ensure that participants have increased persistence to complete high school with sustained high academic achievement.
5. Ensure that participants are prepared for successful transition into postsecondary education and the workforce.
6. Projects must be in coordination and partnership with at least one LEA and at least one Community Based Organization.
7. Be in accordance with the IHE's mission and/or Master Plan.

VI. PARTNERSHIP ARRANGEMENTS FOR LIBERTY PARTNERSHIP APPLICATIONS

Eligible applicants will form a partnership with a local educational agency. In addition to a local educational agency, the eligible applicant can also include not-for-profit community-based organizations (CBO) in the partnership. In order to be a qualifying partnership, the partnership must meet the following requirements:

1. Consist of an eligible lead applicant (IHE*), a local educational agency (LEA), and a not-for-profit CBO.
2. The partnership must be evidenced by a signed partnership agreement signed by all parties to the agreement. **The completed and signed Partnership Agreement must be submitted with the application. If an agreement is not submitted, the application will be disqualified. If a partnership agreement is not signed by all parties to the agreement, it will not be evaluated for scoring purposes and the application will be disqualified.**
3. Contract awards granted to applicants will be prepared in the name of the applicant. The applicant will act as the fiscal agent. Although SUNY and CUNY colleges may use their respective "Research Foundation" as their fiscal agent if they receive a LPP award, the Research Foundation is not a degree-granting institution and therefore cannot itself be the applicant. In the event a SUNY or CUNY College wins an award and that college has chosen to use the Research Foundation as their fiscal agent, the standard process is that a grant contract is written for 'RF <SUNY/CUNY> on behalf of <specific SUNY/CUNY College>.' Ultimately, the College bears responsibility for program operations, for fiscal decisions, and fiscal and performance reports. The applicant must be the principal communicant with NYSED regarding the LPP project;
4. A sample partnership agreement is attached as Appendix III. The purpose of the sample is to assist applicants in the development of their partner agreements. However, it must be adapted to the applicant's particular program. Otherwise, it may be an indicator of a weak partnership agreement. Specific requirements regarding student data sharing must be included in the partnership agreement with the provision that each partner adheres to required confidentiality restrictions regarding the public disclosure of any protected information.
5. The partnership agreement must contain the following elements:
 - (a) Designate the lead IHE to serve as the applicant and fiscal agent for the grant.
 - (b) Specify all of the services each of the partners is required to provide and when they are expected to do it.
 - (c) Require the sharing of sufficient student and operational data to ensure that appropriate services are provided to eligible students, and that such services can be evaluated as to their educational impact.
 - (d) **Is signed by all of the parties to the agreement when the application is submitted.**

6. The applicant must receive and administer the grant funds and submit the required reports to account for the use of grant funds;
7. The applicant must be an active member of the partnership.
8. The applicant/fiscal agent cannot act as a flow-through for grant funds to pass to other partners and third parties. The applicant should provide a minimum of 55% of direct cost services to the program, meaning at least 55% of the annual budget should be allocated to line items other than Purchased Services, including BOCES Purchased Services.
9. The applicant is PROHIBITED from sub-granting funds to other recipients. A sub-grant occurs when the applicant delegates programmatic decision making or responsibility for achieving program goals to a third party. The applicant is fully responsible for compliance with program requirements and achievement of program objectives.
10. The applicant is permitted to sub-contract for services with other partners or consultants to provide services that the applicant cannot provide itself but are part of the program objective.
11. The applicant shall take full responsibility for the acts and omissions of its partners and subcontractors. Nothing in the partnership agreement or subcontract shall impair the rights of NYSED under its agreement with the applicant. No contractual relationship shall be deemed to exist between the partner/subcontractor and NYSED.
12. The applicant is responsible for the performance of any service provided by the partners, consultants, or other organizations and must coordinate how each entity plans to participate.

VII. PUBLIC RELATIONS/ATTRIBUTIONS OF FUNDING

In order to ensure the continued support and the commitment of resources to State-funded Liberty Partnerships Program projects, there must be public awareness of the program's positive impact on the lives of project participants and their families, schools, and communities. Positive publicity and community awareness also help to ensure that those who are eligible and who could benefit from participation are informed of the project's existence.

To facilitate public awareness, all funded Liberty Partnerships Program projects are required to ensure that all public relations materials, websites, and program related activities acknowledge that the project and its activities are supported, in whole or in part, by a grant from the New York State Education Department. In addition, when local, statewide, or national media report on the project's success or on honors received by students or staff, New York State Education Department funding must be acknowledged.

In addition, the project director should submit copies of all local, statewide, or national media stories about the project and/or the project participants and staff to the State Education Department at the following address:

New York State Education Department
Office of Access, Equity and Community Engagement Services
Liberty Partnerships Program
89 Washington Avenue
Education Building, EBA 971
Albany, New York 12234
Telephone: (518) 474-3719
E-mail : kiap@nysed.gov

Questions about this policy may be directed to the appropriate project liaison. The foregoing publicity requirements are subject to any additional terms and conditions that are defined in the master grant contract.

VIII. 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 may become available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Waive any requirements that are not material;
11. Negotiate with the successful bidder within the scope of the RFP in the best interests of the state;

12. Conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder;
13. Utilize any and all ideas submitted in the proposals received;
14. Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening;
15. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation;
16. Request best and final offers.

IX. VENDOR RESPONSIBILITY, M/WBE, AND ADDITIONAL REQUIREMENTS

Vendor Responsibility

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include legal authority to do business in New York State; integrity; capacity - both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see [OSC's website](#).

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the [VendRep System Instructions](#) or go directly to the [VendRep System online](#).

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the [Office of the State Comptroller's Help Desk](#) at 866-370-4672 or 518-408-4672 or by email at ITServiceDesk@osc.ny.gov.

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

Subcontractors:

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

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

Workers' Compensation Coverage and Debarment

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

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

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

PROOF OF COVERAGE REQUIREMENTS

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

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

Proof of Workers' Compensation Coverage

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

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** – Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200** – Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

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

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

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

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE)

Participation Goals Pursuant to Article 15-A of the New York State Executive Law

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

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

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

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

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

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

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

All requested information and documentation should be provided at the time of submission. If this cannot be done, the applicant will have thirty (30) days from the date of notice of award to submit the necessary documents and respond satisfactorily to any follow-up questions from the Department. Failure to do so may result in loss of funding.

METHODS TO COMPLY

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

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

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 102 Notice of Intent to Participate
- EEO 100 Staffing Plan

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

COMPLETE FORMS:

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

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

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 101 Request for Waiver
- M/WBE 105 Contractor's Good Faith Efforts
- EEO 100 Staffing Plan

GOOD FAITH EFFORTS

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

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

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

REQUEST FOR WAIVER

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

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

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

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

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

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

PREQUALIFICATION FOR INDIVIDUAL APPLICATIONS

Pursuant to the New York State Division of the Budget bulletin H-1032, not-for profit organizations must Prequalify to do business with New York State agencies before they can compete for State grants. The process allows nonprofits to address questions and concerns prior to entering a competitive bid process. Nonprofits are strongly encouraged to begin the Prequalification process as soon as possible.

To become prequalified, a nonprofit must register with Grants Gateway and complete an online Prequalification application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents.

Detailed information on how to register with the Grants Gateway and become prequalified is available on the [Grants Management](https://grantsmanagement.ny.gov/) website (<https://grantsmanagement.ny.gov/>).

Disclaimer: *New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.*

Proposals received from nonprofit applicants that are not Prequalified in the Grants Gateway by 5:00 PM on the proposal due date of June 28, 2022 cannot be evaluated. Such proposals will be disqualified from further consideration.

Non-Mandatory Notice of Intent:

Non-Mandatory Notice of Intent: The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application date; however, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process. A non-profit applicant's NOI will also help to facilitate timely review of their prequalification materials. The notice of intent is a simple email notice stating your organization's (use the legal name) intent to submit an application for this grant. Please also include your organization's NYS Vendor ID. The NOI due date is June 21, 2022. Please send the NOI to LPPRFP@nysed.gov.

Accessibility of Web-Based Information and Applications

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

X. FUNDING LIMITATIONS

The specific amount of awards depends upon the legislative appropriation and the review and approval of an institution's application for funding by the State Education Department. While these guidelines call for a five year narrative proposal, applicants are required to submit a one year budget for the period September 1, 2022 - August 31, 2023 using [Form FS-10](#) at <http://www.oms.nysed.gov/cafe/forms/>.

Funding in years two through five is dependent on satisfactory performance, legislative appropriation, and the submission of an updated proposed project budget approved by SED.

For the period September 1, 2022, through August 31, 2023, the minimum award amount will be \$250,000 to serve at least 200 students. This amount is subject to the final appropriation from the Legislature and the Governor. The amount of the maximum award will be based upon the final appropriation from the Legislature and the Governor. Projects that seek to be awarded the maximum amount must serve at least 360 students.

Each funded project is also expected to meet its budgeted enrollment figure. If actual enrollment is less than 95% of budgeted, the project will be placed on probation in the next project year. Projects may have their grant proportionately reduced or withdrawn if they fail to maintain satisfactory progress to maintain their budgeted enrollment figure. See "Probation/ Grant Suspension" section of the RFP.

Note: Grant funds must be expended on allowable activities in accordance with the approved budget and in accordance with the applicable cost principles. Further, Budget allocations in future years are subject to review.

All funding requests meeting the eligibility criteria will be reviewed at the time of submission of an application. NYSED reserves the right to eliminate any budget item or activity deemed unallowable or inappropriate in the budget narrative or FS-10 form. Grantees will not be allowed to substitute new items for those that have been eliminated.

Additional Funding for the Program

For an increase in available funding:

- A. If new or additional funding becomes available in years 1 or 2, and NYSED chooses to distribute this funding to applicants of this current RFP, NYSED will allocate the funds in this order by:
 - a. Making whole any funded programs that have received a partial award;
 - b. Approving awards, in rank order, for eligible applicants who received passing scores, but who did not rank high enough to receive the initial funding. If there are funds remaining that will not fully support the next highest-ranking application, that applicant will be given the opportunity to receive a partial award so long as the award is not less than \$200,000;
 - c. Allocating funds among already awarded programs to serve additional students. NYSED will offer awarded programs the opportunity to serve additional students. This opportunity will be offered to all awarded programs that have not fallen below 95% of their enrollment goal, according to the most recently submitted rosters of students (see the Shortfalls in Enrollment Goals section below) Maximum request amounts will be established by distributing funding proportionally (based on total annual budget) to those institutions that accept the opportunity to serve additional students. Such plan will be subject to review and approval by the Office of the State Comptroller.

B. In the event there are remaining funds after making awards described in the preceding paragraph in years 1 and 2, or if new or additional funding becomes available in years 3-5, NYSED may allocate the grant funds as determined by the Department, subject to the statutory funding formula. Such plan will be subject to review and approval by the Office of the State Comptroller.

Reduced Funding for the Program

Should the enacted NYS budget reduce the funds available for the Liberty Partnerships Program, a proportional reduction will be borne by all programs based upon the proportion of the funds received and the amount of the reduction. Impacted projects could reduce their service population commensurate with the reduction in funding, subject to the statutory funding formula.

XI. BUDGET

A. Use of Funds:

According to Education Law § 612 ... allowable costs under this program shall include, ... salaries of program personnel, including graduate student stipends; transportation costs for students and program personnel; instructional materials; reimbursement to school districts for release time granted to employees while participating in the planning and development of activities funded pursuant to this section; training of program personnel; costs related directly to program services, including summer and weekend activities; and administrative costs directly attributable to the program.

1. Activities funded under a LPP award will be administered pursuant to a written contract between NYSED and the funded IHE.
 - a. NYSED reserves the right to eliminate any budget item or activity deemed unallowable or inappropriate in the budget narrative or FS-10 form. Grantees will not be allowed to substitute new items for those that have been eliminated.
2. Delivery of services may include partnership goods and services by the IHE with LEAs, not-for-profit, and/or community-based organizations.
3. No LPP funds may be used for purposes which have not been described in the proposal. Amendments to the proposal during the course of the year that involve changes in the manner in which LPP funds are expended must have prior written approval from NYSED.
4. Program changes impacting service delivery and project continuity must have prior written approval from NYSED-LPP.

B. Allowable Expenses:

Allowable direct costs include the following:

1. **Program administration**, including as appropriate: professional and non-professional salaries, fringe benefits, staff travel, purchased services/consultant services, required membership fees, LPP regional and statewide professional development, reimbursement for “release time” for school personnel engaged in program planning and implementation reported as a purchased service.
2. **Program activities**, including as allowable: participant field trips, LPP student conference expenses, program achievement/awards, project brochures/materials and promotional activities, activities fees for participants, standardized tests/instruction fees for participants, expenses related to program attendance such as participant transportation, and evaluation materials and activities. Out of state travel requires prior approval by SED.
3. **Student classroom supplies**, needed for direct academic remediation and skill development.
4. **Participation in a statewide evaluation program**. For the purpose of this RFP, the required independent evaluator is a vendor (purchased services), NOT a partner.
5. **Administrative and instructional supplies, materials, and equipment and durable goods**; including instructional or administrative computer software and computers, lab equipment, etc., which are used principally in the operation and administration of the LPP project.
 - a. When equipment or durable goods are purchased with LPP funds, it is the responsibility of the institution to ensure that the LPP Durable Goods Inventory Form, found in Appendix 3, is completed and that a copy is submitted to NYSED.
 - b. If a program closes, any equipment or durable goods purchased with LPP-NYSED funds must be released for transfer to another LPP program so that equipment or durable goods continue to support LPP students. NYSED staff will assist in coordinating the accountability and transfer of such equipment or durable goods.

C. Indirect Expenses:

For eligible IHEs, funds for indirect expenses provided by the LPP award may not exceed eight percent (8%) of total LPP grant contract expenditures. Indirect costs cannot be charged on the following items:

1. **Equipment purchases**
2. **Stipends/honoraria**
3. **Tuition**
4. **The amount exceeding \$25,000.00 of each subcontract**

Costs: (In your application it is helpful if you **BOLD TYPE** the cost(s) not included in the calculation of the modified direct cost base in Code 49 of the FS-10).

For eligible not-for-profit community- based organizations, an indirect cost rate of up to 2.6% may be used for indirect expenses. Such organizations may apply to the Department's Grants Finance Unit for a higher indirect cost rate for their project. Contact [NYSED's Grants Finance Unit](#) for more information. For profit organizations are not allowed to claim indirect costs on grants/grant-contracts.

D. Fringe Benefits:

The rate for fringe benefits cannot exceed the actual rate paid by the institution for benefits actually received by the covered employee. As only administrative costs directly attributable to the program are allowed by law, it is not permissible to deduct fringe benefits costs for employees who do not receive the benefits. For CUNY and SUNY institutions, the maximum rate that will be considered is the rate allowed by the New York State Comptroller's Office (OSC).

E. Non-Allowable Activities and Costs:

1. Liberty Partnerships Program funds are intended to establish new efforts or to enrich or expand existing ones. They may not be used to supplant funding of other existing efforts and should not cause the reduction of instructional hours or any other service LPP students would otherwise receive.
2. LPP funds may not be used for purposes other than those described in the approved grant contract.
3. Flow-through funds are not permitted. A flow through is defined as an entity that passes funds on to another entity without providing the primary service for which the funds were provided.
4. Interest and finance charges incurred by the grant contract recipient are not allowed for reimbursement.
5. Funds cannot be used to pay for student's participation in program activities, except as provided in the description of allowable costs.
6. LPP funds cannot be used to pay for the salary or stipend of the Liberty Partnerships Program Director's Supervisor, or someone designated as a Principal Investigator for the grant contract.
7. LPP funds cannot be used to purchase or rent space to house the Liberty Partnerships Program.

F. LPP Payment Schedule:

Activities funded under a LPP award will be administered pursuant to a written contract between NYSED and the funded applicant institution or applicant lead institution of a consortium. An institution awarded a contract and accepting LPP funds must submit an annual budget and budget narrative for the first year and each succeeding year in a form and manner prescribed by LPP-SED. All FS-10, FS10A, FS25, and FS10F, must include an original signature, in blue ink, of the Campus President or individual authorized in writing to sign on behalf of the Campus President. If using a designee, a letter from the Campus President must accompany the initial FS10 designating that individual as the authorized signatory. Regardless of the use of a designee, the Campus President is still ultimately responsible for the proposed and actual expenditures of New York State funds.

Note: The Grant Contract is approved when it has been signed by the IHE's Chief Executive Officer, the New York State Education Department, the Office of New York State Attorney General, and the New York State Office of the State Comptroller.

G. Transfer of Funds:

Failure to follow these procedures may result in the disallowance of all expenditures not previously approved by LPP-SED.

1. Consistent with the Fiscal Guidelines for Federal and State Grants, budget transfers must be requested using Form FS-10-A: Proposed Amendment for a Federal or State Project.
2. All FS-10-A forms must be submitted between the start date of any funding year and June 30th.
3. Any amendment that affects the amount, consideration, scope or other terms of a contract is subject to the approval of the Attorney General and the Office of the State Comptroller.
4. An amendment that would result in a transfer of funds among program activities or budget cost categories that does not affect the amount, consideration, scope or other terms of such contract may still be subject to the approval of the Attorney General and the Office of the State Comptroller where the amount of such modification is, as a portion of the total value of the contract, equal to or greater than ten percent for contracts of less than five million dollars, or five percent for contracts of more than five million dollars; and, in addition, such amendment is subject to prior approval by SED as detailed in the contract.
5. Funds must not be expended until the budget/contract amendment has been approved in writing.

Note: Failure to follow the procedures outlined above may result in the disallowance of all expenditures not previously approved by SED.

H. Allocations to Collaborating Agencies:

Activities funded through the Liberty Partnerships Program will be administered pursuant to a written grant contract between the State Education Department and the selected applicant. Funding requests for the delivery of direct student services may include allocations by the selected applicant with collaborating agencies including: the LEA(s), the IHE, partner not-for-profit community-based organizations, partner schools, and other postsecondary education institutions.

I. Grant Contract Amendments:

The grant contract may be amended with the consent of the State Comptroller. Amendments to the grant contract which involve increases in dollar amount, changes in scope or in the way LPP funds are expended must have prior written approval from the same. Only expenses incurred for activities included in the approved or amended budget will be reimbursed by the State.

J. Records Retention:

- a. All LPP related institutional records, including student and fiscal records, are subject to audit by the State Education Department and the Office of the State Comptroller, or an agency designated by one of the above.
- b. Fiscal records, including those identifying an expense of LPP funds, must be maintained for seven full years, or longer if required by institutional policy or practice.
- c. Student records must be maintained for seven years after the student graduates or exits the program, whichever is later.
- d. Audit or litigation will "freeze the clock" for records retention purposes. Supporting documentation related to an issue under audit or litigation must be retained until resolved or the above general rule for record retention, whichever is longer.

K. Charging For Project Services:

Projects must be equally accessible to all students targeted for services. Projects may not prohibit any family from participating in LPP programming due to their financial situation. The priority of the project is to deliver a continuum of twelve-month programs and services to benefit students and families in grades 5-12. Projects may plan to collect revenue from specific activity related fees only. Those fees must be used to fund project activities outside the funded scope of the approved LPP budget, and cannot be collected without prior written approval from NYSED. No general registration, membership, or participation fees are allowed. Additionally, to the greatest extent possible external fundraising should be exhausted prior to the collection of any fee from a student or family.

For further information on the treatment of program income, see Section 11: www.oms.nysed.gov/cafe/guidance

M. Budget (FS-10)

The application must include an FS-10 Budget Form for the first year of the program. Please remember that travel costs for program employees should be itemized under Travel Expenses; travel for consultants should be itemized under Purchased Services.

Budgets (FS-10)

- a. The application must include an FS-10 Budget Form for the first year of the program.
- b. Each institution receiving a LPP award will be required to submit a FS-10 and Budget Narrative prior to the beginning of each subsequent program year. This is due to LPP-SED no later than July 15 for the program year beginning September 1. The FS-10 and Budget Narrative must be approved by SED prior to the requesting of any funds by the institution.
- c. General descriptions of expenditures, allowable costs (subject to the limitations set forth in Section X), applicable federal cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#)

Adjustments to the award will occur if items within the proposed budget are deemed to be non-allowable or inappropriate.

Not-for-Profit Applicants:

The initial payment of 25% will be made upon approval of the contract.

Subsequent payments would be made following the submission and approval of an FS-25 form. The final payment of 10% occurs upon the approval of the Final Program and Expenditure Report (FS-10F).

For-Profit Applicants:

Subject to the approval of a contract, funds will be distributed to for-profits on a reimbursement for work performed. The applicant may receive interim payments (up to 90 percent of the grant contract), but only actual expenditures will be reimbursed. The final reimbursement payment of 10% occurs upon the approval of the Final Program and Expenditure Reports (FS-10F).

XII. PROJECT OPERATIONAL GUIDELINES

A. Operation Dates

The operation dates for the first year of this proposal will be September 1, 2022 through August 31, 2023. Expenses incurred prior to September 1, 2022, or after August 31, 2023, will not be reimbursed.

B. Required Reports

Each institution receiving a LPP award will be required to submit two project reports annually; a mid-year assessment and a final report to the LPP Program Liaison. The report elements and format for the mid-year assessment and the final report will be provided by NYSED.

For each year, the mid-year assessment covers project activities from September 1 to February 15, will be due March 15. In addition to other specified requirements, the mid-year assessment will include a roster of all participants enrolled in the project on February 15 in each project year. The final report, which reflects on all project operations and project accomplishments, will be due September 30 of each year, in a format specified by the State Education Department. Late submissions of budgetary forms and reports may result in the suspension of funds. No extensions may be granted for submission of the final report.

In addition to the NYSED required reports, the LPP director's Statewide Committee will decide upon an external evaluator to develop and implement a statewide evaluation process. Each funded LPP project is obligated to

participate in the statewide evaluation of overall performance of the program. Failure to participate in the statewide evaluation will result in a suspension of funds until participation is satisfactory. The LPP program liaison will work with the LPP Director's Statewide Committee to develop the evaluation standards in accordance with 8 NYCRR 55.3 (d).

C. GRANT RECIPIENT RESPONSIBILITIES, PROBATION/GRANT SUSPENSION

Grant Recipient Responsibilities:

1. Projects must operate under the jurisdiction of the IHE, have access to all needed facilities of the IHE, and are subject to at least the same degree of accountability as all other activities of the IHE.
2. All funded projects are required to have a full-time LPP director working exclusively on the LPP program with a 1.0 FTE reflected in the budget. NYSED considers the role of the director as pivotal to the implementation of a successful Liberty Partnerships Program.
 - a. The director is responsible for providing leadership to the LPP and for the management of the contract and all related activities.
 - b. These activities include, but are not limited to: on-site management of LPP program activities; management of the budget; development implementation and evaluation of programs and services; the hiring and supervision of staff; program representation on statewide communities and boards; coordination of partnerships; sustainability planning; LPP student recruitment and admissions processes; data collection and reports required by NYSED; public relations.
3. The IHE is responsible for the proper disbursement of, and accounting for, project funds.
 - a. Written IHE policy, as well as State rules pertaining to wages, mileage and travel allowances, overtime compensation, fringe benefits, competitive bidding, safety regulations, and inventory control must be followed for all LPP project activities.
 - b. Original supporting documents are required for all Grant Contract related transactions entered into the local agency's recordkeeping system.
 - c. Documents that authorize the disbursement of grant contract funds consist of purchase orders, contracts, time & effort records, delivery receipts, vendor invoices, travel documentation and payment documents.
4. Supporting documentation for Grant Contracts must be kept for at least seven years after the last payment is made unless otherwise specified by statute, regulation, audit finding, or legal action. An audit or legal action will "freeze the clock" for record retention purposes.
5. All records and documentation must be available for inspection by State Education Department officials or its representatives. For additional information about grant contracts, please refer to the Fiscal Guidelines for Federal and State Aided Grants. [NYSED Grants Finance - Guidance and Other Information](#)

6. Personnel hired under the LPP award are expected to be treated equal to other personnel of similar rank and responsibility at the host IHE/agency, including access to tuition benefits, conferences, and other opportunities for continuing professional and personal development.
 - a. The LPP Director must possess the same educational and experience qualifications as program directors of a similar level within the IHE/agency.
 - b. Staff providing academic instruction must have NYS Teacher Certification in their area of assignment or be college faculty teaching within their discipline.
 - c. Counseling components must utilize at least one licensed Master Social Worker (LMSW), or licensed Psychologist, or certified School Counselor. Services requiring professional license must be delivered by a person holding that license under the NYSED Office of Professions.
 - d. Graduate and Undergraduate students may provide services in compliance with institutional guidelines and laws implemented by the Department of Labor under the direct supervision of LPP/IHE faculty.
 - i. Graduate and Undergraduate students participating in any counseling activity must be under the direct supervision of the individual identified above or under the direct supervision of their program faculty.
 - ii. Graduate and Undergraduate students pursuing New York State Teacher Certification through the IHE applicant may provide instruction within their discipline under the direct supervision of their program faculty and LPP/IHE faculty.
 - iii. Athletic programs should utilize coaches with identifiable training/certification and experience in the particular sport or activity being conducted and in general safety, sports equipment, athletic training, and the rules of the sport or activity being conducted.
7. Each funded LPP project is obligated to participate in the statewide evaluation of overall performance of the program. The LPP program liaison will work with the LPP director's Statewide Committee to develop the evaluation standards in accordance with 8 NYCRR 55.3 (d).

Probation/Grant Suspension

Projects will be placed on probation for failure to meet the following performance outcomes.

- a) Achievement of the Student Performance Targets will be based on the final report data

Measure	Outcome
Persistence Rate & Graduation	95% or more
Dropout Rate	Not to exceed the dropout percentage of individual partner LEA(s)
Student Enrollment	95% or more of Target Enrollment

If these measures are not achieved for any one project year then the project will be placed on probation. If the project then complies with LPP guidelines and/or meets the performance standards or meets their corrective action plan the project will then be removed from probationary status. If the project is not removed from probationary status after two consecutive years the grant may be terminated. The foregoing does not limit NYSED's other rights to terminate the program in accordance with NYSED standard contract language.

1. NYSED will notify the Project Director and the Chief Executive Officer in writing of the Project's probationary status.
2. The term of probation will be for one or two years.
3. The Project Director will be required to submit a corrective action plan for approval by the Program Officer.
4. Probationary Projects may receive reduced funding or have their grant withdrawn if they fail to make satisfactory progress within the established time frame.

XIII. APPLICATION REVIEW AND RATING PROCESS

A. Method of Determining Award

1. New York State is divided into [10 Regents Regions](#). To allow for equitable statewide access to LPP services for students NYC will be separated into 5 regions providing 14 total regions for students to access LPP services statewide. The highest-ranking applicant in each region will be funded at their requested amount, if there is an applicant with a passing final score.
2. Given the level of appropriated funds in the last cycle, it should be possible to fund at least two LPP projects in each region even if all projects request the maximum level of award. It is the intent of this RFP to support the two highest ranking applicants in each region if appropriated funds allow. Provided that there are two high ranking applicants in each region with a passing score, both projects will receive an award.
3. The remaining funds shall be pooled into a single statewide sum to be allocated to the remaining eligible unfunded applicants in rank order by final statewide score.

This process should result in at least two projects per region and should support those meritorious applications competing on a statewide basis.

Applicants need a combined (Technical & Budget) score of 60 or more points out of 100 total points to be considered for funding.

Each eligible proposal will be reviewed by at least two reviewers. Each reviewer will score the proposal according to the indicated point criteria in the Technical Section, using the Evaluation Rubric and the criteria in the Budget Section. If individual scores are more than 15 points apart, another reviewer will rate the application. In those

cases, the three scores will be averaged to calculate the final average score of the application. Grant contracts will be awarded in rank order of the highest score to lowest score within each region. In the event of a tie score, the following will constitute the tie break criteria:

- a. Highest Technical score;
- b. If scores are still equal, then the Proposal Narrative score;
- c. If scores are still equal, then the highest Need for Project score.

The contracts issued pursuant to this RFP will be awarded to the applicants whose aggregate Technical and Budget scores are the highest among all the proposals rated in their respective region. Successful applicants within each region will receive the full amount of their proposed budget (within the funding limitations), if the state appropriation allows.

In the statewide allocation process, if there are unallocated funds available after the awarding of projects able to be funded at the minimum level, these remaining funds will be treated under the process described in X Funding Limitations, above, as an increase in the appropriation.

The amount of the maximum award will be based upon the final appropriation from the Legislature and the Governor. Projects that seek to be awarded the maximum amount must serve at least 360 students. The minimum award amount will be \$250,000 to serve at least 200 students. This amount is also subject to the final appropriation from the Legislature and the Governor.

The New York State Education Department reserves the right to adjust the award amount and limit the number of students a project can enroll. If an eligible applicant refuses to accept the award at the adjusted amount, the next eligible applicant will be canvassed.

The New York State Education Department reserves the right to reject all proposals received or cancel this RFP if it is in the best interest of the Department.

B. Regions

The Region will be assigned based upon the location of the IHE applicant. To ensure equitable statewide access to LPP services for students, funding will be divided into 14 regions, as set forth in the table below.

LPP Regions (By County)	
Western New York (Chautauqua, Cattaraugus, Allegany, Erie, Niagara)	Finger Lakes (Orleans, Genesee, Wyoming, Livingston, Monroe, Ontario, Wayne, Yates)

Central New York (Oswego, Seneca, Tompkins, Cortland, Cayuga, Onondaga)	Southern Tier (Steuben Chemung, Schuylar, Tioga, Broome, Delaware, Chenango)
North Country (Jefferson, Lewis, St. Lawrence, Hamilton, Essex, Franklin, Clinton)	Mohawk Valley (Fulton, Montgomery, Herkimer, Otsego, Oneida, Madison)
Capital District (Warren, Washington, Saratoga, Schenectady, Albany, Rensselaer, Greene, Columbia, Schoharie)	Hudson Valley (Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester)
Bronx County	Kings County (Brooklyn)
New York County (Manhattan)	Queens County
Richmond County (Staten Island)	Long Island (Nassau and Suffolk Counties)

C. Notification of Award

1. All applicants will be notified regarding the disposition of their proposal in writing.
2. Successful applicants will be informed of the amount of their award and next steps in the Grant Contract process.
3. Applications from projects funded under the last application cycle, which are not recommended to receive a new Grant Contract, will be notified in writing of the necessary actions needed to close their respective project.
4. Applicants not recommended for funding may request a summary of reviewer comments (see description in the debriefing procedure below).

D. Post Selection Procedures

Upon selection, the successful bidder will receive a proposed contract from NYSED. The selected bidder may be given an opportunity to reduce its cost proposal in accordance with the agency's right to negotiate a final best price. The contents of this RFP, any subsequent correspondence during the proposal evaluation period, and such other stipulations as agreed upon may be made a part of the final contract prepared by NYSED. Successful bidders may be subject to audit and should ensure that adequate controls are in place to document the allowable activities and expenditure of State funds.

E. Debriefing Procedures

Only unsuccessful applicants may request a debriefing within fifteen (15) calendar days of the date of the notice of non-award from NYSED. Applicants may request a debriefing letter on the selection process regarding this RFP by submitting an email request to: LPPRFP@nysed.gov

A summary of the strengths and weaknesses of the application, as well as recommendations for improvement will be emailed back to the applicant within ten (10) business days.

F. Contract Award Protest Procedure

Applicants who receive a notice of non-award and have requested and received a debriefing letter may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of the postmark date of a debriefing letter. The protest letter must be sent to: LPPRFP@nysed.gov
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 and CAU. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the applicant with written notification of the review team's decision within ten (10) 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.

ATTACHMENT I

APPLICATION CHECKLIST

Listed below are the required documents for a complete application package, in the order that they must be submitted. Submit one original and two (2) copies of the Narrative/Application in a sealed envelope labeled “Liberty Partnership Program Proposal GC#22-007; and one electronic copy of the full application. The original must be clearly identified with original signature of the CEO or designee. The letter from the CEO assigning the designee must accompany the application. Use this checklist to ensure that your application submission is complete. Incomplete applications will not be reviewed.

<i>Required Documents</i>	<i>Checked-Applicant</i>	Checked –SED
Application Cover Page with Original Signature of Chief Administrative Officer	<input type="checkbox"/>	<input type="checkbox"/>
Payee Information Form (if applicable) http://www.oms.nysed.gov/cafe/forms/PIform.pdf	<input type="checkbox"/>	<input type="checkbox"/>
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>

Program Abstract	<input type="checkbox"/>	<input type="checkbox"/>
Need for Project	<input type="checkbox"/>	<input type="checkbox"/>
Proposal Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Assurances (Appendix I)	<input type="checkbox"/>	<input type="checkbox"/>
Vendor Responsibility Questionnaire (Appendix II)	<input type="checkbox"/>	<input type="checkbox"/>
Partnerships Agreement(s) (Sample- Appendix III)	<input type="checkbox"/>	<input type="checkbox"/>
Durable Goods Inventory Form (Appendix IV)	<input type="checkbox"/>	<input type="checkbox"/>
Collaborating Agency Forms (Appendix V, Form 1, IHE Degree Programs Providing Services)	<input type="checkbox"/>	<input type="checkbox"/>
Collaborating Agency Forms (Appendix V, Form 2, List of LEAS's in the LPP)	<input type="checkbox"/>	<input type="checkbox"/>
Collaborating Agency Forms (Appendix V, Form 3, Partner Organizations)	<input type="checkbox"/>	<input type="checkbox"/>
Project Organizational Chart (identifying the project reporting relationship and position descriptions for all LPP affiliated staff)	<input type="checkbox"/>	<input type="checkbox"/>
IHE Organizational Chart (illustrating the management structure of the program within the institution)	<input type="checkbox"/>	<input type="checkbox"/>
Code of Conduct	<input type="checkbox"/>	<input type="checkbox"/>
Director Resume and Job descriptions for all staff	<input type="checkbox"/>	<input type="checkbox"/>
FS-10 Budget Form* http://www.oms.nysed.gov/cafe	<input type="checkbox"/>	<input type="checkbox"/>
LPP Composite Budget Summary Form (Appendix VI)*	<input type="checkbox"/>	<input type="checkbox"/>
Budget Narrative*	<input type="checkbox"/>	<input type="checkbox"/>
Worker's Compensation Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>
Disability Benefits Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>
Is the applicant prequalified, if required? (While no documentation is required with the application, the applicant may be required to prequalify in order to be eligible for this grant opportunity)	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Documents Package (original signatures required)		
<input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver		
		Forms Required

Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Liberty Partnerships Program
2022-2027 NARRATIVE APPLICATION COVER PAGE**

Please refer to the Application Instructions for detailed information about completing this page and the other required components of this application.

Agency Code												
Institution's Name (Type/Print):												
Title (Type/Print):						Contact Person (Type/Print):						
Address (Type/Print):						City:						
Zip Code:						Telephone:						
E-Mail:						Fax:						
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, 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 contract program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>												
Priority Funding Region (location of the IHE applicant):												
<input type="checkbox"/> 1. Western <input type="checkbox"/> 2. Finger Lakes <input type="checkbox"/> 3. Central <input type="checkbox"/> 4. Southern Tier <input type="checkbox"/> 5. North Country <input type="checkbox"/> 6. Mohawk Valley <input type="checkbox"/> 7. Capital District <input type="checkbox"/> 8. Mid-Hudson <input type="checkbox"/> 9. The Bronx <input type="checkbox"/> 10. Manhattan <input type="checkbox"/> 11. Queens <input type="checkbox"/> 12. Brooklyn <input type="checkbox"/> 13. Staten Island <input type="checkbox"/> 14. Long Island												
LEA Designation (check all that apply):												
<input type="checkbox"/> School designated as a Comprehensive Support and Improvement (CSI) school, or a Targeted Support and Improvement (TSI) school <input type="checkbox"/> School designated as Persistently Dangerous <input type="checkbox"/> School under Title 1 <input type="checkbox"/> School with at least 40% of students eligible for free or reduced priced lunch <input type="checkbox"/> School designated as Rural												
LPP Venues:												
<input type="checkbox"/> School-based Model <input type="checkbox"/> After school model <input type="checkbox"/> Hybrid Model - combination of models												
Number of Students to be Served:												
CEO or designee Signature (in blue ink):						Type/Print Title:						
Type/Print Name:						Date (in blue ink):						

Submit one original and two (2) of the Narrative/Application in a sealed envelope labeled
 "Liberty Partnership Program Proposal GC#22-007; and one electronic copy of the full application"

ATTACHMENT III

NEW PAYEE INFORMATION:

Payee Information form must be submitted with the application. Payee Information form can be found at: https://www.oms.nysed.gov/cafe/forms/documents/PIform_Bronze.pdf

ATTACHMENT IV TECHNICAL & BUDGET SECTIONS

These sections should present a cohesive document with each individual section adhering to the format outlined in each section below. The Technical Section must be a Word document, not exceed 30 pages (for submissions over thirty pages the reviewer will only review the first thirty pages), double spaced, with 1" margins on all sides on 8 ½" X 11" size pages; font should be Times New Roman or Arial with a font size 12. (Other required supporting documents, including the organizational chart, are not counted toward this page limit.) The name of the applicant IHE must appear in the top right corner of each page. All pages must be numbered bottom centered of each page. The budget section does not have a page requirement or limit. The entire document should be double spaced. Tables/Charts should be centered in the page and the font size should be no smaller than 10 but at least a 12 if at all possible.

TECHNICAL SECTION

1. ABSTRACT (2 points) (maximum 2 pages)

Provide a two -page abstract of the proposed project. Include the Proposal Focus, acknowledgement of the Need for Project and the Program Elements.

2. NEED FOR PROJECT (30 points) (maximum 10 pages)

a) Purpose of Project:

1. Demonstrate a partnership with at least one school under Title 1, or with 40% students eligible for free or reduced lunch, or identified as a Comprehensive Support and Improvement (CSI) school; or a Targeted Support and Improvement (TSI) school; or a persistently dangerous school; or as a rural LEA.
2. Describe how your project will identify partner LEAs who will commit to the enrollment of at least 40 students per partner site.
3. Specify measurable goals and objectives for the recruitment and retention of the targeted at-risk youth population whom you will serve.

4. A. Describe at least one evidence/research-based strategy that will serve as a major component of your project's design.

B. Demonstrate how your proposed design will integrate the expectations, knowledge, and skills needed for high school graduation, career preparedness, and college-level work for the identified student participant population utilizing a model which provides 12 months of continuous programming to students.

C. Please describe your program's model as either an after-school model, an in-school model, or a model which is a combination of the two.
5. Describe how your project will implement a four-week summer component in each year of the cycle.
6. Describe your plans for ensuring that each LPP participant will be offered a summer program opportunity at least once during the funding cycle.
7. Describe how your project will ensure enrollment of at least 40 students in the summer component.

b) IHE's Commitment

1. Demonstrate the high level of IHE commitment and the process used to involve faculty members, undergraduate and graduate/professional students from degree programs in fields including: human services, education, counseling, social work, psychology, sociology, and others which can identifiably foster college and career readiness in the student participant population. Departments must be noted in Appendix V.
2. Develop an LPP project code of conduct that is aligned with the NYS Dignity for All Students Act. The actual Code of Conduct document should be a separate attachment and will not count toward the maximum 10-page limit in this section.
3. Describe how the LPP project will provide student services such as instructional services, workshops, group counseling, and group tutoring through small group environments with low student to staff ratios. Provide your anticipated student to staff ratios for these activities. Describe the LPP venues where services will be delivered.
4. Briefly describe the institution's plan for the provision of sufficient space and resources consistent with other academic support programs on the campus for the effective operation of the project.
5. Briefly describe the institution's plan to ensure that the project will have sufficient access to and use of space needed to conduct the following: group meetings/workshops, conferencing, confidential academic and/or financial counseling, program administration, and tutoring services.

c) Partnerships

1. Provide the process for cooperation with LEAs, IHEs, municipalities, businesses, and not-for-profit community-based organizations. LEAs and organizations must be identified on the forms included in Appendix V. Provide Partnership Agreements that fully and specifically detail their roles to ensure the efficient coordinated delivery of services.
2. Provide the process for the inclusion and ongoing meaningful involvement of students, parents, department chairs, and teachers in the planning and implementation of the LPP project.
3. Identify which intervention programs are utilized as partners in the proposed project, such as those that are funded by NYSED or USDOE. Some examples of such Partnerships include: Science and Technology Entry Program (STEP), Collegiate Science and Technology Entry Program (CSTEP), My Brother's Keeper Teacher Opportunity Corps (TOC), My Brother's Keeper Challenge Grant, My Brother's Keeper Family and Community Engagement, My Brother's Keeper Native American Grant, Early College Programs, Pathways in Technology (P-Tech), 21st Century Learning Centers, Higher Education Opportunity Program (HEOP), Educational Opportunity Program (EOP), Upward Bound, Talent Search, and Student Support Services.

d) Project Staffing and Management

1. Provide the following items:
 - a. Describe all the professional positions. Attach a current resume for the Project Director and include job descriptions for all staff including part time professionals and support staff. Resumes will not count toward the maximum 10-page limit in this section.
 - b. Attach an organizational chart illustrating the projected staffing and the projected number of student participants at each partner LEA and/or CBO. The projected number of students reflected in the organizational chart should match the number of contracted students to be served by the project. The organizational chart will not count toward the maximum 10-page limit in this section.
 - c. Describe a management plan that will assure the effective completion of project activities.
 - d. Provide an organization chart that indicates the management structure of the program within the institution. The organization chart will not count toward the maximum 10-page limit in this section.

3. PROPOSAL NARRATIVE (48 points) (maximum 18 pages)

Program Elements:

A. Recruitment and Selection of at-risk students:

1. Demonstrate the process for the identification of students in your proposed LEA partner(s) who are at-risk of dropping out of school. Describe how you will ensure that students recruited and selected meet at least one or more of the LPP risk factors. See factors in Section IV. Student Eligibility and
 - i. LEAs that are identified as a Comprehensive Support and Improvement (CSI) school; or a Targeted Support and Improvement (TSI) school; and/or a persistently dangerous school
 - ii. LEAs that are deemed eligible for free or reduced- price lunches
2. Identify the staff person(s) responsible for the identification and recruitment of LPP students.
3. Describe the process and list the criteria to select participants for any component of the program, such as requirements for internships, summer programming, field trips, and any paid employment.

B. Role Models and Caring Adults: Please describe how your project will implement the following:

1. Use of volunteers
2. Parental engagement
3. Involvement of current or former Liberty participants

C. Project Continuity, Retention, and Graduation:

- Demonstrate a program to provide for continuity of services throughout a student's progression through middle school and secondary school.
- Describe how the project design will provide 12 months of intervention services.
- Describe how the project will deliver the following services:
 - i. Mentoring
 1. Structured/ supervised programs with goals and objectives
 - ii. Tutoring
 1. Individual or group academic support of curriculum
 - a. Specific homework help
 - b. Assistance with completing school projects
 - c. Preparing for tests
 - d. Instruction on very specific academic material

D. Academic Support Services

1. Describe how your project will provide academic support services for all student participants. Establish a benchmark with measurable outcomes that demonstrates academic improvement for each student participant.

E. Data Collection

1. Describe your project's strategy for data collection, including how report cards will be collected and tracked for LPP reporting requirements.

2. Identify the staff person(s) responsible for collecting, tracking, and reporting this data. Staff funded by LPP funds that are responsible for data collection and reporting should have these duties reflected in their job description.

F. Workforce Development

1. Describe a workforce component that incorporates the following activities:

- i. Workforce etiquette/ workplace expectations
- ii. Workforce skills
 - i. Job applications/ resume writing
 - ii. Job shadowing
 - iii. Internships
 - iv. Employment
 - v. Career presentations
 - vi. Interest inventories

G. Social- Emotional Assessment & Personal Learning Plan

1. Explain how the project will:

a. Develop and integrate a Social Emotional Assessment (SEA) process to assist students in the development of a multi-year plan which identifies the student's individual educational and career goals. Explain the Social Emotional Assessment (SEA) model to be used. This assessment should focus on social & emotional dynamics that are important in the understanding a student's growth and/or difficulties that may be present. Acceptable SEA tools include: Indigo, Scholar Centric, DESSA and tools that have been approved by LPP Officers.

- b. Explain how the project will develop and implement a [Personal Learning Plan \(PLP\)](#) process to assist students in the development of an annual plan which identifies the student's individual, educational and career goals for a 12-month period.

- c. Describe which staff will administer, implement, and monitor the progress of the SEA and PLP for each LPP participant.

H. Case Management

1. Describe the case management system that will be utilized, specifying all evidence-based modalities and service referrals and how it integrates with the overall goal of the project. This section should also describe how projects will provide students:

- i. Individual counseling
- ii. Group counseling
- iii. Family counseling
- iv. Home visit services

I. Additional Service Categories

1. In addition to the services required by the legislation that created the Liberty Partnerships Program, there are other services that contribute to successful student outcomes. Describe how your project design will incorporate at least three of the following service categories:

- i. Leadership/Civic Duties:
 - Leadership clubs, workshops, and positions
 - Leadership conferences and development
 - Community services projects (stand-alone)
 - Volunteering
 - Civic duty activities
 - Leadership Municipal or State Government activities
- ii. Service Learning
- iii. Enrichment/ cultural activities
- iv. Sports/wellness
- v. Life skills
- vi. Social skills

J. Retention:

Describe your plan for ensuring that students continue participating in the project throughout their middle and/or secondary school years. The plan should describe summer retention strategies such as phone calls or mailings to determine if a student plans to return.

K. Professional Development

Describe the project's professional development process for LPP staff that have direct responsibility for promoting quality programming to students, including local, regional, and statewide LPP coordinating activities.

This section must describe how appropriate LPP staff will be involved in the following activities:

- i. The LPP Professional Development Conferences. There are at least two professional development conferences- one intended for project directors only and one intended for project directors and staff.
- ii. The Empire Promise Youth Summit: an annual student-centered event that brings together all LPP funded projects, including a cohort of students from each project.

BUDGET SECTION

Applicants must provide a Proposed Budget for the Operation of a Federal or State Program ([FS-10 form Excel Version](#)) for the project with an original signature from the CEO of the IHE applicant only, or their designee, if a letter is included from the CEO making such a designation.

Budget documents include: The [FS-10](#), [LPP Composite Summary](#), [Budget Narrative](#) and [Payee Information](#).

The applicant/fiscal agent cannot act as a flow-through for grant funds to pass to other partners and third parties. The applicant should provide a minimum of 55% of direct cost services to the program, meaning at least 55% of the annual budget should be allocated to line items other than Purchased Services or BOCES Purchased Services.

1. Applicants must provide a budget narrative describing the commitment of resources for the project. All expenditures have a direct connection to LPP project activities including all items mentioned in the LPP Composite Summary.
2. Applicants must demonstrate sound fiscal management and oversight of the LPP project and verifies the project director as the primary person responsible for project expenditures.
3. Applicants must provide the LPP Composite Summary, included as Appendix VI, providing an itemized listing of the sources of additional funding or in-kind matching services or resources, and the amount of any matching funds and their source. It describes in detail the uses of matching funds.

4. Applicants must complete the excel version FS-10 Budget Form for the initial project period (September 1, 2022 to August 30, 2023). Providing detail of the allocation of funds to each budget category of the FS-10 Budget Form. In particular, describe how Purchased Services are linked to the objectives and activities of the project. The FS-10 budget must be consistent with the budget narrative.
5. Applicants must demonstrate that expenditures are reasonable and are targeted to the provision of direct services to students by the partnership institutions.

Liberty Partnerships Program

Applicant:			
Reviewer: Initials:	Review Completed:	Funding Requested:	Score:

Rating Guidelines:

Excellent: Specific and comprehensive. Complete, detailed, and clearly articulated information as to how the criteria are met. Well-conceived and thoroughly developed ideas.

Good: General but sufficient detail. Adequate information as to how the criteria are met, but some areas are not fully explained and/or questions remain. Some minor inconsistencies and weaknesses.

Fair: Non- specific. Criteria appear to be minimally met, but limited information is provided about approach and strategies. Lacks focus and detail.

Poor: Does not appear to meet the criteria, fails to provide information, provides inaccurate information, or provide information that requires substantial clarification as to how the criteria are met; or simple restate the criteria.

Not Found (N/F): Item is not found in the proposal.

Attachment V- Application Evaluation Rubric- Part 1

	Excellent (Max Score)	Good	Fair	Poor	Not Found	Your Rating
1. Abstract [2 Points]						
1. The applicant provides a comprehensive description of the project. It includes the Proposal Focus, acknowledgement of the Need for Project and the Program Elements.	2	1.5	1	.5	0	
SUBTOTAL						
Comments:						

Attachment V- Application Evaluation Rubric- Part 2

	Excellent (Max Score)	Good	Fair	Poor	N/F	Your Rating
2. Need for Project [30 points] The applicant describes the overall need for the project by addressing the following criteria:						
a. 1. Demonstrates a partnership with at least one school under Title 1, or with 40% students eligible for free or reduced lunch, or identified as a Comprehensive Support and Improvement (CSI) school; or a Targeted Support and Improvement (TSI) school; or persistently dangerous school; or as a rural LEA	2	1.5	1	.5	0	
a. 2. Describes how the project will identify partner LEAs who will commit to the enrollment of at least 40 students per partner site.	2	1.5	1	.5	0	
a. 3. Specifies measurable goals and objectives for the recruitment and retention of the targeted at-risk youth population that will be served.	2	1.5	1	.5	0	
a. 4. a. Describes at least one evidence/research-based strategy that will serve as a major component of your project's design.	2	1.5	1	.5	0	
a. 4. b. Demonstrates how the proposed project will integrate the expectations, knowledge, and skills needed for <u>high school graduation</u> , career preparedness, and college-level work for the identified student participant population utilizing a model which provides 12 months of continuous programming to students.	2	1.5	1	.5	0	
a. 4. c. Describes the program's model as either an after-school model, an in-school model, or a model which is a combination of the two.	1	.75	.5	.25	0	
a. 5. Describes how the project will implement a four-week summer component in each year of the cycle.	1	.75	.5	.25	0	
a. 6. Describes the plans for ensuring that each LPP participant will be offered a summer program opportunity at least once during the funding cycle.	1	.75	.5	.25	0	

a. 7. Describes how the project will ensure enrollment of at least 40 students in the summer component.	1	.75	.5	.25	0	
b. 1. Demonstrates the high level of IHE commitment and the process used to involve faculty members, undergraduate and graduate/professional students from degree programs in fields including: human services, education, counseling, social work, psychology, sociology, and others which can identifiably foster college and career readiness in the student participant population. Departments must be noted in Appendix V.	2	1.5	1	.5	0	
b. 2. Develops an LPP project code of conduct that is aligned with the <u>NYS Dignity for All Students Act</u> .	2	1.5	1	.5	0	
b. 3. Describes how the LPP project will provide student service such as instructional services, workshops, group counseling, and group tutoring through small group environments with low student to staff ratios. Provide the anticipated student to staff ratios for these activities. Describe the LPP venues where services will be delivered.	1	.75	.5	.25	0	
b. 4. Briefly describes the institution's plan for the provision of sufficient space and resources consistent with other academic support programs on the campus for the effective operation of the projects.	1	.75	.5	.25	0	
b. 5. Briefly describes the institution's plan to ensure that the project will have sufficient access to and use of space needed to conduct the following: group meetings/workshops, conferencing, confidential academic and/or financial counseling, program administration, and tutoring services.	1	.75	.5	.25	0	
c. 1. Provides the process for cooperation with LEAs, IHEs, municipalities, businesses, and not-for-profit community-based organizations. LEAs and organizations must be identified on the forms included in Appendix V. Provides Partnership Agreements that fully and specifically detail their roles to ensure the efficient coordinated delivery of services.	3	2	1	.5	0	
c. 2. Provides the process for the inclusion and ongoing meaningful involvement of students, parents, department chairs, and teachers in the planning and implementation of the LPP project.	1	.75	.5	.25	0	

c. 3. Identifies which intervention programs are utilized as partners in the proposed project, such as those that are funded by NYSED or USDOE. Some examples such Partnerships include: Science and Technology Entry Program (STEP), Collegiate Science and Technology Entry Program (CSTEP) My Brother's Keeper Teacher Opportunity Corps (TOC), My Brother's Keeper Challenge Grant, My Brother's Keeper Family and Community Engagement, My Brother's Keeper Native American Grant, Early College Programs, Pathways in Technology (P-Tech), 21 st Century Learning Centers, Higher Education Opportunity Program (HEOP), Educational Opportunity Program (EOP), Upward Bound, Talent Search, and Student Support Services.	1	.75	.5	.25	0	
d. 1. a. Describes all the professional positions. Provide a resume for Project Director and job descriptions for all staff	1	.75	.5	.25	0	
d. 1. b. Attached an organizational chart illustrating the projected staffing and the projected number of student participants at each partner LEA and /or CBO. The projected number of students reflected in the organizational chart should match the number of contracted students to be served by the project.	1	.75	.5	.25	0	
d. 1.c. Describes a management plan that will assure the effective completion of project activities.	1	.75	.5	.25	0	
d. 1.d. Provides an organization chart that indicates the management structure of the program within the institution.	1	.75	.5	.25	0	
SUBTOTAL						
Comments:						

Attachment V- Application Evaluation Rubric- Part 3

	Excellent (Max Score)	Good	Fair	Poor	N/F	Your Rating
3. Proposal Narrative [48 points] The applicant provides a comprehensive description of the project activities, including the following:						
a. 1. Demonstrates the process for the identification of students in your proposed LEA partner who are <u>at-risk</u> of dropping out of school.	4	3	2	1	0	
a. 2. Identifies the staff person(s) responsible for identification and recruitment of LPP students.	2	1.5	1	.5	0	
a. 3. Describes the process and lists the criteria for selection of participants in various components such as internships, summer programming, field trips, etc. of the program.	2	1.5	1	.5	0	
b. 1. Describes the use of volunteers in program implementation.	2	1.5	1	.5	0	
b. 2. Describes parental engagement in program implementation	2	1.5	1	.5	0	
b. 3. Describes the involvement of current or former Liberty participants as peer or mentor counselors in projects.	2	1.5	1	.5	0	
c. Demonstrates a program to provide for the continuity of services through a student's progression through secondary school.	2	1.5	1	.5	0	
c. Demonstrates a project design that provides 12 months of intervention services.	4	3	2	1	0	
c. Describes how programming will be delivered utilizing one or more of the following strategies: i. Mentoring- structured/ supervised programs with goals and objectives ii. Tutoring- individual or group academic support of curriculum including specific homework help, assistance with completing school projects, preparing for tests, and instruction on very specific academic material	2	1.5	1	.5	0	
d. 1. Describes how the project will provide academic support services for all student participants. Establish a benchmark with measurable outcomes that demonstrates academic improvement for each student participant.	2	1.5	1	.5	0	
e. 1. Describes the project's strategy for data collection, including how report cards will be collected and tracked for LPP reporting requirements.	2	1.5	1	.5	0	
e. 2. Identifies the staff person(s) responsible for collecting, tracking, and reporting this data.	1	.75	.5	.25	0	
f. 1. Describes a workforce component that incorporates the following activities: workforce etiquette/ workplace expectations; job applications/resume writing; job shadowing; internships; employment; career presentations and interest inventories.	2	1.5	1	.5	0	

g. 1. a. Develop and integrate a Social Emotional Assessment (SEA) process to assist students in the development of a multi-year plan which identifies the student's individual educational and career goals. Explain the Social Emotional Assessment (SEA) model to be used.	4	3	2	1	0	
g. 1. b. Explain how the project will develop and implement a Personal Learning Plan (PLP) process to assist students in the development of an annual plan which identifies the student's individual, educational and career goals for a 12-month period.	4	3	2	1	0	
g. 1. c. Describes which staff will administer, implement, and monitor the progress of the SEA and PLP for each participant	1	.75	.5	.25	0	
h. 1. Describes the case management system that will be utilized. This section should include individual counseling, group counseling, family counseling, and home visit services.	4	3	2	1	0	
i. 1. Describes at least three of the following additional services that contribute to successful student outcomes: Leadership/civic duties; service learning; enrichment/cultural activities; sports/wellness; life skills; and social skills.	2	1.5	1	.5	0	
j. 1. Describes a plan for ensuring that students continue participating in the project throughout their middle and/or secondary school years. The plan should describe summer retention strategies such as phone calls or mailings to determine if a student plans to return.	2	1.5	1	.5	0	
k. 1. Describes the project's professional development process for LPP staff that have direct responsibility for promoting quality programming to students, including local, regional, and statewide LPP coordinating activities. This section must describe how the appropriate LPP staff will be involved in the following activities: i. LPP statewide professional development conferences ii. The Empire Promise Youth Summit	2	1.5	1	.5	0	
SUBTOTAL						
Comments:						

Total Score, Technical Criteria: () out of 80

Attachment V- Application Evaluation Rubric

	Excellent (Max Score)	Good	Fair	Poor	N/F	Your Rating
Budget [20 points]						
1. Describes the commitment of resources for the project.	4	3	2	1	0	
2. Demonstrates sound fiscal management and oversight of the LPP project and verifies the project director as the primary person responsible for project expenditures.	4	3	2	1	0	
3. The LPP Composite Summary, included as Appendix VI, provides an itemized listing of the sources of additional funding or in-kind matching services or resources, and the amount of any matching funds and their source. It describes in detail the uses of matching funds.	21%+	16%- 20%	11%- 15%	1%-10%	No Match=0 %	
	4	3	2	1	0	
4. Describes the purpose of the allocation of funds to each budget category of the FS-10 Budget Form. In particular, describing how Purchased Services are linked to the objectives and activities of the project. The FS-10 budget is consistent with the Budget Narrative.	4	3	2	1	0	
5. Demonstrates that expenditures are reasonable and are primarily targeted to the provision of direct services to students by the partnership institutions.	4	3	2	1	0	
Number of Students Served (from application cover page)						
Total Budget Requested (from application cover page)						

<p>Comments:</p>	<p>Score () out of 20</p>
------------------	--------------------------------

Scoring

Technical Criteria Score (Out of 80)	
Budget Score (Out of 20)	
Total (Out of 100)	

Total Application Score _____

Appendix II – Vendor Responsibility Questionnaire

Check one of the following:

My organization has filed its Vendor Responsibility Questionnaire online via the New York State VendRep System and that the current questionnaire was certified within the past six months.

I am including a completed paper copy of the Vendor Responsibility Questionnaire with the bid proposal.

My entity is exempt based on the OSC listing.

Other, explanation:

Name of Applicant: _____

Signature: _____

Print Name: _____

Title: _____

SAMPLE PARTNERSHIP AGREEMENT

Applicants must develop their own agreements. Failure to submit customized Partnership Agreement(s) will be an indicator that the required collaboration did not occur. The following sample is to assist you in the development of your agreements.

Partnership Agreement

The _____ and _____
(Name of Applicant) (Name(s) of Partnering Agencies)

agree to assume and perform the following roles and responsibilities in the administration of the Liberty Partnerships Program during the 2022-2027 funding cycle. The goal of this program is to provide a Liberty Partnerships Program of the highest quality for the participating students.

The partnership agreement is comprised of three sections:

- Joint Responsibilities of the Applicant and Partnering Agencies
- Responsibilities of the Partnering Agencies
- Responsibilities of the School

I. Joint Responsibilities of the Applicant and Partnering Agencies

1. Ensure that all procedures and regulations for health, fire, safety, pick-ups, parent consents, transportation, field trips, food, sports-related health exams, insurance, medical and other emergency procedures will be clearly listed and widely disseminated, and that they will conform to applicable local and state standards.
2. Structure and facilitate meaningful communication between the school staff and the Liberty Partnerships Program. Provide on-going opportunities for school staff and Liberty Partnerships' staff to plan, coordinate, and integrate curricular areas with school activities.
3. Hold regularly scheduled meetings between the staff of the partnering agencies and school principal, as well as other appropriate personnel, to discuss all issues pertaining to the Liberty Partnerships Program. Issues would include, but not be limited to, staff performance, effectiveness of program features, student development, and other issues of program evaluation.
4. Develop mechanisms and opportunities to communicate on a regular basis with both the Parents' Association and the family members of the program's students, including information regarding school day and after-school program that is accessible in a public space.
5. Recruit, select, and enroll student participants in the Liberty Partnerships Program and disseminate procedural information widely.

II. Responsibilities of the Partnering Agencies

1. Communicate and provide information to the lead applicant about the Liberty Partnerships Program through regularly scheduled meetings.
2. If applicable, recruit, hire, and train all program staff in cooperation with the school. The school principal and/or his/her designee will participate in the selection of the full-time person responsible for the program.
3. Manage the day-to-day operations of the program and notify the lead applicant of any problems, issues, and concerns in a timely fashion.
4. Track student enrollment and attendance and provide that information to the lead applicant on at least a monthly basis.
5. Invite designated school staff to attend staff meetings.
6. Attend school staff meetings as determined by the lead applicant.
7. Make staff available for in-service training throughout the school year and arrange for appropriate substitute coverage.
8. Work cooperatively with the research and evaluation component of the Liberty Partnerships Program.
9. Ensure the respectful treatment of school property, including replacing property damaged or destroyed by the students or staff of the after-school program, and keeping the spaces used by the after-school program clean. Equipment will be inventoried and labeled.
10. Ensure that all applicable local and state requirements for staff clearances are met.
11. Develop protocol for emergency notification of parents and/or guardians.
12. Establish procedures for the safe-keeping and safe transport of children after program hours.
13. Ensure that there are staff on-site during program hours trained in first aid, CPR and medical emergencies.
14. Maintain appropriate insurance coverage.
15. Provide the lead Liberty Partnerships Program with all appropriate and requested financial information and reports in a timely fashion.

III. Responsibilities of the School

1. Work cooperatively with the Liberty Partnerships Program and the independent evaluator. Information requested by evaluators is to be provided in a timely manner. This may include, but not be limited to, sharing school profiles and all relevant data available in the public domain. In addition, test scores, grades, attendance, etc. will be provided with full protection of the rights of the students and within the regulations of the school system.
2. If the program is school based, assure the availability of clean spaces for the after-school program in an adequate number of classrooms, as well as the cafeteria, auditorium, library, computer lab, gymnasium, and any other relevant space.
3. Supply adequate and appropriate storage space for the after-school program's materials and equipment.
4. Facilitate the provision of full custodial services at no cost.
5. Identify and organize appropriate security for the after-school program.

Agreed on this day, _____, by
(Month/day/year)

(Name of Partnering Agency)

(Signature of Executive Director)

(Name of Partnering Agency)

(Signature of Executive Director)

(Name of School District)

(Signature of District Superintendent)

(You may add more signatures as appropriate.)

Appendix IV – Durable Goods Inventory

Institution Name						
Director Name / Date			Direct Supervisor Name / Date			
Phone #			Phone #			
Email			Email			
<p>Please Note: All goods purchased with LPP funds are the property of the State and shall be returned to the Department if the LPP program is discontinued.</p>						
<p>Property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE. For purposes of this form please list electronic items, furniture, musical instruments, durable goods, etc. that have been purchased for the current funding cycle.</p>						
#	Item/Model	Quantity	Serial #	Vendor	Invoice #	Total Cost \$
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

Appendix V – Collaborating Agency Forms

Form 1 - IHE

**List all IHE Degree Programs providing service to LPP
Insert additional rows if necessary**

Line No.	Degree Program	Primary Contact for Planning & Implementation of Service, number & email	Role/Description of Service
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Appendix V – Collaborating Agency Forms

Form 2 – Partner Schools

Line No.	Name and Address of School or GED Program	School Building BEDS Code Example: 000000-00-0000	Primary Contact Representing LEA for LPP Planning & Implementation # & email	School Building Total Population	# of LPP students to be served	Grade levels to be served	School Graduation Rate	Is this school high poverty?	Is this school classified as a Priority School?
1	Sample: SCHOOL X	123456-23-7894	David Small, 456-789-1256, dsmall@schooly.edu	800	100	10,11,12	65%	Yes	CSI, TSI, Persistently Dangerous, Rural
2									
3									
4									
5									
	Continue as needed for additional partner schools								

**Appendix V – Collaborating Agency Forms
Form 3 – Partner Organizations**

**List all partner organizations providing services
Insert additional rows if necessary**

NOTE: An individual, agency, organization or other entity that only provides services is considered to be a vendor, not a partner, and would not require a Partnership Agreement. Comprehensively describe the primary partners that are involved in planning and implementing of the project						
* Partner Organization Code: (1) Local government agency; (2) College/university; (3) Community Based Organization; (4) Business; (5) Professional organizations and associations; (6) Other.						
Line No.	Name and Address of Partner Organization	Primary Contact Representing Organization for LPP Planning & Implementation # & email	*Organization Code	Partnership Agreement		Role of the Partner/Description of Service
				Yes	No	
1						
2						
3						
4						
5						
6						
7						
	Continue as needed for additional partner organizations					

Appendix VI – LPP Composite Summary

LPP Composite Summary

The figures to be entered in the LPP column (1) on lines with the FS-10 number codes must correspond to the totals reported for each budget code category on the FS-10 form. LPP Indirect cost (column 1) equals a maximum 8% of SUBTOTAL (Line 7).

*ROUND CENTS TO THE NEAREST DOLLAR

Line No.	Expenditure Category	Code	LPP (1)	Institution (2)	Other Sources (3)	TOTAL (4)
1	Salaries for Professional Personnel	15				
2	Salaries for Non-Professional Personnel	16				
	a. Clerical/Secretarial					
	b. Student Assistants					
	c. Other					
3	Purchased Services	40				
4	Supplies & Materials	45				
	a. Instructional					
	b. Other					
5	Travel Expenses	46				
	a. Student/Programmatic					
	b. Staff/Administrative					
6	Employee Benefits	80				
	a. Professional__%					
	b. Clerical/Secretarial__%					
	c. Student Assistants__%					
	d. Other__%					
7	SUBTOTAL of Lines 1-6					
8	Indirect Cost*	90				
9	Minor Remodeling	30				
10	Equipment	20				
11	GRAND TOTAL (Lines 7 - 10)					

APPENDIX VII GLOSSARY

DEFINITIONS

At Risk: someone who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs, and inter/intrapersonal relationships

High Poverty Index: a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113 (a) (5) of the Elementary and Secondary Education Act (ESEA).

Violent and Disruptive Incidents

Child Count Data <http://www.p12.nysed.gov/nclb/allocations/1112/childcountfinal.html>

Rural Schools

IHE or Institution of Higher Education: solely for the purposes of this RFP, is defined as

- i. an institution of higher education as defined in Education Law §50.1;
- ii. an education corporation as defined in Education Law §216-a;
- iii. a corporation having an educational purpose that is formed under the Not-for-Profit Corporation Law or the Business Corporation Law with the consent of the Commissioner pursuant to Education Law §216 (“§216 Consent”);
- iv. a Limited Liability Company having an educational purpose that is formed under the Limited Liability Company Law with § 216 Consent;
- v. institutions that meet the Regulations of the Commissioner of Education in sections §52.1 and §52.21; or
- vi. IHE that is based in New York State

- **LEA or Local Education Agency:** for purposes of this RFP LEA is defined as public school districts, private schools and charter schools.

- **LPP Venues:**

- School-based Model: LPP services are (a) inserted into the regular school day; (b) as part of the extended-day schedule; or (c) as a component of a structured afterschool enterprise.
- Campus-based Model: LPP services are delivered on the college campus through after-school, weekend and summer programming.

- Community-based Model: LPP services are offered through neighborhood settings and may be implemented at not-for-profit agencies, local businesses, or churches.
 - Hybrid Models: Individual LPPs may offer services through multiple venues.
- **Case Management**: a service delivery approach; a collaborative process of assessment, planning, facilitation and advocacy for options and services to meet an individual's holistic needs through communication and available resources to promote quality cost-effective outcomes.
- **(PLP) Personal Learning Plan**: an approach for students that incorporate their strengths, weaknesses, and personal aspirations in making their schooling experience more relevant to their lives and ultimately more academically successful.
- **(SEA) Social Emotional Assessment**: This type of assessment focuses on social & emotional dynamics that are important in understanding an individual's growth and/or difficulties that may be present
- **Partnership**: signifies meaningful involvement in the planning, implementation, and delivery of the project.
- **Vendor**: An individual, agency, organization or other entity that only provides services and is not involved in planning.
- **Instructional Purposes**: The act and practice of providing instruction to program participants
- **Durable Goods**: Electronic items, furniture, musical instruments, etc.
- **Applicant of Record**: Is the IHE with primary responsibility for the programmatic and fiscal accountability for LPP funds endorsed by the Chief Administrative Officer.
- **Certified Teacher**: a teacher who holds a state teaching certificate appropriate to his/her teaching position, including the subject area in which employed.
- **Student Persistence**: whether the student was retained at the partner LEA or transfers under positive circumstances, and stayed on a persistence track toward completion of a diploma or a high school equivalency diploma.
- **Dropout Rate**: the number of students who dropout annually divided by the number of students who entered the partner LEA annually.
- **Student Enrollment**: the number of students enrolled to receive services in the project

APPENDIX VIII

M/WBE Documents Package (original signatures required)			
<input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver			
Forms Required			
Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SED Comments:			
Has the applicant complied with the application instructions? <input type="checkbox"/> Yes <input type="checkbox"/> No			

M/WBE Documents

M/WBE Goal Calculation Worksheet

RFP# and Title: – Liberty Partnership Program

Applicant Name:

The M/WBE participation for this grant is 30% of each applicant’s total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as the total budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries) fringe benefits, indirect costs for the lead, as well as Student Stipends /Tuition if these are allowable expenditures. For the purposes of this RFP, direct personal services exclusions apply to the expenses of the lead applicant as well as any other members of the partnership. For example, the salaries of project staff employed by the IHE, LEA and CBO partners should be excluded from the total budget, along with the lead applicant’s project staff salaries, when calculating the discretionary non-personal service budget. Therefore, lines 2-4 below will include any project salaries and fringe benefits of the lead applicant AND members of the partnership. (Please note that the indirect costs of partner organizations are not allowable expenses under this grant program.) Please complete the following table to determine the dollar amount of the M/WBE goal for the 2022-2023 project year.

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Total
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Student Stipends/Tuition		
6.	Indirect Costs		
7.	Empire Promise Registration, Empire Promise Hotel Rooms, Annual Dues to Friends of Liberty, Social-Emotional Assessments, Local Public Transportation (such as metro cards and mileage reimbursement), Rent/Lease/Utilities (includes postage and phones)		
8.	Required Partnerships (<i>Partnership between IHE, local school districts, and Community Based Organizations</i>)		
9.	Sum of lines 2, 3 ,4 ,5, 6 and 7,8		
10.	Line 1 minus Line 8		0
11.	M/WBE Goal percentage (30%)		0.30
12.	Line 10 multiplied by Line 11 =MWBE goal amount		0

This form is only for use with the Liberty Partnerships Program 2022-2023. It may not be used with any other grant program.

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

NAME OF GRANT PROGRAM _____

NAME OF APPLICANT _____

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

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

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

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

M/WBE UTILIZATION PLAN

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

Bidder/Applicant's Name _____ Telephone/Email: _____/_____

Address _____ Federal ID No.: _____

City, State, Zip _____ RFP No.: _____

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

PREPARED BY (Signature) _____ DATE _____

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

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

TELEPHONE/E-MAIL _____

DATE _____

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

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

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

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

Address: _____ Phone No.: _____

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

Signature of Authorized Representative of Bidder/Applicant's Firm
Date: _____

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

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

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

Address: _____ Phone No.: _____

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

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

DESIGNATION: MBE Subcontractor WBE Subcontractor MBE Supplier WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

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

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

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm

Date

Printed or Typed Name and Title of Authorized Representative

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

PROJECT/CONTRACT # _____

I, _____
(Bidder/Applicant)

_____ of _____
(Title) (Company)

_____ () _____
(Address) (Telephone Number)

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

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

Submit additional pages as needed.

Authorized Representative Signature

Date

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME _____

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

 (Address) () (Phone)

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

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

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

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

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

Authorized Representative Signature **Date** **Print Name**

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:

TELEPHONE:

ADDRESS:

EMAIL:

FEDERAL ID NO.:

CITY, STATE, ZIPCODE:

RFP#/PROJECT NO.:

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

BIDDER/APPLICANT IS REQUESTING (check all that apply):			
<input type="checkbox"/> MBE Waiver - A waiver of the MBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%	<input type="checkbox"/> WBE Waiver - A waiver of the WBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%		

PREPARED BY (Signature): _____

DATE: _____

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

NAME OF PREPARER:	FOR AUTHORIZED USE ONLY
TITLE OF PREPARER: TELEPHONE: EMAIL:	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"/> NOTICE OF DEFICIENCY <input type="checkbox"/> CONDITIONAL WAIVER COMMENTS:

M/WBE 101

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

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

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

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

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

Applicant Name: _____
 Address: _____
 City, State, ZIP: _____

Telephone: _____
 Federal ID No.: _____
 Project No: _____

Report includes:
 Work force to be utilized on this contract OR
 Applicant's total work force

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

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

PREPARED BY (Signature): _____

DATE: _____

NAME AND TITLE OF PREPARER: _____

TELEPHONE/EMAIL: _____

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

Instructions for Completing:

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

RACE/ETHNIC IDENTIFICATION

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

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

Appendix IX- Sample Student Application

NOTE: It is required that each student participant have a signed application form on file in order to be eligible to participate in the Liberty Partnerships Program. This form serves as a suggested template- it may be customized/ modified but must contain at least all of the elements in the sample provided.

NEW YORK STATE LIBERTY PARTNERSHIPS PROGRAM APPLICATION

The Liberty Partnerships Program provides students with a range of services designed to improve academic performance and prepare for a successful transition into postsecondary education or career path.

Date of Entry: ___/___/___ Student Name: _____ Date of Birth: _____
Age: _____ Gender: M [] F [] Grade: _____ School: _____
New York State Student Identification Number (NYSSIS #): _____ NYS Resident: Y [] N []
Ethnicity (circle all that apply): A) Black/African-American B) White/Non-Hispanic C) Asian/Pacific Islander
D) Hispanic/Latino E) Native American/ Alaskan Native F) Other: _____
Address: _____ Telephone # _____

Parent Information

Parent/Guardian Name: _____ Home Phone: _____

Address: _____

Cell Phone: _____ Work Phone: _____ E-mail address _____

Emergency Contact Information

Name: _____ Home Phone: _____

Cell Phone: _____ Relationship to student: _____

Address: _____

Appendix X

NEW YORK STATE EDUCATION DEPARTMENT'S DATA PRIVACY APPENDIX FOR GRANT CONTRACTS

ARTICLE I: DEFINITIONS

As used in this Data Privacy Appendix ("DPA"), the following terms shall have the following meanings:

- 1. Access:** The ability to view or otherwise obtain, but not copy or save, data arising from the on-site use of an information system or from a personal meeting.
- 2. Breach:** The unauthorized Access, acquisition, use, or Disclosure of Personal Information that is (a) accomplished in a manner not permitted by New York State and federal laws, rules, and regulations, or in a manner that compromises its security or privacy, (b) executed by or provided to a person not authorized to acquire, access, use, or receive it, or (c) a Breach of Contractor's or Subcontractor's security that leads to the accidental or unlawful destruction, loss, alteration, Access to or Disclosure of, Personal Information.
- 3. Disclose or Disclosure:** The intentional or unintentional release, transfer, or communication of Personal Information by any means, including oral, written, or electronic.
- 4. Personal Information:** Information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person.
- 5. Services:** Services provided by Contractor pursuant to this Contract with the New York State Education Department ("NYSED") to which this DPA is attached and incorporated.
- 6. Subcontractor:** Contractor's non-employee agents, consultants, volunteers, including student interns, who is engaged in the provision of Services pursuant to an agreement with or at the direction of the Contractor.

ARTICLE II: PRIVACY AND SECURITY OF PERSONAL INFORMATION

1. Compliance with Law.

When providing Services pursuant to this Contract, Contractor may receive and/or have Access to Personal Information regulated by one or more New York and/or federal laws and regulations, including, but not limited to, the Family Educational Rights and Privacy Act at 12 U.S.C. § 1232g (34 CFR Part 99); Children's Online Privacy Protection Act at 15 U.S.C. §§ 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment at 20 U.S.C. § 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act at 20 U.S.C. § 1400 et seq. (34 CFR Part 300); the New York Education Law at § 2-d (8 NYCRR Part 121); the New York General Business Law at article 39-F; and the New York Personal Privacy Protection Law at Public Officers Law article 6-A. Contractor agrees to maintain the confidentiality and security of Personal Information in accordance with applicable New York, federal and local laws, rules and regulations.

2. Data Privacy and Security.

- (a) Contractor agrees and understands that Contractor has no property, licensing, or ownership rights or claims to Personal Information Accessed by or Disclosed to Contractor for the purpose of providing Services, and Contractor shall not use Personal Information for any purpose other than to provide Services. Contractor will ensure that its Subcontractors agree and understand that neither the Subcontractor nor Contractor has any property, licensing or ownership rights or claims to Personal

Information received or Accessed by or Disclosed to Subcontractor for the purpose of assisting Contractor in providing Services.

- (b) Contractor shall adopt and maintain reasonable safeguards to protect the security, confidentiality, and integrity of Personal Information in a manner that complies with General Business Law section 899-bb and other applicable New York State, federal and local laws, rules and regulations.
- (c) Upon NYSED's request, Contractor may be required to undergo an audit of its privacy and security safeguards, measures, and controls, or in lieu of performing an audit, provide NYSED with an industry standard independent audit report on Contractor's privacy and security practices that is no more than twelve months old.

3. Contractor's Employees and Subcontractors.

- (a) Access to or Disclosure of Personal Information shall only be provided to Contractor's employees and Subcontractors who need to know the Personal Information to provide the Services and such Access and/or Disclosure of Personal Information shall be limited to the extent necessary to provide such Services. Contractor shall ensure that all such employees and Subcontractors comply with the terms of this DPA.
- (b) Contractor must ensure that each Subcontractor performing Services where the Subcontractor will have Access to and/or receive Disclosed Personal Information is contractually bound by a written agreement that includes confidentiality and data security obligations equivalent to, consistent with, and no less protective than, those found in this DPA.
- (c) Contractor shall examine the data privacy and security measures of its Subcontractors. If at any point a Subcontractor fails to materially comply with the requirements of this DPA, Contractor shall (i) notify NYSED, (ii) as applicable, remove such Subcontractor's Access to Personal Information; and (iii) as applicable, retrieve all Personal Information received or stored by such Subcontractor and/or ensure that such Personal Information has been securely deleted or securely destroyed in accordance with this DPA. In the event there is an incident in which Personal Information held, possessed, or stored by the Subcontractor is compromised, unlawfully Accessed, or unlawfully Disclosed, Contractor shall follow the Data Breach reporting requirements set forth in Section 5 of this DPA.
- (d) Contractor shall take full responsibility for the acts and omissions of its employees and Subcontractors.
- (e) Other than Contractor's employees and Subcontractors who have a need to know the Personal Information, Contractor must not provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena, and Contractor notifies NYSED of the court order or subpoena no later than the time the Personal Information is Disclosed, unless such Disclosure to NYSED is expressly prohibited by the statute, court order or subpoena. Notification shall be made in accordance with the Notice provisions of this Contract and shall also be provided to the Office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234.
- (f) Contractor shall ensure that its Subcontractors know that they cannot provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena. If a Subcontractor is required to provide Access to or Disclose Personal Information pursuant to a court order or subpoena, the Subcontractor shall, unless prohibited by statute, court order or subpoena, notify Contractor no later than two (2) days before any Personal Information is Disclosed. Upon receipt of notice from a Subcontractor, Contractor shall provide notice to NYSED no later than the time that the Subcontractor is scheduled to provide Access to or Disclose the Personal Information.

- (g) Contactor shall ensure that all its employees and Subcontractors who will receive Personal Information will be trained on the federal and state laws governing confidentiality of such data prior to receipt.

4. Data Return and Destruction of Data.

- (a) Contractor is prohibited from retaining Disclosed Personal Information or continuing to Access Personal Information, including any copy, summary or extract of Personal Information, on any storage medium (including, without limitation, hard copies, and storage in secure data centers and/or cloud-based facilities) beyond the term of the this Contract unless such retention is expressly authorized by the this Contract, necessary for purpose of facilitating the transfer of Personal Information to NYSED, or expressly required by law. As applicable, upon expiration or termination of this Contract, Contractor shall transfer Personal Information to NYSED in a format agreed to by the Parties.
- (b) When the purpose that necessitated Contractor's Access to and/or Disclosure of Personal Information has been completed or Contractor's authority to have Access to Personal Information and/or retain Disclosed Personal Information has expired, Contractor shall ensure that, as applicable, (1) all privileges providing Access to Personal Information are revoked, and (2) all Personal Information (including without limitation, all hard copies, archived copies, electronic versions, electronic imaging of hard copies) retained by Contractor and/or its Subcontractors, including all Personal Information maintained on behalf of Contractor or its Subcontractors in a secure data center and/or cloud-based facilities is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read, or reconstructed. Hard copy media must be shredded or destroyed such that Personal Information cannot be read, or otherwise reconstructed, and electronic media must be securely cleared, purged, or destroyed such that the Personal Information cannot be retrieved, read, or reconstructed. When Personal Information is held in paper form, destruction of such Personal Information, and not redaction, will satisfy the requirements for data destruction. Redaction is specifically excluded as a means of data destruction.
- (c) Upon request by NYSED, Contractor may be required to provide NYSED with a written certification of (1) revocation of Access to Personal Information granted by Contractor and/or its Subcontractors, and (2) the secure deletion and/or secure destruction of Personal Information held by the Contractor or Subcontractors, at the address for notifications set forth in this Contract.
- (d) To the extent that Contractor and/or its Subcontractors continue to be in possession of any de-identified data (i.e., data that has had all direct and indirect identifiers removed), Contractor agrees that it will not attempt to re-identify de-identified data and/or transfer de-identified data to any person or entity, except as provided in subsection (a) of this section and that it will prohibit its Subcontractors from the same.

5. Breach.

- (a) Contractor shall promptly notify NYSED of any Breach of Personal Information, regardless of whether the Contractor or a Subcontractor suffered the Breach, without delay and in the most expedient way possible, but in no circumstance later than seven (7) calendar days after discovery of the Breach. Notifications shall be made in accordance with the notice provisions of this contract and shall also be provide to the office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234 and must include a description of the Breach that identifies the date of the incident, the date ⁸³of discovery, the types of Personal Information

affected and the number of records affected; a description of Contractor's investigation; and the name of a point of contact.

- (b) Contractor and its Subcontractors will cooperate with NYSED, and law enforcement where necessary, in any investigations into a Breach. Any costs incidental to the required cooperation or participation of the Contractor or its Subcontractors will be the sole responsibility of the Contractor if such Breach is attributable to Contractor or its Subcontractors.
- (c) Contractor shall promptly notify the affected individuals of any Breach, regardless of whether Contractor or a Subcontractor suffered the Breach. Such notice shall be made using one of the methods prescribed by § 899-aa (5) of the New York General Business Law. If Contractor requires information from NYSED to perform such notifications, Contractor shall reimburse NYSED for the cost of assembling and providing such information to Contractor.

6. Termination.

The confidentiality and data security obligations of Contractor under this DPA shall survive any termination of this Contract to which this DPA is attached and shall continue for as long as Contractor or its Subcontractors retain Access to Personal Information.