

**My Brother's Keeper Exemplary School Models and Practices (ESMP)
A New York State My Brother's Keeper Initiative**

2018-2020

ANNOUNCEMENT OF FUNDING OPPORTUNITY

- Legislative Authority:** Chapter 53 of the laws of 2016. With the adoption of the 2016-2017 New York State budget, New York became the first state to accept the President's My Brother's Keeper challenge.
- Purpose/Goal:** The purpose of the Exemplary School Models and Practices grant is to close the achievement gap and increase both the academic achievement and college and career readiness (CCR) of students with an emphasis on boys and young men of color.
- The State Education Department will award grants to districts that will **replicate** their exemplary high-quality college and career readiness school models, programs, and practices that emphasize the needs of boys and young men of color in **another** district. The eligible applicant **must partner** with a **demographically similar** struggling or persistently struggling school in **another** district within their region¹ to replicate these practices. Applicants who are districts contracting to provide American Indian Educational Services must partner with a **demographically similar** school district contracting to provide American Indian Educational Services that is a focus or priority school **OR** a school in which $\leq 50\%$ of American Indian students have valid NYS test scores.
- Funding:** The total allocation for 2018 is expected to be \$2,000,000. The initial project period will be from April 20, 2018 – August 31, 2018, and for two subsequent years beginning September 1, 2018, subject to the continuation of the State appropriation. Awards will be made as follows: one (1) to an eligible district contracting to provide American Indian Educational Services, three (3) to eligible districts in New York City, and four (4) to eligible districts in the rest of the state for a total of eight (8) awards. In the event that fewer than the designated number of awards are made in a given region, those remaining awards will be made state-wide based on the next highest ranked application.
- Program Start Date & Coverage of Expenditures:**
- The beginning date for grant activities is April 20, 2018. Only expenses incurred during this period will be eligible for coverage with these state funds.
- The initial program period is April 20, 2018 – August 31, 2018. Program year two is September 1, 2018 -August 31, 2019 and three is September 1, 2019-August 31, 2020. Maximum awards are limited to \$250,000 each year for the three-year period with a minimum of 70% of the award (\$175,000) to be spent on the expenses incurred in replicating the exemplary models, programs, and

¹ There are three regions for this RFP: districts contracting to provident American Indian Educational Services, NYC, and the rest of state.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

practices at the partner school site, and a maximum of 30% (\$75,000) to be spent on developing and/or expanding the exemplary models, programs, and practices at the applicant school/demonstration site or developing and/or expanding the exemplary models, programs, and practices at another school within the applicant district each year. (See examples on p. 13.)

- Matching Requirements:** A minimum 15 percent (15%) match of approved grant contract is required. The matching requirements may be met through the institution's own resources, private sources, other non-state government sources, and/or in-kind services. Other state funds may be used in this match except for state grant funds from educational opportunity programs, but may not duplicate services provided. All matching contributions must be used for activities related exclusively to the MBK ESMP project, and institutional accounts must be structured to reflect this contribution by the appropriate line item.
- Applicant Eligibility:** Eligible applicants are **NYS public school districts**. For purposes of this grant, charter schools and BOCES are not included in the definition of public schools and are not eligible to apply.
- The applicant district must have at least one school designated to serve as the demonstration site. **The demonstration site school(s) must NOT be classified as a struggling, persistently struggling, or priority school.** Applicants should supply data for the demonstration site with their applications demonstrating two or more years of improved outcomes toward project goals. Please complete **Attachment X-a or X-b** to demonstrate these outcomes.
- Important Dates:** Full proposals must be postmarked by **3/16/2018**
- Questions & Answers:** Questions regarding this grant must be e-mailed to ModelRFP@nysed.gov by **1/24/2018**
A Question and Answers Summary will be posted on the [My Brother's Keeper website](#) no later than **1/31/2018**
Webinar will be available on the [My Brother's Keeper website](#) on **1/17/2018**

For Information and Submission, Contact: New York State Education Department
Office of Access, Equity, and Community Engagement Services
89 Washington Avenue, EBA Room 960
Albany, New York 12234
(518) 474-3719
ModelRFP@nysed.gov

The State Education Department Contacts:

Program: Karen Hymes
ModelRFP@nysed.gov

Fiscal: Jessica Hartjen
ModelRFP@nysed.gov

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

**The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Access, Equity, and Community Engagement Services
89 Washington Avenue
Albany, NY 12234**

**Guidelines
For Submission of
MY BROTHER'S KEEPER EXEMPLARY SCHOOL MODELS AND PRACTICES (ESMP)
Proposals
For the Period 2018-2020**

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

BETTY A. ROSA, <i>Chancellor</i> , B.A., M.S. in Ed., M.S. in Ed., M.Ed., Ed.D.	Bronx
T. ANDREW BROWN, <i>Vice Chancellor</i> , B.A., J.D.	Rochester
JAMES R. TALLON, JR., B.A., M.A.	Binghamton
ROGER TILLES, B.A., J.D.	Great Neck
LESTER W. YOUNG, JR., B.S., M.S., Ed.D.	Beechhurst
CHRISTINE D. CEA, B.A., M.A., Ph.D.	Staten Island
WADE S. NORWOOD, B.A.	Rochester
KATHLEEN M. CASHIN, B.S., M.S., Ed.D.	Brooklyn
JAMES E. COTTRELL, B.S., M.D.	New York
JOSEPHINE VICTORIA FINN, B.A., J.D.	Monticello
JUDITH CHIN, M.S. in Ed.	Little Neck
BEVERLY L. OUDERKIRK, B.S. in Ed., M.S. in Ed.	Morristown
CATHERINE COLLINS, R.N., N.P., B.S., M.S. in Ed., Ed.D.	Buffalo
JUDITH JOHNSON, B.A., M.A., C.A.S.	New Hempstead
NAN EILEEN MEAD, B.A.	Manhattan
ELIZABETH S. HAKANSON, A.S., M.S., C.A.S.	Syracuse
LUIS O. REYES, B.A., M.A., Ph.D.	New York

Commissioner of Education and President of The University

MARYELLEN ELIA

Senior Deputy Commissioner

JHONE EBERT

DEPUTY COMMISSIONER OF HIGHER EDUCATION

JOHN D'AGATI

ASSISTANT COMMISSIONER

OFFICE OF ACCESS, EQUITY AND COMMUNITY ENGAGEMENT SERVICES

STANLEY S. HANSEN JR.

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

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

TABLE OF CONTENTS

I. APPLICATION GUIDANCE	6
II. INTRODUCTION	7
III. PURPOSE.....	7
IV. RATIONALE	7
V. OBJECTIVES AND KEY STRATEGIES	8
VI. INSTITUTIONAL ELIGIBILITY	9
VII. NYSED’S RESERVATION OF RIGHTS	9
VIII.PROJECT GOALS.....	10
IX. FUNDING LIMITATIONS AND METHOD OF DETERMINING AWARD AMOUNTS.....	10
X. BUDGET	12
XI. PROJECT SCHEDULE.....	14
XII. APPLICATION INSTRUCTIONS.....	15
XIII.NARRATIVE FORMAT	15
XIV.PROPOSAL RATING	18
XV. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE)	18
XVI.WORKERS’ COMPENSATION COVERAGE AND DEBARMENT.....	20
XVII.CORRESPONDENCE	21
XVIII.PUBLICITY.....	21
XIX.ENTITIES’ RESPONSIBILITY.....	21
XX.DEBRIEFING PROCEDURES.....	22
XXI.CONTRACT AWARD PROTEST PROCEDURES	22
ATTACHMENT I APPLICATION COVER PAGE	24
ATTACHMENT II PROGRAM OBJECTIVES, STRATEGIES, ACTIVITIES, SERVICES & PERFORMANCE MEASURES/DATA SOURCES	25
ATTACHMENT III STATEMENT OF ASSURANCES.....	29
ATTACHMENT IV PROPOSED BUDGET.....	30
ATTACHMENT V APPLICATION CHECKLIST.....	33
ATTACHMENT VI M/WBE COMPLIANCE FORMS AND GUIDELINES	34
ATTACHMENT VII APPENDIX A	44
ATTACHMENT VIII APPENDIX A-1-G	48
ATTACHMENT IX-a EVALUATION RUBRIC.....	50
ATTACHMENT IX-b EVALUATION RUBRIC.....	55
ATTACHMENT X-a DOCUMENTATION OF IMPROVED OUTCOMES K-8.....	62
ATTACHMENT X-b DOCUMENTATION OF IMPROVED OUTCOMES 9-12.....	64

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

My Brother's Keeper Exemplary School Models and Practices (ESMP)

GUIDELINES

For the Submission of Grant Proposals For Fiscal Year 2018-20

I. APPLICATION GUIDANCE

Please adhere to the following instructions.

Required Signature(s)

The original signature of the School District Superintendent (or designee) of the institution must appear on the Statement of Assurances Page, Application Cover Page and on the FS-10 Budget Form.

Number of Copies

Please submit **one original** of the full proposal, as well as one electronic copy of the complete application on CD/or USB drive, to SED postmarked by **3/16/2018**

Q & A Questions regarding this grant must be e-mailed to ModelRFP@nysed.gov by **1/24/2018**

A Question and Answers Summary will be posted on the [My Brother's Keeper website](#) no later than **1/31/2018**

Webinar will be available on the [My Brother's Keeper website](#) on **1/17/2018**

Checklist

Please use the Application Checklist to ensure that you send a complete application package.

Page Limits and Standards:

The project narrative should be limited to no more than **15 double-spaced pages in a minimum 10 point font** and all information requested in this section (excluding resumes) should be contained within the narrative portion of the proposal. The narrative should present a cohesive document with each individual section related to all other sections. The name of the applicant should appear in the top right corner of each page.

A specific format is required for the information requested in **Attachment II**. This information should be provided on Attachment II and be included in the 15 page limit. Single-spacing may be used on Attachment II provided the typeface or font is at least 10 point size. **The Budget Narrative will be subject to the 15 page Project Narrative limit, but the FS-10 will not.**

Proposed Budget for a Federal or State Project (FS-10)

The application must include a budget and budget narrative for each category of expenditure that is required for the grant (Professional Salaries, Support Staff Salaries, Purchased Services, Travel Expenses, Employee Benefits, BOCES Services) and a Proposed Budget for a Federal or State project (FS-10). The necessary and appropriate narrative should include sufficient detail to allow reviewers to understand what the funds will be used for and the relationship between the proposed expenditure and project activities and goals.

The total from each of the Budget Category Forms must correspond to amounts shown on the Budget Summary Form. Please be sure to check all calculations for accuracy.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

II. INTRODUCTION

The My Brother's Keeper ESMP was initially established under an initiative of the Board of Regents to increase the academic achievement and college and career readiness of boys and young men of color. For the purposes of this RFP a 'boy or young man of color' includes, male students in NYS public schools who are identified in their school records with race/ethnicity described as Black or African-American, Hispanic/Latino, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, or two or more races. School districts are required to ensure that the official school record accurately identifies the student in the category that the student has identified and not a category identified by a school or district official.

III. PURPOSE

This announcement is intended to assist public school districts in applying for the Exemplary School Models and Practices Grant (ESMP) for 2018-2020. The purpose of this development, dissemination and replication request for proposal (RFP) is to support innovative approaches to identifying, understanding, and overcoming barriers to the adoption, adaptation, integration, scale-up and sustainability of evidence-based interventions, tools, policies, and guidelines that improve outcomes for youth placed at risk with an emphasis on boys and young men of color. Conversely, this grant process will also aid in understanding conditions that create a need to "de-implement" or decrease the use of strategies and procedures that are not evidence-based, have been prematurely widely adopted, or are harmful or inefficient. For example, some schools have extremely strict suspension policies which do not promote improved outcomes for students. The applicant may include information that would indicate that they are or will move away from harsh suspension strategies.

The primary objective of this program is to investigate and replicate educational programs and models that build academic identity and social capital for underachieving youths.

IV. RATIONALE

New York State, through actions by the Board of Regents, the Governor and Legislature, have taken steps to become the first in the nation to adopt a statewide version of My Brother's Keeper, an initiative from President Obama to boost the educational futures of young minority men and boys. As part of the national initiative launched in February 2014, My Brother's Keeper seeks to close the persistent achievement gap in educational access, achievement and opportunity between young minority men and boys and their peers. An overarching goal is to encourage and support young men in making good choices, becoming more resilient, overcoming educational and community obstacles, and achieving their dreams in life thereby improving their communities and the state. As far back as 1975 the Board of Regents adopted educational policies which seek to alleviate the achievement gaps of Native American students (Position Paper #22). The principles included in those nine Regent's directives, sit firmly as the foundation for many of the activities which are now ideally to be implemented for all boys and young men of color.

While there has been slight improvement in educational measures of academic skills, one of the consistent features of any type of analysis has been and continues to be the significant achievement gap between minority and non-minority students. The achievement gap refers to the observed, persistent disparity of educational measures between the performances of groups of students, especially groups defined by socioeconomic status, race/ethnicity, and gender. The approach in the My Brother's Keeper Program is to engage, head on, specific factors that perpetuate the continuing achievement gap. It is hoped that significant actions on these concrete factors will result in finally closing the persistent achievement gap for boys and young men of color in New York State.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

As there is no conclusive cause of the achievement gap, the approach for this RFP is a model of Development, Dissemination and Replication grants to empower LEAs, P-12 schools, institutions of higher education (IHE), and community based programs (CBP) to broadly share proven best practices information and assistance that improve outcomes for New York State students placed at risk with an emphasis on boys and young men of color.

Replication is a dynamic process for improving the quality of local services by developing credible knowledge about effective program models, and reproducing those models in a variety of local settings by a process that includes adaptation and evolution while maintaining the results of the original. Successful replication requires: (1) evidence of the effectiveness of the model to be replicated; (2) reasonable input costs; (3) availability of a qualified replicating agent; (4) an identifiable market need for the program or service to be replicated; (5) choice of a replication strategy appropriate to both the product and the institutional context in which the replication will occur; and (6) provision for continuing evaluation.

Over the past several years, diverse groups representing foundations, think tanks, and national/local leaders from a variety of arenas have emphasized an aggressive agenda dedicated to improving college readiness rates of our nation's students. Also, the increasing demands for accountability, both locally and nationally, together with the ever-expanding lists of evidence-based programs and policies, have created an increased demand for school districts, schools, IHE, and CBPs to identify effective programs and policies to better serve their most vulnerable youth populations. Despite the aggressive calls for more accountability and the proliferation of research/evidence based practices, our nation's most vulnerable students continue to experience persistent access and opportunity gaps. This is most acutely apparent for boys and young men of color.

V. MBKESMP OBJECTIVES AND KEY STRATEGIES

The primary objects of this program are to: **identify** exemplary high-quality college and career readiness school model(s), program(s) and practice(s) that demonstrates cultural and linguistic responsiveness, that emphasize the needs of boys and young men of color; and to investigate and **replicate** those educational programs, practices and models that build academic identity and social capital for underachieving youths.

For each phase of the project, the applicant will need to address the following:

Objectives and Strategies

List specific objectives to be accomplished. Objectives must support the MBK ESMP goals and key strategies and should be measurable. Each of the MBK ESMP goals listed (see VIII Project Goals) should be addressed.

Activities and Services

List and describe each activity and service that supports the achievement of each objective. Include required instructional, support, and advocacy services needed for staff, student, family and community member engagement and growth.

Staff Responsible: Indicate staff responsible for the implementation of each activity or service.

Timeframe: Indicate the start and end dates, the timeframe, and the duration of each activity or service.

Measures/Data Sources: For each objective, describe the performance measures/data sources that will assess its efficacy. Indicate the populations to be served and the tools, methods, and instruments that will be used.

Initial Implementation Phases (Years One and Two)- Demonstration and Replication: The district shall implement evidence-based policies and practices to address and to directly impact the project goals found in section VIII :Project Goals.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

- Demonstration sites will design team-based replication/diffusion strategies.
- Projects will:
 1. Improve student academic outcomes and learning environments;
 2. Integrate promising strategies in participating replication sites;
 3. Sustain the ability of replication site teams to implement and evaluate the successful integration of the promising strategy; and
- Demonstrate that proposed replication or expansion will occur in partnership with, and will be designed to assist in, implementing academic or structural interventions to serve students attending [schools that have been identified as a struggling or persistently struggling school](#). Applicants from New York City and rest of state must partner with a **demographically similar** struggling or persistently struggling school in **another** district within their region. Applicants who are districts contracting to provide American Indian Educational Services must partner with a **demographically similar** school district contracting to provide American Indian Educational Services that is a focus or priority school **OR** a school in which $\leq 50\%$ of American Indian students have valid NYS test scores.
- Projects must be structured to result in:
 1. Improved academic performance for boys and young men of color based on NYS assessments
 2. A reduction in the academic achievement gap for boys and young men of color
 3. Improved graduation rates for boys and young men of color

Monitoring Phase (Year Three)– 3. Monitoring and Evaluation: Implementation, i.e. Demonstration and Replication, will continue in this phase. Additionally, the district will monitor and evaluate the degree to which the goals they set forth for their partner in Years One and Two of Demonstration and Replication are being achieved and will have structures and processes in place to continue to monitor and evaluate progress.

- The ultimate goal of success for the MBK ESMP is school districts that employ educational programs and models that build academic identity and social capital for underachieving youths. For the purposes of data reporting and analysis, projects will be deemed as meeting project expectations if they produce:
 - Improved academic performance for boys and young men of color based on NYS assessments
 - A reduction in the academic achievement gap for boys and young men of color
 - Improved graduation rates for boys and young men of color
- Required data reporting will determine whether and to what extent these objectives and expectations are met.
- Recommendations for any changes or improvements in the model will be made with the goals of sustainability and further replication in mind.

VI. INSTITUTIONAL ELIGIBILITY

Eligible applicants are:

NYS public school districts. For purposes of this grant, charter schools and BOCES are not included in the definition of public schools and are not eligible to apply.

The applicant district must have at least one school designated to serve as the demonstration site. **The demonstration site school(s) must NOT be classified as a struggling, persistently struggling, or priority school.** Applicants should supply data for the demonstration site with their applications demonstrating two or more years of improved outcomes toward project goals. Please complete **Attachment X-a or X-b** to demonstrate these outcomes.

VII. NYSED'S RESERVATION OF RIGHTS

NYSED reserves the right to:

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

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.

VIII. PROJECT GOALS

The ultimate goal of success for the MBK ESMP is school districts that employ educational programs and models that build academic identity and social capital for underachieving youths. For the purposes of data reporting and analysis, projects will be deemed as meeting project expectations if they produce:

- Improved academic performance for boys and young men of color based on NYS assessments
- A reduction in the academic achievement gap for boys and young men of color
- Improved graduation rates for boys and young men of color

Required data reporting on **Attachment X-a or X-b** will determine whether and to what extent these objectives and expectations are met. **An Attachment X-a or X-b will be required of both the applicant/demonstration site and the partner/replication site each year with the final report.**

IX. FUNDING LIMITATIONS AND METHOD OF DETERMINING AWARD AMOUNTS

Eligible applicants may only submit one proposal per school district. Maximum awards are limited to \$250,000 each year for the three-year period with a minimum of 70% of the award (\$175,000) to be spent on the expenses incurred in replicating the exemplary models, programs, and practices at the partner school site, and a maximum of 30% (\$75,000) to be spent on developing and/or expanding the exemplary models, programs, and practices at the applicant school/demonstration site or developing and/or expanding the exemplary models, programs, and practices at another school within the applicant district each year. (See examples below)

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

- Money spent on travel and release time so that staff from the demonstration site can travel to the partner school/replication site to meet, observe, consult, provide PD, etc. would be considered part of the replication site's 70%.
- Money spent on travel and release time so that staff from the partner school/replication site can travel to the demonstration site to meet, observe, receive PD, etc. would be considered part of the replication site's 70%.
- Durable goods, equipment, and training required to replicate the exemplary programs and practices at the partner school/replication site would be considered part of the replication site's 70%.
- Durable goods, equipment, and training required to expand the exemplary programs and practices at the demonstration site or to replicate the exemplary programs and practices at another school within the applicant district would be considered part of the demonstration site's 30%.

All funding requests will be reviewed at the time of proposal submission. If certain costs cannot be supported by these funds, the expenses will be removed from the proposed budget and the budget will be scored accordingly.

Method of Determining Award Amounts:

The funds in the appropriation will be distributed to successful applicants according to the process indicated below. The proposals will be rated numerically, with a maximum possible score of 100 points: 80 points for the Narrative Application and 20 points for the Budget/Budget Narrative. Scores are recorded to two decimal places.

- A. Awarding of Funds – Awards will be made as follows: one (1) to a district contracting to provide American Indian Educational Services, three (3) to eligible districts in New York City, and four (4) to eligible districts in the rest of the state for a total of eight (8) awards. In the event that fewer than the designated number of awards are made in a given region, those remaining awards will be made state-wide based on the next highest ranked application score per the scoring method below.
1. The Narrative Application scores will be determined by two reviewers.
 2. The budget and budget narrative of each application will also be reviewed and scored by both reviewers.
 3. The final score used for rank ordering the applications will be the average of the two reviewers' scores for the total of the narrative application and the budget/budget narrative.
 - a. If, however, the two reviewer's scores show a discrepancy of more than 15 points, the proposal will go to a third reviewer. After the third review, the mathematical average of the three scores will be the final application score.
 - b. The final application score must be at least 60 points for an application to be considered for funding. Failure to meet this requirement will disqualify a proposal from further consideration.
 - c. In the event of a tie score, the tie breaker will be the highest score on the Objectives and Key Strategies section of the scoring rubric in the Narrative Application.
 - d. If the scores remain tied after this step, a second tiebreaker will be the highest score on the Budget and Budget Narrative section.
 - e. If the scores remain tied after this step, the third tiebreaker will be the greatest number of students to be served by the proposal.
 4. The applicants will be ranked from high to low score within the three competitions (American Indian Education Services, New York City, rest of state).
 5. Awards will be made from the highest scoring applicant in rank order until the designated

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

number of awards are made.

6. If fewer than the designated awards are made within any competition, additional awards will be made based on a state-wide ranking.

For an increase in available funding:

If new or additional funding becomes available, and NYSED chooses to distribute this funding to applicants of this current RFP, NYSED will allocate the funds in this order by:

4. Approving awards, in rank order, for eligible applicants who received passing scores, but who did not rank high enough to receive an award initially;
5. Allocating funds proportionally among already awarded programs.

For a decrease in available funding:

A decrease in funding for any subsequent funding year will result in a proportional reduction to all funded projects based on total annual budget.

X. BUDGET

Budget Form (FS-10)

Applicants must submit a FS-10 budget with this application, for the initial project period of April 20, 2018 – August 31, 2018. The budget will be reviewed and scored. Indicate which expenditures are benefitting the replication site ($\geq 70\%$) and which are benefitting the demonstration site/district ($\leq 30\%$).

The Proposed Budget forms (Attachment IV) must be submitted with the application for the initial project period and each of the subsequent Phases (Years 2 and 3).

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

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

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

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

A. Use of Funds

Amendments to the proposal during the course of the year that involve changes in the manner in which MBK ESMP funds are expended must have prior written approval from the MBK ESMP-SED, and may require approval by the Office of the State Comptroller. Expenses for activities not included in the approved budget will not be reimbursed by the State.

B. Allowable Expenses

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

Allowable costs include the following:

1. **Program administration:** including as allowable: professional and non-professional salaries, fringe benefits, staff travel, purchased services/consultant services, regional and statewide professional development; reimbursement for “release time” for school personnel engaged in program planning and implementation reported as a purchased service. Out of state travel requires prior approval by SED.
2. **Program activities:** including as allowable: educational services, academic enrichment, tutoring and other support services, and professional development, project brochures/materials and promotional activities, expenses related to program attendance and technical assistance costs of the MBK such as participant transportation, and evaluation materials and activities.
3. **Administrative and instructional supplies, materials, and durable goods:** including instructional or administrative computer software and computers, etc., which are used principally in the operation and administration of the project.
 - a. When durable goods (to include computer equipment) are purchased with MBK ESMP-SED funds, it is the responsibility of the district to ensure that the Equipment Inventory Form is completed and that a copy is submitted to the MBK ESMP -SED.
 - b. If a program closes, any durable goods purchased with MBK ESMP -State funds must be released for transfer to another MBK ESMP program so that the durable goods continue to support MBK ESMP students.
 - c. MBK ESMP -SED staff will assist District staff in arranging the transfer of such durable goods.

C. Non-Allowable Expenses

1. Funds may not be used for indirect costs.
2. Funds may not be used for construction or renovation of classroom or office space.
3. Funds may not be used for equipment (items with a per-unit cost of \$5000 or more).
4. Funds are not available for rental of office or meeting space, storage facilities, equipment, fixtures or communication cost (phone, postage, and/or electronic communication cost).
5. Funds cannot be used for items which previously had been assumed by the institution. The purpose of a MBK award is to supplement rather than supplant monies previously or presently allocated to MBK related activities.
6. MBK 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.
7. MBK funds cannot be used to pay for the salary or stipend of the MBK ESMP Program Director’s Supervisor or someone designated as a Principal Investigator for the grant.
8. Funds may not be used for purposes other than those described in the approved grant contract.
9. MBK funds cannot be used for organizational dues or items not specifically allowed under the categories identified above.

D. Transfer of Funds

1. Budget transfers of more than 10 percent in any category must be submitted as a budget amendment. Form FS-10-A: Proposed Amendment for a Federal or State Project must be used to request a budget amendment and must be submitted to MBKESMP-SED for review. All FS-10-A forms must be submitted between the start date of any funding year and July 31st of that year. Funds should not be expended until the budget amendment has been approved in writing.
2. Funds up to 10 percent of line categories may be transferred between approved line categories without prior written approval. However, MBKESMP-SED must be informed in writing of all

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

amendments made to an approved budget within 30 days of each occurrence, but no later than July 31st of the program year.

E. Institutional Funds

1. **Matching Funds:** A minimum 15 percent match of the approved MBK ESMP grant is required. The matching requirement may be met through the District's own resources, private sources, other governmental sources, and/or in-kind services. Other State funds may be used in this match with the exception of state grant funds from educational opportunity programs, but may not duplicate services provided. All matching contributions must be used for activities related exclusively to the MBK ESMP project, and institutional accounts must be structured to reflect this contribution by the appropriate line item.
2. **Program Support:** The district must provide sufficient space and other resources for the effective operation of the project activities.
3. **Institutional Obligation:** Districts approved for funding will have an obligation to honor the district amount committed in support of the program in each budget category. This obligation will be reflected in the approved budget agreed to by the State Education Department and the institution. The budget may be amended during the year following the procedures stated in *Budget: E. Transfer of Funds*.

F. MBK ESMP Payment Schedule

Please refer to the [FISCAL GUIDELINES FOR FEDERAL AND STATE AIDED GRANTS](#).

Funds will be provided through a 25% initial payment within 90 days of start date of grant, up to 90% based upon submitted FS-25 forms as interim payments; the final 10% will be reimbursed upon completion of the required reports and FS-10F.

XI. PROJECT SCHEDULE

- A. **Operation Dates:** For the initial project period, projects may begin as early as April 20, 2018, but must be completed by August 31, 2018. Expenses incurred prior to April 20, 2018 or after August 31, 2018, will not be reimbursed. **The subsequent two years will begin September 1 and end August 31 and will be funded at a MAXIMUM of \$250,000 for each of the three years of the grant, subject to the continuation of the State Appropriation and successful performance of the district,** with a minimum of 70% of the award (\$175,000) to be spent on the expenses incurred in replicating the exemplary models, programs, and practices at the partner school site, and a maximum of 30% (\$75,000) to be spent on developing and/or expanding the exemplary models, programs, and practices at the applicant school/demonstration site or developing and/or expanding the exemplary models, programs, and practices at another school within the applicant district each year.
- B. **Required Reports:** Each institution receiving a MBKESMP grant will be required to submit an interim and final report to MBKESMP-SED. The interim and final reports annually will outline the scheduled activities in the program period identifying tasks, assignments, data on student achievement and movement toward the project expectations, and specific objectives accomplished within the reporting period. A format and reporting schedule for the reports will be provided by MBKESMP-SED, and will include a monitoring of the educational markers used to measure success.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

XII. APPLICATION INSTRUCTIONS

Interested and eligible school districts must submit one original of the application for funding as well as one electronic copy of the complete application on CD/ or USB drive. **The original must be clearly identified and signed.** An application for funding requires the original signature of the Superintendent (or designee) of the district on the Application Cover Page and Statement of Assurances (Attachment III). **Applications** for funding **must be postmarked on or before 3/16/2018** to:

New York State Education Department
Office of Access, Equity, and Community Engagement Services
89 Washington Avenue, EBA 960
Albany, NY 12234

An application for funding meets the deadline requirement if it has a legible postmark, shipping label, invoice or receipt from the U.S. Postal Service or a commercial carrier bearing the date of **3/16/2018** or earlier. Private metered postmarks **will not** be accepted as proof of meeting the required deadline. Hand delivered applications must be received at the MBK ESMP -SED office by 5:00 p.m. on or before **3/16/2018**.

Proposals that do not meet the deadline requirement **will not** be considered.

A complete application for funding consists of the following items in the order indicated:

- A. Application checklist (Attachment V)
- B. Application Cover Page with Original Signature of Chief Executive/Administrative Officers of both the Applicant District and the partner school (Attachment I)
- C. A Memorandum of Understanding (MOU) between the Applicant District and the partner school
- D. Statement of Assurances with Original Signature of Chief Executive/Administrative Officer (Attachment III)
- E. Proposed Budget (Attachment IV)
- F. Payee Information Form (if applicable)
- G. Proposal Narrative (including Attachment II)
- H. Budget Narrative
- I. FS-10 Budget with original signature of Chief Executive/Administrative Officer
- J. M/WBE Goal Calculation Worksheet (Appendix VI)
- K. Documentation of Improved Outcomes Worksheet (Appendix X-a OR X-b)

XIII. NARRATIVE FORMAT

The proposal narrative should describe the 2018 proposed activities in full detail, including the overall goals, planning, implementation, and evaluation of all proposed activities. **It should not be more than 15 double-spaced pages in a minimum 10 point font**, and all information requested in this section (excluding resumes and the FS-10) should be contained within the narrative portion of the proposal. The narrative should present a cohesive document, with each individual section related to all other sections and adhere to the format indicated below. The name of the school should appear in the top right corner of each page. A specific format is required for the information requested in Attachment II. This information should be provided on Attachment II and be included in the **15 page** limit. Single-spacing may be used on Attachment II provided that the typeface or font is at least **10 point** size to allow for necessary review. Failure to adhere to these guidelines or to not include required information may result in an unfavorable review.

- A. Application Cover Page and MOU - Attachment I must be signed by both applicant AND partner school
- B. Executive Summary (1 page max)

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

This section summarizes the proposal's purpose, scope, outcomes and methodology used. Identify the grade configurations of the applicant/demonstration site and the partner/replication site. Any grade configuration within K-8 will follow directions for K-8 and 9-12 will follow those for 9-12. A K-12 or 7-12 building must select and identify whether they will pursue either a K-8, 7-8, or 9-12 focus.

C. Organizational Background:

This section should include:

1. The proposal shall provide an overview and brief description of the applicant school, district, and administrative structure.
2. Districts must describe their existing collaborative work with P-12 schools, institutions of higher education (IHE), and community based programs (CBP) to identify best practice models that are research based, outcome focused and promote partnerships among schools, community colleges, public four-year institutions, community support services and community-based organizations that provide high-quality comprehensive and coordinated supports, services, and opportunities for students placed at risk with an emphasis on boys and young men of color.
3. A brief history, accomplishments, qualifications, and educational experience in serving the needs of at risk populations. At least one school in the applicant district must demonstrate that it **has** developed exemplary high-quality college and career readiness school model(s), program(s) and practice(s) that demonstrate cultural and linguistic responsiveness, that emphasize the needs of boys and young men of color. **The applicant school must demonstrate improved outcomes for boys and young men of color**, as demonstrated by either improved academic performance on NYS ELA and Math assessments **AND** reduced achievement gap for K-8 schools **OR** improved academic performance on ELA and Algebra Regents **AND** improved graduation rate **AND** reduced achievement gap for **9-12** schools, **for at least two consecutive years to be eligible**.
4. **Applicant's partner for demonstration and replication must be a school within another district with similar demographics, within the applicant's region** (school providing American Indian Educational Services, NYC, or rest of state), be a struggling or persistently struggling school, and must be identified in the application. Applicants who are districts contracting to provide American Indian Educational Services must partner with a **demographically similar** school district contracting to provide American Indian Educational Services that is a focus or priority school **OR** a school in which $\leq 50\%$ of American Indian students have valid NYS test scores. The applicant must sign a Memorandum of Understanding (MOU) with the partner school describing the roles and responsibilities of each entity. The MOU should be included with the application.
 - a. The applicant will describe how it will ensure that local stake holders are consulted and able to indicate their agreement with and commitment to implementation of the selected best practice model to include strategic planning for the development, expansion, regionalization, institutionalization and/or bringing to scale programs that demonstrate improved outcomes for students place at risk with an emphasis on boys and young men of color.
 - b. Applicants will describe their model to replicate their success with their identified partner school.
5. Internal Program Relationships:
 - a. Describe the internal structure of the MBK project, including the following:

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

- b. The staff positions that have coordinating responsibilities for the major components of the program (e.g., administration, teaching, counseling, tutoring, evaluating, budgeting, reporting)
- c. A MBK ESMP organizational chart including all program-related personnel

D. Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources

Use the forms provided in Attachment II: Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources

Objectives and Strategies

List the specific objectives to be accomplished. Objectives must support the MBK ESMP goals and key strategies and should be measurable. Objectives should be focused on improving student learning, and increasing the number of boys and young men of color who are prepared for college and/or careers.

Activities and Services

List and describe each activity and service that supports the achievement of each objective. Include required instructional, support, and advocacy services needed for staff, student, family and community member engagement and growth.

Staff Responsible: Indicate staff responsible for the implementation of each activity or service.

Timeframe: Indicate the start and end dates, the timeframe, and the duration of each activity or service.

Measures/Data Sources: For each objective, describe the performance measures/data sources that will assess its efficacy. Indicate the populations to be served and the tools, methods, and instruments that will be used.

F. Budget and Budget Narrative

1. Indicate the proposed expenditures for the project on Attachment IV: MBK ESMP 2018 Proposed Budget. One form should be submitted for each of the three phases of the project. The attachment must provide complete information and indicate all proposed expenditures from MBK ESMP, school, district, and other matching funds. The budget must be consistent with the scope of services, reasonable, cost effective, and the staffing pattern is appropriate for the services to be offered. **It should be clearly documented whether expenditures are benefiting the demonstration or replication site.**
2. Budget narrative expenditures description (including descriptions of school, district, and other source contributions) must follow the general format of Attachment IV: MBK ESMP 2018 Proposed Budget using the same sequence of categories and code numbers. The budget justifications must be clear and appropriate.
3. The budget narrative should include each salaried position identified by title, anticipated salary amount, and the time contribution to the MBK ESMP Project. Indicate the per diem or hourly rate for each consultant identified under the Purchased Services Category. Provide the unit rate or estimate for all services or items.
4. A completed FS-10: Proposed Budget for the State Project will be required with this application for the first budget period.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

XIV. PROPOSAL REVIEW

Proposals are reviewed following the process identified in IX of this RFP. The State Education Department reserves the right to reject any application which does not comply with the goals and requirements of this grant opportunity.

XV. 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 M/WBE website](#).

The M/WBE participation goal for this grant is 30% of each applicant's total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as total 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.

For multi-year grants, applicants should use the total budget for the full multi-year term of the grants in the above calculation. The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

M/WBE participation does not need to be the same for each year of a multi-year grant.

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

METHODS TO COMPLY

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

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

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet

M/WBE Cover Letter

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

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

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

COMPLETE FORMS:

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

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

COMPLETE FORMS:

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

GOOD FAITH EFFORTS

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

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

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

REQUEST FOR WAIVER

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

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

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

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 103 Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be found on the [SED MWBE website](#).

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

XVI. WORKERS' COMPENSATION COVERAGE AND DEBARMENT

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

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

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

PROOF OF COVERAGE REQUIREMENTS

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

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

Proof of Workers' Compensation Coverage

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

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

- **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 at: <http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. 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.

XVII. CORRESPONDENCE

All correspondence, requests for information, and questions concerning this grant should be addressed to ModelRFP@nysed.gov.

XVIII. PUBLICITY

All materials developed in whole or in part with the support of MBK funds, including publicity releases and program announcements, will include the following statement:

Support for the development and production of this material was provided by a grant under the My Brother’s Keeper Initiative of the New York State Education Department.

XIX. ENTITIES’ RESPONSIBILITIES

Projects must operate under the jurisdiction of the local board of education, or other appropriate governing body, and are subject to at least the same degree of accountability as all other expenditures of the local agency.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

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

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

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

XX. DEBRIEFING PROCEDURES

All unsuccessful applicants may request a debriefing within fifteen (15) calendar days of receiving notice from NYSED. Bidders may request a debriefing letter on the selection process regarding this RFP by submitting a written request to the Fiscal Contact person at:

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

The Fiscal Contact person will make arrangements with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days, the program staff will issue a written debriefing letter to the bidder.

XXI. CONTRACT AWARD PROTEST PROCEDURES

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

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed with:

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

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.
4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT I

**Application Cover Page
My Brother’s Keeper ESMP**

Name of School District: _____

District Address: _____

Name of Exemplary School: _____

Exemplary School Address: _____

Grade configuration of Exemplary School: _____

Name of Program Director: _____

Telephone: _____ E-mail Address: _____

Person Submitting Proposal (name/title): _____

Telephone: _____ E-mail Address: _____

I 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 and 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, Appendices A, Appendix A-1-G and that the requested budget amounts are necessary for the implementation of this program. I understand that this application constitutes an offer and, if accepted by the NYSED or renegotiated to acceptance, will form a binding agreement. I also agree that immediate written notice will be provided to NYSED if at any time I learn that this certification was erroneous when submitted, or has become erroneous by reason of changed circumstances.

Signature of District Chief Administrator (or designee) _____
(Applicant District)

Title: _____

Name of Partner School/Replication Site _____

Address of Partner School/Replication Site _____

Signature of Chief Administrator (or designee) _____
(Partner School/Replication Site)

Title: _____

Grade configuration of Partner School: _____

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT II**Instructions for Completing Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources**

1. Make as many copies of the forms as needed. An example of one form is attached, you may copy the form to use for each project Goal.
2. Provide all the information requested in each column of the Objectives, Strategies, Activities Matrix
3. Definitions:
 - **Strategies:** Describe the process or method MBK ESMP project will use to achieve the MBK ESMP project goal indicated on the form (how).
 - **Activities/Services:** Indicate what MBK ESMP project will do to accomplish the MBK ESMP project Goal indicated on the form (action/work).
 - **Staff Responsible:** Indicate the staff members who will be responsible. Use the title(s) for individuals listed.
 - **Performance Measure:** Indicate measurable elements that will indicate accomplishment of the MBKESMP project Goal listed on the form.
 - **Data Source:** Indicate the sources from which the data elements are drawn.
 - **Timeframe:** Indicate the timeframe(s) for each item listed.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

Objectives, Strategies, Activities Matrix

GOAL 1: Improved academic performance for boys and young men of color based on NYS ELA and Math assessments (Required for all schools: using either 3-8 assessments OR ELA AND Algebra Regents)				
Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Sources

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

GOAL 2: A reduction in the academic achievement gap for boys and young men of color 3-8 Schools: Calculate the average achievement gap for ELA and Math assessments 9-12 schools: Calculate the average achievement gap for ELA and Algebra Regents AND the achievement gap for their graduation rate				
Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Sources

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

GOAL 3: Improved graduation rates for boys and young men of color (Grades 9-12 only)

Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Sources

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT III

(MBK ESMP)
STATEMENT OF ASSURANCES

Institution Name: _____

Program: _____

1. The recipient will, if funded, operate a My Brother's Keeper Exemplary School Models and Practices Grant (ESMP) program within the letter and spirit of all pertinent legislation and policies, including the appropriate Guidelines.
2. Funds from this source will supplement, not supplant, local expenditures and will not duplicate expenditures from other sources.
3. All activities supported by grant funds will, to the extent possible, be accessible by persons with disabilities.
4. Upon request, the recipient will provide the State Education Department access to its records and other sources of information concerning the operation of the MBK ESMP program.
5. All materials developed in whole or in part with the support of MBK ESMP funds, including publicity releases and program announcements, will include the following statement:
Support for the development and production of this material was provided by a grant under the My Brother's Keeper Exemplary School Models and Practices Grant (ESMP) administered by the New York State Education Department.

CHIEF EXECUTIVE OFFICER CERTIFICATION

I hereby certify that the information in this application is correct and in total compliance with appropriate State laws and regulations and that the program design will be carried out as described in the application.

Signed* _____ Date _____

(Superintendent of Schools)

Print name and title _____

*Original signature of Superintendent of Schools is required.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT IV

Total Number of Students in the district with race/ethnicity described as Black or African-American, Hispanic/Latino, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, or two or more races: _____

Number of Boys and Young Men of Color Served at the Partner School/Replication Site: _____

Number of Boys and Young Men of Color Served in the Applicant District/Demonstration Site: _____

MBK ESMP 4/20/2018 – 8/31/2018 PROPOSED BUDGET

ROUND CENTS TO THE NEAREST DOLLAR

Line No.	Expenditure Category	Code	MBKESMP REPLICATION site (1)	MBKESMP Demonstration site (2)	Institution (3)	Other Sources (4)	TOTAL (5)
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	XXXXXXXXXX	XXXXXXXXXX			
9	Equipment	20	XXXXXXXXXX	XXXXXXXXXX			
10	GRAND TOTAL (Lines 7 - 9)		(≥ \$175,000)	(≤ \$75,000)			

The minimum 15% Matching Funds must be reported in Columns 3 and/or 4.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

Number of Boys and Young Men of Color Served at the Partner School/Replication Site: _____

Number of Boys and Young Men of Color in the Applicant District/Demonstration Site: _____

MBK ESMP 9/1/2018 – 8/31/2019 PROPOSED BUDGET

ROUND CENTS TO THE NEAREST DOLLAR

Line No.	Expenditure Category	Code	MBKESMP REPLICATION site (1)	MBKESMP Demonstration site (2)	Institution (3)	Other Sources (4)	TOTAL (5)
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	XXXXXXXXXX	XXXXXXXXXX			
9	Equipment	20	XXXXXXXXXX	XXXXXXXXXX			
10	GRAND TOTAL (Lines 7 - 9)		(≥ \$175,000)	(≤ \$75,000)			

ROUND CENTS TO THE NEAREST DOLLAR

The minimum 15% Matching Funds must be reported in Columns 3 and/or 4.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

Number of Boys and Young Men of Color Served at the Partner School/Replication Site: _____
 Number of Boys and Young Men of Color Served in the Applicant District/Demonstration Site: _____

MBK ESMP 9/1/2019- 8/31/2020 PROPOSED BUDGET

ROUND CENTS TO THE NEAREST DOLLAR

Line No.	Expenditure Category	Code	MBKESMP REPLICATION site (1)	MBKESMP Demonstration site (2)	Institution (3)	Other Sources (4)	TOTAL (5)
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	XXXXXXXXXX	XXXXXXXXXX			
9	Equipment	20	XXXXXXXXXX	XXXXXXXXXX			
10	GRAND TOTAL (Lines 7 - 9)		(≥ \$175,000)	(≤ \$75,000)			

ROUND CENTS TO THE NEAREST DOLLAR.
 The minimum 15% Matching Funds must be reported in Columns 3 and/or 4.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT V

Application Checklist

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

Required Documents	Checked-Applicant	Checked –SED	
Application Checklist (Attachment V)	<input type="checkbox"/>	<input type="checkbox"/>	
Application Cover Page with Original Signature of Chief Executive/Administrative Officers of both the applicant district and the partner school (Attachment I)	<input type="checkbox"/>	<input type="checkbox"/>	
Memorandum of Understanding (MOU) between Applicant District and Partner School	<input type="checkbox"/>	<input type="checkbox"/>	
Statement of Assurances with Original Signature of Chief Executive/Administrative Officer (Attachment III)	<input type="checkbox"/>	<input type="checkbox"/>	
Proposed Budget (Attachment IV)	<input type="checkbox"/>	<input type="checkbox"/>	
Payee Information Form (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	
Proposal Narrative (15 page maximum – including Attachment II)	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Narrative	<input type="checkbox"/>	<input type="checkbox"/>	
FS-10 Budget EXCEL Version (signature required) (Attachment VI)	<input type="checkbox"/>	<input type="checkbox"/>	
Improved Outcomes Worksheet (Appendix X-a OR X-b)	<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			
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 SED Reviewer: _____ Date: _____			

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

ATTACHMENT VI

M/WBE Goal Calculation Worksheet

Project Name: Exemplary School Models and Practices Grant (ESMP) A New York State My Brothers' Keeper Initiative 2018-2020

Applicant Name: _____

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

Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

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

² If not included in #5.

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

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

PROJECT NAME: _____

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

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

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

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

PLEASE read the RFP in its entirety, including ALL attachments, before applying.

M/WBE UTILIZATION PLAN

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

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

Address _____ Federal ID No.: _____

City, State, Zip _____ RFP No.: _____

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

PREPARED BY (Signature) _____ DATE _____

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

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

TELEPHONE/E-MAIL _____

DATE _____

REVIEWED BY _____ DATE _____

UTILIZATION PLAN APPROVED YES/NO DATE _____

NOTICE OF DEFICIENCY ISSUED YES/NO DATE _____

NOTICE OF ACCEPTANCE ISSUED YES/NO DATE _____

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

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

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

Address: _____ Phone No.: _____

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

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

Date: _____

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

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

Address: _____ Phone No.: _____

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

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

DESIGNATION: MBE Subcontractor WBE Subcontractor MBE Supplier WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

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

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

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

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm

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>ESTIMATED BUDGET</u>	<u>REASON</u>
1.					
2.					
3.					
4.					
5.					

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

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

Authorized Representative Signature (Date) **Print Name**

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:

TELEPHONE:

ADDRESS:

EMAIL:

FEDERAL ID NO.:

CITY, STATE, ZIPCODE:

RFP#/PROJECT NO.:

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

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

PREPARED BY (*Signature*): _____ DATE: _____

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

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

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

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

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

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

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

Applicant Name: _____
 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																	
				Male							Female										
		Male	Female	White	African-American or Black	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran	White	African-American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran		
Executive/Senior Level Officials and Managers																					
First/Mid-Level Officials and Managers																					
Professionals																					
Technicians																					
Sales Workers																					
Administrative Support Workers																					
Craft Workers																					
Operatives																					
Laborers and Helpers																					
Service Workers																					
TOTAL																					

PREPARED BY (Signature): _____
 NAME AND TITLE OF PREPARER: _____

(Print or type)

DATE: _____

TELEPHONE/EMAIL: _____

STAFFING PLAN INSTRUCTIONS

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

Instructions for Completing:

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

RACE/ETHNIC IDENTIFICATION

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

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

EEO

ATTACHMENT VII
Appendix A
STANDARD CLAUSES FOR NYS CONTRACTS

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

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

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

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

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

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

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

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

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

rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

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

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

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

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

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

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

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

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

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract;

or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award. (January 2014)

ATTACHMENT VIII

APPENDIX A-1 G

General

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

Terminations

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

Responsibility Provisions

A. General Responsibility Language

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

B. Suspension of Work (for Non-Responsibility)

The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

C. Termination (for Non-Responsibility)

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

Safeguards for Services and Confidentiality

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

Rev. 5/12/14

**ATTACHMENT IX-a
EVALUATION RUBRIC**

**Exemplary School Models and Practices (ESMP)
2018 Funding Application
Evaluation Rubric for Schools containing Grades K-8**

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

Evaluation Process

Reviewers are asked to evaluate each technical component as listed in the Guidelines on a scale provided for each component. In all sections, raters may not choose to give a score between any two listed numbers. Reviewers will review applications independently and keep applications and scores confidential. Reviewer comments are required to support the score given in each section.

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

- Poor Does not meet the criteria, fails to provide information; provides information that requires substantial clarification as to how the criteria are met.

- Not Found (N/F) - Does not address the criteria or simply restates the criteria.

Executive Summary (0 points)

The proposal briefly and concisely describes the purpose and goals of the project and how the goals will be accomplished.	Excellent	Good	Fair	Poor	N/F
Comments:					

Organizational Background (50 points)

The proposal provides an overview and brief description of the applicant district, demonstration school, and administrative structure	Excellent	Good	Fair	Poor	N/F
	4	3	2	1	0
The proposal identifies the process that was used by the applicant to secure institutions of higher education (IHE); and community based programs (CBP) as partners in identifying school models	2	1.5	1	.5	0
Applicant will describe their model to replicate their success with their identified partner school.	6	4.5	3	1.5	0
In the proposal, the applicant provides a brief history, accomplishments, qualifications, and educational experience in serving the needs of at risk populations.	8	6	4	2	0

<p>The proposal demonstrates that at least one school in the eligible district can demonstrate that it has produced improved academic performance for boys and young men of color, for at least two consecutive years. Percentages are for the lowest performing subgroup of boys and young men of color.</p>	<p>≥50% students proficient on ELA</p>	<p>40-49% students proficient on ELA</p>	<p>35-39% students proficient on ELA</p>	<p>30-34% students proficient on ELA</p>	<p>≤29% students proficient on ELA</p>
	<p>6</p>	<p>4.5</p>	<p>3</p>	<p>1.5</p>	<p>0</p>
	<p>≥50% students proficient on math</p>	<p>40-49% students proficient on math</p>	<p>35-39% students proficient on math</p>	<p>30-34% students proficient on math</p>	<p>≤29% students proficient on math</p>
<p>The proposal demonstrates that at least one school in the eligible district can demonstrate that it has produced a reduction in the academic achievement gap for boys and young men of color, for at least two consecutive years. Percentages are for the lowest performing subgroup of boys and young men of color.</p>	<p>Average ELA achievement gap ≤5%</p>	<p>Average ELA achievement gap 6-10%</p>	<p>Average ELA achievement gap 11-16%</p>	<p>Average ELA achievement gap 17-24%</p>	<p>Average ELA achievement gap ≥25%</p>
	<p>6</p>	<p>4.5</p>	<p>3</p>	<p>1.5</p>	<p>0</p>
	<p>Average Math achievement gap ≤5%</p>	<p>Average Math achievement gap 6-10%</p>	<p>Average Math achievement gap 11-16%</p>	<p>Average Math achievement gap 17-24%</p>	<p>Average Math achievement gap ≥25%</p>
<p>The proposal provides an explanation of the Internal Program Relationships that includes the staff positions that have coordinating responsibilities for the major components of the program (i.e. administration, teaching, counseling, tutoring, evaluating, budgeting, reporting) and an MBK organizational chart including all program-related personnel.</p>	<p>6</p>	<p>4.5</p>	<p>3</p>	<p>1.5</p>	<p>0</p>

Comments:	Score () out of 50
-----------	--------------------------------

Program Objectives, Strategies, Services and Performance Measures/Data Sources (30 points)

	Excellent	Good	Fair	Poor	N/F
The proposal outlines the process used for ensuring local stake holder agreement with and commitment to implementation of the selected best-practice model	6	4.5	3	1.5	0
The proposal demonstrates how the implementation of the model will result in improved academic performance for boys and young men of color based on NYS assessments.	12	9	6	3	0
The proposal demonstrates how the implementation of the model will lead to a reduction in the academic achievement gap for boys and young men of color, based on NYS assessments.	12	9	6	3	0
Score () out of 30					
Comments:					

Budget/Budget Narrative (20 points)

	Excellent	Good	Fair	Poor	N/F
The Proposed Budget, FS-10, and Budget Narrative provide complete information and indicate all proposed expenditures from ESMP, institutional and other source funds. The budget is appropriate and consistent with the scope of the services. The Attachment IV must provide complete information and indicate all proposed expenditures from the MBK ESMP, school, district and other matching funds for expenditures that benefit the replication site	5	3.75	2.5	1.25	0

and those that benefit the applicant/demonstration district.					
Proposed expenditures are reasonable and cost effective. Distinction must be clear for expenditures that benefit the replication site and expenditures that benefit the applicant/demonstration district.	5	3.75	2.5	1.25	0
Each salaried position is identified by title, anticipated salary amount and the time contribution to the MBK ESMP Project. Indicate the per diem or hourly rate for each consultant identified under the Purchased Services Category. Provide the unit rate or estimate for all services or items. Distinction must be clear for expenditures that benefit the replication site and expenditures that benefit the applicant/demonstration district.	5	3.75	2.5	1.25	0
The proposal demonstrates how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided.	5	3.75	2.5	1.25	0
Score () out of 20					
Comments:					

Scoring

Executive Summary	not scored
Organizational Background	() out of 50
Program Objectives, Strategies, Activities, Services And Performance Measures/Data Sources	() out of 30
Budget/Budget Narrative	() out of 20
	Total Score () out of 100
Additional Comments:	

**ATTACHMENT IX-b
EVALUATION RUBRIC**

**Exemplary School Models and Practices (ESMP)
2018 Funding Application
Evaluation Rubric for schools contain Grades 9-12**

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

Evaluation Process

Reviewers are asked to evaluate each technical component as listed in the Guidelines on a scale provided for each component. In all sections, raters may not choose to give a score between any two listed numbers. Reviewers will review applications independently and keep applications and scores confidential. Reviewer comments are required to support the score given in each section.

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

- Poor Does not meet the criteria, fails to provide information; provides information that requires substantial clarification as to how the criteria are met.

- Not Found (N/F) - Does not address the criteria or simply restates the criteria.

Executive Summary (0 points)

The proposal briefly and concisely describes the purpose and goals of the project and how the goals will be accomplished.	Excellent	Good	Fair	Poor	N/F
Comments:					

Organizational Background (50 points)

	Excellent	Good	Fair	Poor	N/F
The proposal provides an overview and brief description of the applicant district, demonstration school, and administrative structure	4	3	2	1	0
The proposal identifies the process that was used by the applicant to secure institutions of higher education (IHE); and community based programs (CBP) as partners in identifying school models	2	1.5	1	.5	0
Applicant will describe their model to replicate their success with their identified partner school.	6	4.5	3	1.5	0
In the proposal, the applicant provides a brief	8	6	4	2	0

history, accomplishments, qualifications, and educational experience in serving the needs of at risk populations.					
The proposal demonstrates that at least one school in the eligible district can demonstrate that it has produced improved academic performance for boys and young men of color, for at least two consecutive years. Percentages are for the lowest performing subgroup of boys and young men of color.	≥64% students pass ELA Regents	58-63% students pass ELA Regents	54-57% students pass ELA Regents	50-53% students pass ELA Regents	≤49% students pass ELA Regents
	3	2.25	1.5	.75	0
	≥64% students pass Algebra Regents	58-63% students pass Algebra Regents	54-57% students pass Algebra Regents	50-53% students pass Algebra Regents	≤49% students pass Algebra Regents
	3	2.25	1.5	.75	0
The proposal demonstrates that at least one school in the eligible district can demonstrate that it has produced a reduction in the academic achievement gap for boys and young men of color, for at least two consecutive years. Percentages are for the lowest	Achievement Gap ELA Regents ≤3%	Achievement Gap ELA Regents 4-6%	Achievement Gap ELA Regents 7-10%	Achievement Gap ELA Regents 11-14%	Achievement Gap ELA Regents ≥15%
	3	2.25	1.5	.75	0
	Achievement Gap Algebra Regents ≤3%	Achievement Gap Algebra Regents 4-6%	Achievement Gap Algebra Regents 7-10%	Achievement Gap Algebra Regents 11-14%	Achievement Gap Algebra Regents ≥15%
	3	2.25	1.5	.75	0
	Achievement Gap Graduation ≤5%	Achievement Gap Graduation 6-10%	Achievement Gap Graduation 11-16%	Achievement Gap Graduation 17-24%	Achievement Gap Graduation ≥25%
	6	4.5	3	1.5	0

<p>performing subgroup of boys and young men of color.</p>					
<p>The proposal demonstrates that at least one school in the eligible district can demonstrate that it has produced improved graduation rates for boys and young men of color for at least two consecutive years. Percentages are for the lowest performing subgroup of boys and young men of color.</p>	<p>Graduation rate \geq85%</p>	<p>Graduation rate 77-84%</p>	<p>Graduation rate 70-76%</p>	<p>Graduation rate 65-69%</p>	<p>Graduation rate <65%</p>
	<p>6</p>	<p>4.5</p>	<p>3</p>	<p>1.5</p>	<p>0</p>
<p>The proposal provides an explanation of the Internal Program Relationships that includes the staff positions that have coordinating responsibilities for the major components of the program (i.e. administration, teaching, counseling, tutoring, evaluating, budgeting, reporting) and an MBK organizational chart including all</p>	<p>6</p>	<p>4.5</p>	<p>3</p>	<p>1.5</p>	<p>0</p>

program-related personnel.					
Comments:					Score () out of 50

Program Objectives, Strategies, Services and Performance Measures/Data Sources (30 points)

	Excellent	Good	Fair	Poor	N/F
The proposal outlines the process used for ensuring local stake holder agreement with and commitment to implementation of the selected best-practice model	6	4.5	3	1.5	0
The proposal demonstrates how the implementation of the model will result in improved academic performance for boys and young men of color based on NYS assessments.	6	4.5	3	1.5	0
The proposal demonstrates how the implementation of the model will lead to a reduction in the academic achievement gap for boys and young men of color.	12	9	6	3	0
The proposal demonstrates how the implementation of the model will lead to improved graduation rates for boys and young men of color.	6	4.5	3	1.5	0
Comments:					Score () out of 30

Budget/Budget Narrative (20 points)

	Excellent	Good	Fair	Poor	N/F
The Proposed Budget, FS-10, and Budget Narrative provide complete information and indicate all proposed expenditures from ESMP, institutional and other source funds. The budget is appropriate and consistent with the scope of the services. The Attachment IV must provide complete information and indicate all proposed expenditures from the MBK ESMP, school, district and other matching funds for expenditures that benefit the replication site and those that benefit the applicant/demonstration district.	5	3.75	2.5	1.25	0
Proposed expenditures are reasonable and cost effective. Distinction must be clear for expenditures that benefit the replication site and expenditures that benefit the applicant/demonstration district.	5	3.75	2.5	1.25	0
Each salaried position is identified by title, anticipated salary amount and the time contribution to the MBK ESMP Project. Indicate the per diem or hourly rate for each consultant identified under the Purchased Services Category. Provide the unit rate or estimate for all services or items. Distinction must be clear for expenditures that benefit the replication site and expenditures that benefit the applicant/demonstration district.	5	3.75	2.5	1.25	0
The proposal demonstrates how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided.	5	3.75	2.5	1.25	0

Score () out of 20

Comments:

Scoring

Executive Summary	not scored
Organizational Background	() out of 50
Program Objectives, Strategies, Activities, Services And Performance Measures/Data Sources	() out of 30
Budget/Budget Narrative	() out of 20
	Total Score () out of 100
Additional Comments:	

DOCUMENTATION OF IMPROVED OUTCOMES WORKSHEET K-8

Complete ONLY the portion relevant to your building configuration and focus

Unless otherwise specified, all data is for boys and young men of color

GOAL	Baseline Year: 20__	Year 1: 20__	Year 2: 20__	Year 3: 20__ (optional)
Improved Academic Performance – Proficiency (Percent scoring Levels 3 & 4 combined)				
ELA scores averaged for each subgroup within the building configuration				
White Males				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Math scores averaged for each subgroup within the building configuration				
White Males				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
GOAL	Baseline Year: 20__	Year 1: 20__	Year 2: 20__	Year 3: 20__
Achievement Gap ELA Assessment Proficiency (compared to white males)				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Achievement Gap Math Assessment Proficiency (compared to white males)				
Black/African-American Males				
Hispanic/Latino Males				

American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				

*Grade 7 & 8 students who score 65% or higher on a Regents exam are to be included with the count of students scoring proficient on the 7 & 8 the respective ELA or math assessments.

ATTACHMENT X-b

DOCUMENTATION OF IMPROVED OUTCOMES WORKSHEET 9-12

Complete ONLY the portion relevant to your building configuration and focus

Unless otherwise specified, all data is for boys and young men of color

GOAL	Baseline Year: 20__	Year 1: 20__	Year 2: 20__	Year 3: 20__ (optional)
Improved Academic Performance – Percentage passing these Regents exams				
ELA Regents Exam				
White Males				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Algebra Regents Exam				
White Males				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Achievement Gap – ELA Regents (compared to white males)				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Achievement Gap – Algebra Regents (compared to white males)				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				

GOAL	Baseline Year: 20__	Year 1: 20__	Year 2: 20__	Year 3: 20__
Graduation Rate				
White Males				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				
Achievement Gap – Graduation Rate (compared to white males)				
Black/African-American Males				
Hispanic/Latino Males				
American Indian Males				
Multi-racial Males				
Asian Males				
Native Hawaiian/Other Pacific Islander Males				