ANNOUNCEMENT OF FUNDING OPPORTUNITY
RFP #GC18-006
NEW YORK STATE Early College High School ECHS PROGRAM

Purpose of Grant	To increase high school graduation and postsecondary degree completion rates, and increase the number of college graduates pursuing careers in computer science fields, especially among historically underrepresented and/or economically disadvantaged students by developing Early College High School (ECHS) Partnerships in New York State.
Grant Term	January 1, 2018 – August 31, 2022
Project Description	Through the creation of ECHS Programs consisting of partnerships between public school districts and eligible institutions of higher education (IHEs), historically underrepresented and/or economically disadvantaged students in Grades 9-12 will be provided additional counseling and academic support and college courses which will be used to both meet the high school graduation/Regents diploma requirements and earn a minimum of 24 and up to 60 transferable college credits or an associate degree at no cost to their families.
Eligible Applicants	***Public school districts must serve as the applicant/fiscal agent*** for this grant program. An exception will be made for applications from existing Smart Scholars ECHS partnerships where the IHE currently serves as the lead fiscal agent. To implement this grant program, the public school districts **must also** be partnered in a formal agreement (MOU) with one or more institutions of higher education (IHEs) to implement this grant program. **Applications that do not include a MOU signed by all required partners will not be reviewed for consideration. Letters of support will not be accepted in lieu of a required partner's signature on the MOU.** Please see section VI. Applicant and Partner Qualifications below for additional information. IHEs must be public (SUNY/CUNY), private, or independent degree-granting colleges and universities (IHEs) whose programs are registered with the New York State Education Department (NYSED). Either the public school district, BOCES, or IHE partner may serve as the lead implementation partner for this grant program.
Amount of Funding	Estimated Funds Available: $15,000,000 over the five-year grant cycle (January 1, 2018 – August 31, 2022). NYSED anticipates awarding up to 19 projects contingent on the total of the multi-year requests and availability of funds. Please see section X. Project Funding for additional information.
Subcontracting	Subcontracting will be limited to twenty-five percent (25%) of the annual contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel; it does not include service contracts between members of the partnership. Services provided by collaborators, such as community-based organizations (CBOs) and local businesses, will be subject to the 25% limitation. This limit applies to subcontracting carried out by the applicant and members of the partnership. It

	is the responsibility of the applicant/fiscal agent to ensure that the aggregate total subcontracting carried out by the applicant/fiscal agent and the partners does not exceed the 25% subcontracting limit. The fiscal agent/ applicant must provide at least 50% of direct program services.
Mandatory Application Requirement	**Applications must include a Memorandum of Understanding (MOU) signed by all partners in order to be reviewed for consideration. Applications that do not include a MOU signed by all required partners will not be reviewed for consideration. Letters of support will not be accepted in lieu of a required partner's signature on the MOU.**
Non-Mandatory Notice of Intent	The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application deadline; however, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process. A non-profit applicant's NOI will also help to facilitate timely review of their prequalification materials. The notice of intent is a simple email notice stating your organization's (use the legal name) intent to submit an application for this grant. Please also include your organization's NYS Vendor ID. The due date is November 15, 2017. Please send the NOI to ECHSRFP@nysed.gov.
New Prequalification Requirement	The State of New York has implemented a new statewide prequalification process (described on the New York State Grants Reform website) designed to facilitate prompt contracting for not-for-profit vendors. All not-for-profit vendors are required to pre-qualify prior to grant application. This includes all currently funded not-for-profit institutions that have already received an award and are in the middle of the program cycle. The pre-qualification must be completed by all not-for-profit institutions prior to application in order to receive an award under this RFP. Please review the additional information regarding this requirement in the Prequalification for Individual Applications section below.
Application Deadline	Submit one original and two (2) paper copies (both the narrative application and the budget/budget narrative, and M/WBE documents) as well as one electronic copy of the complete application on CD to the following address: New York State Education Department Attention: NYS ECHS RFP Office of Postsecondary Access, Support and Success 89 Washington Ave., Rm. EBA 971 Albany, NY 12234 **Applications must be postmarked by: November 22, 2017.**
Planning Phase:	January 1, 2018 – August 31, 2018
Implementation Period:	September 1, 2018 – August 31, 2022
Questions and Answers	All questions about this RFP must be submitted via e-mail to ECHSRFP@nysed.gov by November 6, 2017. A complete list of Questions and Answers will be posted no later than November 10, 2017 on the NYSED ECHS webpage.

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Postsecondary Access, Support and Success
89 Washington Avenue/ Room EBA 971
Albany, NY 12234

Guidelines
For Submission of
Early College High School (ECHS) Partnerships Program
For the Period 2018-2022

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

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I. Description of Program Objectives and Background

New York State has been part of the Early College High School (ECHS) movement since its inception in 2002. In 2009, the New York State Board of Regents launched the Smart Scholars ECHS Program as a strategy to close the high school and college achievement gaps in New York State. Students who are from groups historically underrepresented in postsecondary education, academically at-risk, and/or economically disadvantaged are the target population served by an ECHS. Essential components of the program include an active partnership between a school district and an institution of higher education (IHE) to provide an integrated high school and college curriculum, and the academic and social supports the target student population needs to graduate high school on time with a Regents diploma and at least 24 or up to 60 transferable college credits, at no cost to their families. Successful ECHS students graduate prepared to complete a postsecondary degree on time or early, with no need for remedial courses.

NYSED now seeks to further expand ECHS Programs in New York State through the creation of the additional ECHS Partnerships. The ECHS Program will provide students the opportunity and support to complete a minimum of 24 and up to 60 transferable college credits or an associate degree by the time they graduate from high school. Through this Request for Proposals (RFP), NYSED seeks proposals from New York State Public School Districts in partnerships with IHEs for the development and operation of Early College High School programs. The ECHS partnership must include an IHE partner(s). The ECHS program will potentially save students one to two years of time at college and college expenses needed to complete a postsecondary degree.

Community-based organizations (CBOs) providing support services for high need communities and businesses or industry entities that have a presence in the community of the proposed ECHS are also encouraged to participate as collaborators in the program in support of the partnerships between the schools and the colleges. However, CBOs and businesses/industry entities are not eligible to apply as a lead fiscal agent or lead implementation partner under this RFP.

NYS ECHS grant recipients will be expected to participate in a program evaluation process that is based on performance targets, as described in the **Accountability** section of this RFP. Furthermore, continued funding past the first implementation year will be contingent on satisfactory reporting, the achievement of annual performance benchmarks and the availability of funds.

II. Definitions of Frequently Used Terms:

- **Academic Year:** The two regular semesters, three trimesters, or required equivalent arrangement normally occurring between August and June.

- **Business Partner:** A business organization or industry entity with a local presence that may collaborate with a NYS SS-ECHS partnership to provide opportunities such as site visits, mentors, and/or internships.

- **Community-based organization (CBO):** An eligible CBO collaborator will be a private non-profit 501(c)3 organizations which is representative of a community or significant segments of a community and which provides educational or other related basic human services to individuals in the community.

- **Domicile:** For the purposes of NYS residency determination for NYS SS-ECHS, a permanent residence or domicile shall mean the person's legal home. A person may have more than one residence; however, they will have one domicile or permanent residence. The permanent residence or domicile (rather than the temporary residence) controls the jurisdiction for taxation and for the exercise of legal rights.

- **Economically Disadvantaged:** For the purpose of the NYS SS-ECHS program, a student is economically disadvantaged if he or she meets the income eligibility criteria for the free and reduced price lunch program. Once admitted, a student may continue to receive supportive services as needed, even if the family income rises above the current eligibility standards.

- **Eligible Applicant:** A single NYS public school district. A school district applicant must serve as the applicant/fiscal agent for the application. An exception will be made for applications from existing Smart Scholars ECHS partnerships where the IHE currently serves as the lead fiscal agent. Individual school buildings may not apply for this grant. The public school district **must** be partnered in a formal agreement (MOU) with one or more institutions of higher education (IHEs)

- **Eligible Student:** A NYS public high school student who is a legal resident of New York State, who is economically disadvantaged or from a group that is historically underrepresented in postsecondary education, **and** (a) a citizen of the United States, or (b) an alien lawfully admitted for permanent residence in the United States, or (c) an individual of a class of refugees paroled by the attorney general of the United States under his parole authority pertaining to the admission of aliens to the United States. At least 95% of the ECHS enrolled students must meet these targeted eligibility requirements.

- **First Generation College Goer**: A student from a family in which neither parent (whether natural or adoptive) has pursued postsecondary education.

- **Focus Districts:** Districts identified as Focus districts for the 2017-2018 school year. Applications that will have at least 51% of their students enrolled from a Focus district(s) and/or Priority or Focus School(s) – which includes those schools defined in Education Law 211-f and identified as Struggling Schools and Persistently Struggling Schools – will receive a 3 point bonus. A listing of the eligible Focus districts and Priority and Focus schools, including Struggling and Persistently Struggling Schools, may be found on the NYSED website.

- **Historically Underrepresented:** "Underrepresented" in higher education refers to racial and ethnic populations that are disproportionately lower in number relative to their number in the general population, and "historically" means that this is a ten year or longer trend. For the purposes of this RFP the following students are considered historically underrepresented: African American/black, Hispanic/Latino(a), American Indian or Alaskan native; first generation college goers; or students with disabilities.

- **Implementation Lead:** The grant partner that is responsible for coordinating and overseeing the planning and implementation of the program. The implementation lead may be either a school district, a BOCES or an IHE partner.

- **Memorandum of Understanding (MOU)**: An MOU is a written document or agreement between the school district and the IHE partners that delineates all roles and responsibilities to which the parties will commit in the contract resulting from this RFP. The IHE must agree in the MOU to accept all credits earned at their institution by students completing this program.

- **New York State Residency:** The student is a resident of the State if his/her domicile is in New York State **and** he/she is enrolled in an eligible NYS public school in grades 9 through 12.

- **Program Year:** For purposes of this RFP, September 1 through August 31 constitute a program year. The one exception is the first project period, which will be a planning phase that will take place from January 1, 2018 to August 31, 2018.

- **State Fiscal Year:** The accounting period for the New York State government that begins on April 1 and runs through March 31.

- **Students with Disabilities:** A student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such impairment; or (3) be regarded as having such impairment. For purposes of this RFP, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Substantially limited" generally means that a person is unable to perform a major life activity that the average person in the general population can perform. Mitigating or corrective measures such as medication or corrective lenses may be considered when determining whether a person is substantially limited.

III. Scope of Services

The state-wide purposes of the New York State Early College High School Program are to increase the number of students who complete a postsecondary degree without the need for remedial courses, especially among **eligible students** who are historically underrepresented, and/or economically disadvantaged.

There are three critical objectives of the New York State Early College High School Program:

1. Eligible students will be provided a high school curriculum whose core high school courses are aligned with the partner IHE's introductory level courses, and additional academic and counseling support in 9th through 12th grade to ensure that they are ready to participate in rigorous collegiate courses offered in the ECHS.
2. Eligible students, in Grades 9-12, will be provided academic and career counseling.
3. Eligible students, in Grade 9 – 12 will be provided college courses to earn at least 24 and up to 60 transferable college credits or an associate degree from a partner IHE by the time they graduate from high school while also meeting the high school graduation/Regents diploma requirements.

IV. Detailed Requirements/Specifications

The NYS ECHSs to be funded under this RFP will possess the following required elements:

1. A steering committee that includes representation from all K-12 and IHE partners collaborates to plan and implement the ECHS.

2. The target population is high school students who are economically disadvantaged, and/or from groups that are historically underrepresented in postsecondary education, as defined above.

3. Eligible students enter the ECHS at **no later** than the 9th grade level and complete the ECHS program in four years. The ECHS program does not extend the senior year of high school into a 5th year or longer. ECHS students should graduate high school within four years.

4. The ECHS is a stand-alone school or an autonomous academy or a small learning community within a school where students are teamed for at least their core subjects.

5. All students will participate in a summer program on the partner IHE campus. A summer program may be offered to more than one grade level; however, one should be offered at least the summer prior to the first school year that students take college courses on the partner IHE campus. Its duration should be at least three weeks to provide an orientation to the campus and help promote a college-going culture. The summer program may be of a longer duration and include one or more college courses.

6. If the ECHS is not located on the partner IHE's campus, all students must take at least two of their college courses on the partner IHE campus. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus.

7. The ECHS's K-12 and IHE partners demonstrate a commitment to collaborate to provide students with intense academic and counseling supports and career counseling during the 9th and 10th grade to promote readiness for college courses by 10th grade or earlier, and a college-going culture. These supports continue throughout the students' high school tenure to ensure their mastery of college level work and readiness to complete a postsecondary degree.

8. Students are provided with at least 45 hours of extended learning time in the first project implementation year, and 90 hours of extended learning time each succeeding implementation year.

9. Over the five grant periods, a minimum of 5 additional professional development days should be planned for high school staff over and above that provided to all staff in the K-12 system. This professional development should focus on secondary – postsecondary curriculum alignment and developing a college-going culture. Target faculty and administrators from the partner IHE(s) should also participate in these professional development activities.

10. There is an academic plan in place (or developed during the first grant period, i.e., the planning phase) that seamlessly aligns the secondary and postsecondary curriculum, and enables students to earn a Regents diploma and a minimum of 24 and up to 60 transferable college credits or an associate degree within four years of high school, through guided pathways to postsecondary degrees.

11. No remedial or developmental college courses are included in the academic plan.

12. All college courses offered to ECHS students are offered at no cost to the students' families.

13. Only accredited colleges/universities whose academic programs are registered by the New York State Education Department, Office of College and University Evaluation will award college credit and degrees earned in this program. (This information is located on the NYSED website.)

14. All college courses offered to ECHS students have course numbers and titles listed in the partner IHE catalog, and the New York State Education Department's Inventory of Registered Programs (IRP). These courses use the same syllabi and are assessed by the same tools used for traditional students matriculated at the IHE.

15. The instructors for the college level courses provided to the ECHS students are either faculty at the partner IHE, adjunct faculty at the partner IHE, or teachers at the ECHS who have undergone a vetting

process that is comparable to that of traditional faculty and/or adjuncts at the partner IHE conferring the college credit.

16. The ECHS partners are committed to supporting the sustainability of ECHS in New York State by participating in professional development, data collection, and program evaluation organized and/or endorsed by NYSED.

17. To implement a NYS Early College High School, fully executed MOUs, establishing roles and responsibilities between the K-12 and IHE partners, and reflecting the above design elements must accompany the proposal. A provision for the IHE partner to collect and share with NYSED data on the progress of ECHS students who matriculate at their institution must be included in the MOU. **Applications that do not include a MOU signed by all partners will not be reviewed for consideration. The MOU must be signed by all partners. Letters of support will not be accepted in lieu of a partner's signature on the MOU.** The fiscal agent and implementation lead must be clearly identified in the MOU. (See sample provided in Attachment V. The sample is only a guide.)

Priority Features That Can Earn Bonus Points:
The NYSED will give priority, by the assigning of bonus points, to proposals that include one or more of the following elements:

- The majority of the students (i.e., 51% or more of the students) are enrolled from one or more Focus districts and/or Priority or Focus Schools as defined above. – **3 Bonus Points**

- The partnership is an existing ECHS that can demonstrate its graduates have earned an average of 24 or more college credits for at least 2 years prior to September 1, 2017. **– 4 Bonus Points**

- Another three bonus points will be awarded for ECHS projects that focus on Computer Science or related field. – **3 Bonus Points**

Location of ECHS:

The location of the ECHS in relation to the partner IHE(s) will influence the assignment of points in the **Program Location** section of the proposal narrative. The national Early College High School Initiative has found that the experience of attending classes and other activities on a college campus significantly contributes to developing students' identity as college goers. They refer to this phenomenon as "the power of place." (See the Jobs for the Future website for further details.) For ECHSs not located directly on the partner IHE's campus, NYSED requires that the applicants provide all students with at least two courses on the partner IHE campus, and encourages applicants to hold a significant number of classes and/or activities on the partner IHE campus. Furthermore, ECHSs not located on the partner IHE campus must be located close enough for the district partners to transport students for classes and activities. To accomplish this, the ECHS and partner IHE(s) should be no more than a 45-minute driving distance from each other.

V. Performance Standards

During the Implementation years, projects that do not meet 95% of their enrollment targets will have their funding for that grant year reduced to the level based upon enrollment. The ECHS program will submit a roster of students enrolled as of the first Wednesday in October (BEDS Day) of the project year.

This roster will be due by November 1st of the project year. Each implementation year, the number of students listed in this roster will be compared against the number of students proposed to be served in the approved budget. If the current roster is less than 95% of the number set forth in the proposed budget, the grantee's budget will be proportionally reduced by the percentage of the deficiency from the proposed budget. For example: if the actual roster is 94% of the projected number, the grantee's budget will be reduced by 6% in the year of the deficiency.

A portion of the project funds may be withheld contingent upon timely expenditure and performance reporting and adequate student progress. Late reporting in any project year may result in the withholding of the final project payment until all reports due that project year have been submitted, reviewed and approved. Adequate student progress will be assessed in accordance with the following standards. Penalties will result from projects not meeting college credit attainment goals. The student demographics and outcomes below have been identified as standards for NYS Early College High Schools. NYSED reserves the right to modify any and/or all standards.

- Students enter the ECHS no later than the 9th grade level and graduate within four years

- At least 51% of the students are eligible to participate in the free or reduced price lunch program

- 90% of ECHS students are on track to earn at least 15% of the target college credit attainment goal for the individual program which they are enrolled in by the beginning of their junior year of high school. In order to qualify for funding, programs must offer college level coursework equivalent to no less than 24 college credits.

- 80% of ECHS students are on track to earn at least 50% of the target college credit attainment goal for the individual program which they are enrolled in by the beginning of their senior year of high school.

- At least 75% of ECHS students are on track to earn 100% of the target college credit attainment goal for the individual program which they are enrolled in by graduation from high school.

- Students achieve an attendance rate of 95% annually

- Students achieve a grade-to-grade promotion rate of 90% annually

- Students achieve a high school graduation rate of 90%

Programs will use the College Credit Accumulation Plan (Attachment VII) to indicate the target average number of transferable college credits their students will earn at each grade level. This plan should illustrate how students will earn at least 40% of the college credits needed for an Associate's degree (i.e., 24 non-remedial college credits) by the end of their senior year.

Per their goals projected on Attachment VII, at the end of each project year, grantees for whom less than 75% of their 10th graders earned their target number of college credits will receive a warning that they may face a financial penalty at the end of subsequent project years if at least 75% of their 10th, 11th, and 12th grade students do not earn the target cumulative number of college credits for their respective

grade level. Grantees who receive this warning will also be required to include a plan for addressing students' college credit deficiencies in their end of year project reports.

In project years following the first implementation year, grantees for whom less than 75% of their 10th, 11th, and/or 12th grade students have earned their respective target cumulative number of college credits (per Attachment VII) will be penalized as follows. The number of college credits by which each (beyond the 10% - 25% allowance) 10th, 11th, and/or 12th grade student misses earning his or her respective target cumulative number of credits for his/her respective grade level will be added together, and the resulting sum will be multiplied by $50. The resulting product amount will be deducted from the grantee's final grant payment for that project year. The grantee will also be required to include a plan for addressing their 9th through 11th graders' college credit deficiencies to bring them on track for earning at least the required number of transferable college credits by the end of their senior year (per Attachment VII).

For example, if a grantee has set the target number of transferable college credits its students should earn in 9th, 10th, 11th, and 12th grade at 3, 3, 9, and 9 credits, respectively, then the target cumulative credits students will have earned by the completion of each grade level will be 3, 6, 15, or 24 credits, respectively. If by the end of this grantee's first implementation period (project period 2) less than 75% of their 9th graders have earned at least 3 college credits, the grantee will receive a warning and be required to prepare a plan to get those students who are behind in earning college credits on track. In subsequent project years, if less than 75% of the 10th, 11th, and/or 12th grade students earn their target cumulative number of college credits, the total number of credits by which each of these students falls short of their target cumulative credits will be added together, and that sum will be multiplied by $50. The resulting product will be the amount by which the project's final payment will be reduced at the end of the project year.

VI. Applicant and Partnership Qualifications

Public school districts, especially Focus districts and those serving students from groups that are historically underrepresented in postsecondary education and/or economically disadvantaged, in partnership with IHEs are eligible to apply for this grant program. BOCES may also participate as partners in this grant program. With the possible exception outlined in the next paragraph, school districts must serve as the fiscal agent. Contingent on satisfactory performance and available funds, the grant program will support successful applicants for a five-year period (January 1, 2018 - August 31, 2022). This timeframe will see programs through their first graduating class of students.

New York State has a number of existing early college high schools and ECHS programs. Partnerships of existing ECHSs are eligible to respond to this RFP provided they meet the design requirements outlined in the RFP. Existing Smart Scholars partnerships where the IHE has served as the applicant/ fiscal agent will be allowed to determine whether the IHE will continue to serve in this capacity. The partner school district(s) must agree to this arrangement. Expenditures and activities associated with these grant funds will be supplemental to and will not supplant or duplicate services currently provided by existing ECHSs. Existing ECHSs will use the planning phase to revise their curriculum and/or student recruitment plan to meet the program standards while current students continue with the current curriculum plan and existing program funding.

Eligible applicants will be New York State public school districts ("school districts"), or IHEs currently serving as the fiscal agent in existing Smart Scholars ECHS partnerships, applying on behalf of a partnership, which must include:

(1) K-12: A single school district, a consortium of school districts, a BOCES, or any combination of these entities. In all cases, the ECHS must be located at one common site. A school district must serve as the applicant/fiscal agent for the application. The exception is existing Smart Scholars ECHS partnerships where an IHE has served as the lead fiscal agent, and the school district agrees to continue with that arrangement.

NOTE:

(a) Public charter schools and non-public schools are not eligible to apply for these funds or participate in this program.
(b) Individual school buildings may not apply for this grant.
(c) A public school district may not apply for NYS ECHS Program funds to support:
    a. a currently funded NYS P-TECH program,
    b. a potential new six-year P-TECH model program,
    c. a new or existing ECHS that is not partnered with an IHE that provides students the opportunity to earn 24 or more college credits
    d. another similar program supported in whole or in part by NYS funds.

(2) Institutions of Higher Education (IHEs): An eligible IHE is a New York State, two- or four-year college or university that is:

(a) Recognized by the United States Department of Education (USDE),
(b) Accredited by an appropriate accrediting body, and
(c) Offering academic programs registered by the New York State Education Department, Office of College and University Evaluation (listed on the NYSED website)

NOTE:

(a) For-profit institutions of higher education are not eligible to serve as a higher education partner.

(b) A fully executed MOU must be submitted with the application for this grant program. ***Applications that do not include a MOU signed by all partners will not be reviewed for consideration. Letters of support will not be accepted in lieu of a partner's signature on the MOU.***

- **Collaborators**
    a. **Business/Industry Entity**: Applicants are strongly encouraged to include one or more New York State businesses/industry entities as collaborators for their ECHS. An eligible business or industry entity must be located in the community of the ECHS and must offer opportunities for students to learn about careers.
    b. **Community Based Organizations:** An eligible partnership may also include as collaborators one or more local 501(c) 3 community-based organizations (CBOs).
    c. Neither CBOs nor businesses are eligible to apply as a lead fiscal agency or lead implementation partner under this RFP.
    d. Both CBOs and businesses are subject to the 25% subcontracting limitation.

Implementation Lead:

- Each partnership will designate one partner as the implementation lead in the MOU. The implementation lead entity may be a K-12 or higher education partner. The implementation lead

shall be the partner that is responsible for coordinating and overseeing the planning and implementation of the program. The implementation lead need not be the same as the school district (or, as may be the case of an existing ECHS, the IHE) serving as fiscal agent/applicant. A school district, a BOCES, or an IHE partner may serve as lead implementing partner. Business entities and CBOs may not serve as the implementation lead.

The implementation lead must meet the following requirements:

a. Must be recognized in the MOU by all partners as the lead agency
b. Must identify key existing staff to coordinate planning and operations
c. Must convene all partners, coordinate the planning process, and oversee student and staff recruitment and program implementation.

Responsibilities of Partners

K-12: Essential responsibilities of K-12 partners include:

- Committing to fully implement the NYS ECHS model, serving all students in the same common location beginning in 9th grade to assure that all students have a consistent, innovative program and college-going culture and all core faculty have the opportunity to collaborate and focus on ECHS instructional and support services;
- Forming a strong partnership, documented in a formal agreement (MOU), with the higher education partner(s), and any business/community collaborators;
- Recruiting historically under-represented and/or economically disadvantaged students for enrollment;
- Identifying/employing school leaders who have demonstrated the ability to drive exceptional student outcomes; are dedicated to working with under-served students and their families; and can provide the leadership skills essential for program success;
- Working with higher education partner(s) to develop a seamless scope and sequence of courses that enable all students to earn at least 24 and up to 60 transferable college credits or an associate degree
- Establishing a college-going culture for all students that begins on the first day of 9th grade and continues throughout all four years of the ECHS program, engaging students in instruction on key "college knowledge", academic and personal behaviors such as time management; collaboration; problem-solving; leadership; study skills; communication; and tenacity. Credit-bearing college course work and tutoring should be introduced as early as the summer prior to 9th grade, and no later than the 10th grade.
- Preparing students for college-level coursework from the 9th grade level, including college entry-level English and mathematics, so remedial coursework at the post-secondary level is not necessary;
- Preparing students for careers through a program of career awareness, exploration and preparation that is coordinated with the 9th – 12th grade curriculum in collaboration with the IHE partner(s) and any business partners.
- Collaborating with the IHE partner(s) to provide students with guidance as to how the 24 or more college credits or associate degree they earn will transfer to the partner IHE(s) or other IHEs in the State to complete a postsecondary degree
- Providing relevant and ongoing professional development for the principal/school leader and all participating teachers, including support and frequent exchanges with one another as well as with faculty and administrators from the partner IHE(s) during the school year; and

- Maximizing available funding streams (in addition to the State appropriation), such as federal School Improvement Grants, to support the needs of participating students.

Higher Education: Essential responsibilities of higher education partners include:

- Forming a strong partnership, documented in a formal agreement (MOU), with the K-12 partners, any other IHE partners, and any business/community collaborators;
- Identifying appropriate coursework and experiences to introduce students to college course work beginning as early as the summer prior to 9th grade, and no later than the 10th grade;
- Identifying appropriate college courses to include in the program's scope and sequence, ensuring that students can earn a minimum of 24 and up to 60 college credits or an associate degree that will enable students upon graduation to matriculate at the partner IHE or another IHE with advanced standing and complete a postsecondary degree;
- Working with the K-12 partners to determine which courses will be taught by college faculty, which by high school teachers with adjunct status, and which by a combination of the two (and ensuring the appropriate college-level rigor of courses taught by adjunct faculty);
- Collaborating with high school faculty, any other IHE partners and any business partners to ensure that high school course content will prepare students for college work and career
- Collaborating with high school faculty and any other IHE partners to develop innovative approaches for early diagnosis and interventions for students who require additional academic assistance (Please note: Funds for this program cannot be spent on college remedial coursework; therefore, all high school coursework should prepare students to seamlessly enter college level courses.);
- Maintaining student advisory resources and credit transfer policies that protect the pathway to degree completion for participating students;
- Committing to maximize available funding streams (in addition to the State appropriation) and waive or reduce tuition costs per credit for all ECHS college courses to no more than existing "college in the high school" rates;
- Providing dedicated staff to work on the initiative, including a College Liaison who has the authority to coordinate with the school on the college/university partner's behalf;
- Committing to accept ECHS graduates' college credits to enable graduates to complete a postsecondary degree in a timely manner; and
- Committing to collect data to monitor the progress of ECHS graduates who matriculate at the partner IHE, and to share these data with NYSED

In addition, all partners must commit to participate in a statewide network of NYS ECHS schools and to working with colleagues to share expertise and experience on the development of the NYS ECHS model, as well as pertinent resources, tools and strategies.

NYSED CONSORTIUM POLICY for State and Federal Discretionary Grant Programs:

NYS ECHS applicants/participants will form a partnership to apply for funds under this grant program. To do so, the partnership must meet the following requirements:

The partnership must designate the school district to serve as the applicant and fiscal agent for the grant. The exception is that existing Smart Scholars ECHS partnerships may agree to have the IHE continue to serve as the lead applicant.

All other members of the partnership must be eligible participants as well, per the definition provided in this RFP (See **Applicant and Partnership Qualifications section above**). In the event a contract is awarded, the contract will be prepared in the name of the applicant agency/fiscal agent, not the partnership, since the group may not be a legal entity.

Furthermore:

The applicant agency/fiscal agent must meet the following requirements:

1. Must receive and administer the grant funds and submit the required reports to account for the use of contract funds.

2. Must require partners to sign an agreement (MOU) with the fiscal agent that specifically outlines all services each partner agrees to provide. (See **Eligibility: Definitions**, and **Attachment V,** Memorandum of Understanding.)

3. Cannot act as a flow-through for contract funds to pass to other recipients. NYSED has established 50% of direct services be provided by the fiscal agent for this grant program.

4. Is PROHIBITED from sub-granting contract funds to other recipients. The fiscal agent is permitted to contract for services with other partners, collaborators, or consultants to provide services that the fiscal agent cannot provide itself.

5. Must be responsible for the performance of any services provided through funds awarded under this grant by the partners, consultants, or other organizations.

VII. Timeline and Calendar of Events

a. Dates for Question Submission and Agency Response

All questions about this RFP must be submitted via e-mail to ECHSRFP@nysed.gov by November 6, 2017.

A complete list of Questions and Answers will be posted to the NYSED ECHS webpage no later than November 10, 2017.

b. Date for Submission of Proposals

Submit one original and two (2) paper copies (both the narrative application and the budget/budget narrative, and M/WBE documents) as well as one electronic copy of the complete application on CD or flash drive to the following address:

New York State Education Department
Attention: NYS Smart Scholars ECHS GRANT
Office of Postsecondary Access, Support and Success
89 Washington Ave., Rm. EBA 971
Albany, NY 12234

Applications must be postmarked by November 22, 2017.

VIII. Anticipated Start Date and Term of Grant

The course of creating a new ECHS generally evolves in two distinct phases: Pre-Opening and Implementation. ECHSs funded through this grant program whether pre-existing ECHSs or new will be allowed a planning phase from January 1, 2018 through August 31, 2018. It is anticipated that there will be four (4) additional project periods, contingent on availability of funds:

Project Period 2 – September 1, 2018 – August 31, 2019
Project Period 3 – September 1, 2019 – August 31, 2020
Project Period 4 – September 1, 2020 – August 31, 2021
Project Period 5 – September 1, 2021 – August 31, 2022

IX. Distribution of Awards

Awards will be prioritized as follows:

- The grants will first be awarded to the highest scoring eligible proposal in each of the following underserved Regents Higher Education Regions: Southern Tier Region, North Country Region. (A list of Counties Organized by Higher Education Region is available on the NYSED website.)

- After making awards to the underserved regions, remaining applications will be awarded in a statewide ranking until there are no fundable applications remaining or until the multi-year amount of funding is exhausted.

- Proposals from partnerships whose target enrollment includes at least 51% of their students from Focus school districts and/or Priority or Focus School(s), including those schools defined in Education Law 211-f and identified as Struggling Schools and Persistently Struggling Schools, and proposals from pre-existing ECHSs, and proposals for ECHS projects that focus on Computer Science will receive bonus points as outlined in this RFP. Bonus points will be considered after the proposal meets the minimum scoring threshold.

X. Project Funding

Funds will be distributed based on approved program budgets.

A total of $15,000,000 will be available over the full five project periods to fund approximately 19 projects. Each award recipient will be eligible to receive up to $75,000 for the planning phase. Please see the table below for information regarding maximum award amounts for the four implementation years.

Each project will enroll only 9th grade students in the first implementation year (Project Period 2), and add a grade level each succeeding year of the grant program so that the project reaches full implementation with 9th through 12th grade by the final year of the grant. Continued funding past the first implementation year will be contingent on satisfactory reporting, the achievement of annual performance benchmarks, and the availability of funds.

The ECHS must enroll a minimum of 25 students per grade level. Research shows that small learning communities with a maximum of 100 students per grade level (or 400 students as their total enrollment for grades 9 through 12) are most effective for the ECHS school design. Applicants that are existing ECHS partnerships may present their case for a larger program size; however, regardless of program size, the annual award for each implementation year may not exceed the maximum amounts described below.

During each implementation year, the awardee may request funds based on the following scale:

Implementation Year	Range for Number of Students	Maximum Dollars Awarded	Grades
2018-2019	25 to 100	Up to $100,000	9th graders
2019-2020	50 to 200	Up to $150,000	9th and 10th graders
2020-2021	75 to 300	Up to $200,000	9th, 10th & 11th graders
2021-2022	100 to 400	Up to $250,000	9th, 10th, 11th &12th graders

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:

1. Making whole any funded programs that have received a partial award;
2. Approving awards, in rank order, for eligible applicants who received passing scores, but who did not rank high enough to receive the initial funding;
3. Allocating funds among already awarded programs. Maximum request amounts will be established by distributing funding proportionally (based on total annual budget) to those currently funded projects.

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.

XI. Evaluation Criteria

Except as noted below, each application will be evaluated and scored by two reviewers. The two scores will be averaged to get a final average score. An application must receive a final average score of 65 points (the minimum scoring threshold) on the combined technical (narrative) and budget sections (excluding bonus points) of the proposal to be considered for funding. A third review will be performed if there is a difference of fifteen points or more between the initial two reviewers' scores. In cases where a third review is necessary, the two closest scores will be averaged to obtain the final average score. Bonus points will then be added for those eligible applicants who have provided sufficient documentation of meeting the criteria for bonus points. Bonus point cannot be used to make an unsuccessful proposal become successful.

XII. Method of Determining Award

The aggregate score of all the criteria listed will be calculated for each proposal received. In the event that more than one proposal obtains the same aggregate score and there are insufficient funds to award all proposals, the grants(s) will be awarded to the proposal(s) with the highest score on the technical section (proposal narrative).

Proposals will be ranked statewide highest to lowest in accordance with the combined technical and budget score, plus any bonus points. Grants will first be awarded to the highest scoring eligible proposals in the underserved regions, and then then in the statewide ranking, until funds are exhausted or there are no fundable applications remaining.

XIII. Payee Information

The Payee Information Form is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specifics instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through the NYSED. An on-line version of the packet is available at the NYSED website.

Electronic Processing of Payments

In accordance with a directive dated January 22, 2010 by the Director of State Operations - Office of Taxpayer Accountability, all State agency contracts, grants, and purchase orders executed after February 28, 2010 shall contain a provision requiring that contractors and grantees accept electronic payments. Additional information and authorization forms are available at the State Comptroller's website.

Vendor Responsibility

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

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

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

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

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

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

Prequalification for Individual Applications

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Public school districts serving as the lead applicant/fiscal agent are not required to prequalify. Only any non-profit IHE applicants serving as the applicant/fiscal agent are required to prequalify by the application deadline. Information on these initiatives can be found on the Grants Reform website**.**

Proposals received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway by 5:00 PM on the proposal due date of 11/15/17 cannot be evaluated. Such proposals will be disqualified from further consideration

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The Vendor Prequalification Manual on the Grants Reform Website details the requirements and an online tutorial is available to walk users through the process.

1) **Register for the Grants Gateway**.

- On the Grants Reform Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

- If you have previously registered and do not know your Username please email grantsreform@budget.ny.gov. If you do not know your Password please click the Forgot Password link from the main log in page and follow the prompts.

2) **Complete your Prequalification Application.**

- Log in to the Grants Gateway. **If this is your first time logging in,** you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.

- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.

- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.

- Specific questions about the prequalification process should be referred to your agency representative at prequal@nysed.gov or to the Grants Reform Team at grantsreform@budget.ny.gov.

3) Submit Your Prequalification Application

- After completing your Prequalification Application, click the ***Submit Document Vault*** Link located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.

- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.

- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Vendors are strongly encouraged to begin the process as soon as possible in order to participate in this opportunity.

XIV. 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 term.

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 Directory.

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

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

3. Any portion of purchased services used for student tuition

For the purposes of this RFP, these exclusions apply to the expenses of the lead applicant as well as any other members of the partnership. For example, the salaries of project staff employed by partner school districts, BOCES, IHEs or any combination of these entities should be excluded from the total budget, along with the salaries of project staff employed by the lead applicant, when calculating the discretionary non-personal service budget. (Please note that the indirect costs of partner organizations are not allowable expenses under this grant program.) The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

The Purchased Service (Code 40) and Purchase Services with BOCES (Code 49) sections of the FS-10 Budget Form should reflect a detailed, itemized, budget which clearly identifies the salaries and benefits of project staff employed by approved partnerships should these deductions be included on the M/WBE Goal Calculation Worksheet.

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
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 ; and the solicitation of minority and women-oriented trade and labor organizations.

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

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

REQUEST FOR WAIVER

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

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

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 103 Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis.

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.

XV. Entities' Responsibility

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

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

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

For additional information about grants, please refer to the Fiscal Guidelines for Federal and State Aided Grants.

XVI. Required Reports

Recipients of this multi-year discretionary grant must submit a report for the planning phase in order to receive a continuation award. Such report to include the staff hired, student recruitment method used, number of students beginning the first implementation year and other items required by the Commissioner. For the subsequent implementation years, SED's approval of a mid-year (February) and an annual performance report (September) for each year of funding will be required in order to receive a continuation award. The performance reports should demonstrate that substantial progress has been made toward meeting the project goals and the program performance indicators. Additional information about these reports will be distributed to the grantees by NYSED after grant awards are made. By September 1 of each project implementation year, NYSED, in consultation with each grantee, will establish minimum performance benchmarks required for continued funding in the subsequent project year. Grantees that do not demonstrate adequate performance may be discontinued.

In addition, grantees that do not meet minimum annual requirements for college credit attainment by enrolled students based on approved College Credit Accumulation Plans (Attachment VII) will face a financial penalty as outlined in the Performance Standards section (Section V) of this RFP.

Accountability

Each ECHS grantee must collect data on each student who is enrolled in its ECHS. The fiscal agent/applicant for the partnership is responsible for all data collection and shall, if directed, submit the data electronically to SED. The grantee is responsible for securing relevant student and program data and recording the information into his/her data system.

The minimum data elements that must be collected for each student are:

1. Descriptive Data

- NYSSIS ID Numbers (SIRS Individual Student Identifier)
- Gender

- Name of home high school
- Date of entry into program
- Date of exit from program
- NYS ECHS Program CIP Code

2. Race/Ethnicity Designation

- Hispanic/Latino (H/L)
- American Indian/Alaskan Native (AI/AN)
- Asian (A)
- Black/African American (B/AA)
- Native Hawaiian/Other Pacific Islander (H/OP)
- White (W)
- Unknown (Unk)

3. Special Populations

- Attendance Issues and/or truancy
- Economically Disadvantaged
- English Language Learner (ELL)
- Familial Lack of Academic Achievement
- Individuals with disabilities
- Unsatisfactory Academic Achievement
- Other

4. Program Information

- Full Time Equivalents (FTE) of all school staff by title and courses taught in program
- Certification and professional licensure status of all leadership and certificated staff for the program
- College Credit Accumulation Plan (Attachment VII) that includes expectations for college credit accumulation per student in each year of the program
- Compliance with grant funding requirements
- Delivery of performance measurements
- Other items as requested

Minimum Performance Reporting Requirements (but not limited to)

Planning Phase (January 1, 2018 – August 31, 2018): Upon completion of the first project period (planning phase) of the grant, the following elements will be measured and reported:

- The Steering Committee will demonstrate success in planning and developing a course of study for the program and College Credit Accumulation Plan (Attachment VII) for the later years of the program;
- Recruitment and selection of staff (as needed);
- Design of 4-year scope and sequence leading to a Regents diploma and at least 24 and up to 60 transferable college credits or an associate degree
- Development of instructional modules for the first year of instruction;
- Identification, targeting and enrollment of students who are traditionally underrepresented in postsecondary education and/or economically disadvantaged for the first cohort;
- Development of support programs and structures for the ECHS students; and
- Professional development for participating high school and higher education faculty has been conducted, and preparation for non-classroom program staff to offer adequate support to students.

- Confirmation of the school/program site

First Implementation Year (September 1, 2018 – August 31, 2019): Upon the completion of the first implementation period, which represents the first academic year for new ECHSs, the following elements will be measured and reported:

- Number of students enrolled at the ECHS;
- Percent of enrolled students who are traditionally underrepresented in postsecondary education and/or economically disadvantaged;
- Academic achievement levels and progress of enrolled students;
- Evidence that students have made adequate progress toward the completion of the planned curriculum, including attainment of college credit pursuant to the College Credit Accumulation Plan (Attachment VII), and the requirements for a NYS Regents diploma in their first year of the program;
- Evidence that the curriculum supports preparation for careers and postsecondary study
- Evidence of supports provided to develop college readiness and a college-going culture.

Implementation Years after First Implementation Year (Years 3 - 5): Upon the completion of each year after the first academic year of the program, the following elements will be measured and reported:

- Number of students enrolled at the ECHS;
- Percent of enrolled students who are traditionally underrepresented in postsecondary education and/or economically disadvantaged;
- Academic achievement levels and progress of enrolled students;
- Programs will demonstrate adequate levels of retention and progression of students who entered in prior implementation years;
- Programs will demonstrate that a new cohort of students has enrolled in their first year of the program;
- Evidence that students in each cohort have made adequate progress toward the completion of the planned curriculum, including attainment of college credit and/or associate degree pursuant to the College Credit Accumulation Plan (Attachment VII), and the requirements for a NYS Regents diploma;
- Evidence that the curriculum supports preparation for careers and postsecondary study
- Evidence of supports provided to develop college readiness and a college-going culture.
- For ECHSs that have students in 12th grade, data on students who have met the requirements for the completion of a Regents diploma and at least 24 and up to 60 transferable college credits or an associate degree in their fourth year; graduation rates, and students' graduation plans (e.g., successful transfer into a postsecondary degree program at the partner IHE or other plans).

XVII. Records Retention

The following documents and supporting documentation must be retained for at least six years after the last payment was made unless otherwise required by specific program requirements: The original RFP application and other supporting documents that comprise the application package such as a Memorandum of Understanding or letters of support from participating collaborators/partners, budget category forms, budget summary forms, correspondence regarding the negotiation of budget expenditures, budget amendments, methodology for awards, progress reports, annual reports, and final expenditure forms/reports. 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. Appendix "A, #10, Records", presents additional information about records retention requirements.

XVIII. 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.

XIX. 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
   Contracts Administration Unit
   Attn: GC #18-006
   89 Washington Avenue
   Room 501 W EB
   Albany, NY 12234

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

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

XX. NYSED's Reservation of Rights

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) 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.

XXI. Contract Terms and Conditions

Any awards to institutes of higher education issued under this grant RFP will require that the awardee enter into a grant contract, the form of which is contained in an attachment to this RFP. In addition to being signed by the awardee and NYSED Counsel, the contract will need to be submitted for review and approval by the NYS Attorney General and the Office of the State Comptroller. All provisions of this RFP are subordinate to the terms and conditions of the grant contract. The contents of this RFP, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

XXII. Application Instructions

Please adhere to the following instructions.

Required Signature(s)
The original signature of the Chief School Administrator/Officer must appear on the Application Cover Page, the Memorandum of Understanding, and on the FS-10, in BLUE INK.

Partnership Applicant(s)
Applicant information for all partner agencies must be provided in the section provided on the Applicant Cover Page.

Number of Copies

Please submit one original and two (2) paper copies (both the narrative application and the budget/budget narrative, and M/WBE documents) as well as one electronic copy of the complete application on CD or flash drive to the address provided on the Application Cover Page.

Due Date
Applications must be postmarked by November 22, 2017.

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

Page Limits and Standards:
You must limit the project narrative to no more than twenty-five (25) pages and the budget narratives to no more than three (3) pages each, and use the following standards:

- A page is 8.5" x 11" (on one side only) with one-inch margins (top, bottom, and sides). Charts/tables are not required to adhere to this standard.

- Single space all text in the application narrative; double space between titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, figures, and graphs.

- Use a Times Roman or Arial font in a 12-point size

Proposed Budget (FS-10), Comprehensive Program Budget Plan & Overall Resources Plan Worksheets (Attachment IV), and Budget Narratives [All forms should be detailed and itemized.]

Proposed Budget (FS-10): To illustrate plans for the use of grant funds, applicants must complete an FS-10 Budget Form for the planning phase, from January 1, 2018 – August 31, 2018 and include a budget narrative for each category of expenditure that is required for the grant (Professional Salaries, Support Staff Salaries, Purchased Services, Supplies and Materials, Travel Expenses, Employee Benefits, Indirect Cost, BOCES Services, Minor Remodeling, and Equipment). It is recommended that applicants use the Excel version of the FS-10 located on the NYSED website.

The FS-10 Budget Form should provide a projection of how the requested funds will be used in the planning phase and first implementation period. Information about the categories of expenditures, general information on allowable costs and applicable federal costs principles and administrative regulations are available in the Fiscal Guidelines for Federal and State Grants. The funds for this grant program are provided through State sources. Budgeted costs must be in compliance with applicable State laws and regulations and NYSED's Fiscal Guidelines. Additional specific requirements and information about the allowable and non-allowable activities for the program are provided at the end of this section of the RFP.

The Purchased Service (Code 40) and Purchase Services with BOCES (Code 49) sections of the FS-10 Budget Form should especially reflect a detailed, itemized, budget which clearly identifies the salaries and benefits of project staff employed by approved partnerships, should these deductions be included on the M/WBE Goal Calculation Worksheet.

The FS-10 budget should include the applicant name and the title of the grant, and bear the original signature of the Chief School/Administrative Officer.

NOTE: The FS-10 form is to be used for the planning phase expenditures only. New budgets for subsequent project years will be requested on an annual basis.

Comprehensive Program Budget Plan & Overall Resources Plan Worksheets (Attachment IV): In addition, to illustrate comprehensive plans for resource use and expenditures in the ECHS program for the full five-year grant period (January 1, 2018 – August 31, 2022), applicants must submit the Comprehensive Program Budget Plan and Overall Resource Plan Worksheets (Attachment IV). In addition to the amount of funding requested from the ECHS grant program, the Comprehensive Program Budget Plan & Overall Resource Plan Worksheets will detail applicant partners' local contributions of resources (both financial and in-kind) to the program for five years, beginning with the first project period. **Continued funding past project period one (January 1, 2018 through August 31, 2018) is contingent on satisfactory reporting.**

The FS-10 and the Comprehensive Program Budget Plan & Overall Resource Plan Worksheets will be reviewed (and scored) in conjunction in order to demonstrate the program's long-term fiscal sustainability. The Comprehensive Program Budget Plan & Overall Resource Plan Worksheets are provided as Attachment IV.

Budget Narrative: The Budget Narrative should include sufficient detail to allow reviewers to understand what the funds will be used for and the relationship between the proposed expenditures and project activities and goals. It should explain why the proposed expenditures are appropriate, reasonable, and necessary to support the project activities and goals. It should also include a description of how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided. The Budget Narrative of an existing ECHS partnership should take special care to address issues of supplanting and duplicative services. The Budget Narrative should also demonstrate how the lead applicant/fiscal agent will provide no less than 50% of the direct program services. In addition, the narrative should clearly identify any subcontracting, ensuring that subcontracting is limited to twenty-five percent (25%) of the total annual budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel; it does not include service contracts between members of the partnership. Note, however, the subcontracting limit does apply to business entity and CBO collaborators. This limit applies to subcontracting carried out by the lead applicant and members of the partnership. It is the responsibility of the lead applicant/fiscal agent to ensure that the aggregate total subcontracting carried out by the lead applicant/fiscal agent and the partners does not exceed the 25% subcontracting limit.

The budget narrative should not exceed three (3) pages.

Program office staff will review budgets and eliminate any items that are deemed non-allowable and/or unreasonable. If items are removed from the budget, points may be deducted from the budget evaluation score. Grantees will not be allowed to substitute new items for those that have been eliminated.

XXIII. Allowable Costs

Fundable activities in each phase of the grant program include:

a. *Pre-Opening Planning Phase (Year 1: January 1, 2018 – August 31, 2018)*

- Hiring a ECHS program director/leader/principal

- Establishing a staffing plan and hiring staff

- Developing a budget and business plan

- Establishing a suitable site/facility for the school/program

- Engaging the K-12 and IHE faculty and staff to design an aligned curriculum and standards and a sequence of courses (the four-year scope and sequence) that begin at the 9th grade level and allow students to earn at least 24 and up to 60 transferable college credits or an associate degree while completing high school and required Regents exams

- Conducting outreach activities to and education of staff and families at middle schools

- Conducting outreach activities to community-based organizations that support the target population, and in recruiting students who are traditionally underrepresented in postsecondary education and/or economically disadvantaged

- Planning student recruitment and selection criteria and strategies, as well as community education and engagement, consistent with the goals of this initiative

- Cultivating relationships with one or more business partners of the ECHS by providing opportunities such as site visits, mentors, and/or internships

- Coordinating high school and college faculty, support services, calendars, and transportation and establishing on-going governance structures

- Developing assessment tools and instruments. This will include a plan for using results of the assessment process to evaluate student college-readiness, student outcomes and program success, as well as improvements needed, and to refine the assessment model throughout the progressive development of the ECHS

b. *Implementation Phase:* Successful partnerships only admit students at the 9th grade level, and add additional classes each year. Successful partnerships will provide:

- Conducting a summer program or other orientation during the summer and guidance activities for the first cohort of 9th grade students and for other grade levels in subsequent implementation years.

- Academic and support services (e.g., counseling staff, advisors), including guidance for seniors to matriculate at the partner IHE or to apply to colleges outside the ECHS partnership to complete a postsecondary degree. Services may also be extended to students' parents, such as providing college admissions and financial aid workshops.

- Support for college-high school partnership liaisons who oversee joint planning with the school district and support the ECHS director's/leader's/principal's coordination with the IHE(s)

- Data collection, sharing, reporting, and evaluation, including data on students who matriculate at the partner IHE(s).

- Student recruitment for succeeding program years, and ongoing community education and engagement

- Hiring teachers/staff in succeeding years, as needed

- Joint professional development for high school and college faculty

- School design and planning team activities (e.g. curriculum development)

- Travel and fees for relevant professional development opportunities, including partnership representatives' meetings in Albany. Out of state travel requires prior approval by NYSED.

- Providing transportation of students to the partnering IHE to attend college level courses and activities

- College tuition, books, and fees for the ECHS students. Tuition is only allowable for non-remedial, credit-bearing college courses. The higher education partners are authorized and encouraged to waive or reduce tuition costs per credit to no more than existing "college in the high school" rates.

Indirect Costs:
Applicants may include indirect costs in the budget. Indirect costs are costs of activities that benefit more than one program or objective and, therefore cannot be readily assigned to only one specific program or objective. Indirect costs are generally classified under functional categories such as general maintenance and operation expenses, general office and administration expenses, general overhead expenses and other allowable general expenses.

- College tuition cannot be included in the calculation of indirect costs.
- School districts must use the restricted indirect cost rates calculated by the State Education Department.
- For existing Smart Scholars ECHS partnerships that apply for this program, and the IHE continues as the lead fiscal agent, these agencies continue to use an 8% rate.

For more information on indirect costs, visit the NYSED website.

XXIV. Non-Allowable Activities and Costs

Funds provided under this grant may not be used for the following purposes:

- Supplanting of existing funding and efforts, including costs otherwise necessary to operate a school without this grant;
- Sub-grants to members of the partnership or other agencies. This includes mini-grants, which are different than purchase service contracts;

- Acquisition of equipment for administrative, personal or non-student use;
- Acquisition of furniture (e.g., bookcases, chairs, desks, file cabinets, tables) unless an integral part of an equipment work station or to provide reasonable accommodations to students with disabilities;
- Food services/refreshments/banquets/meals;
- Purchase or rental of space;
- Payment for memberships in professional organizations;
- Purchase of promotional favors, such as bumper stickers, pencils, pens, or T-shirts;
- Subscriptions to journals or magazines;
- Travel outside United States;
- Any expenditure for students not enrolled in NYS ECHS programs;
- Tuition for college-level remedial courses; and
- The indirect costs of partner organizations.

Expenditures financed with grant funds awarded under this request for proposals (RFP) are not eligible to (i) receive reimbursement under BOCES Aid, Transportation Aid or Building Aid or (ii) otherwise generate additional BOCES Aid, Transportation Aid or Building Aid.

XXV. Applications from school districts that have received School Improvement Grants (SIG) or School Innovation Funds (SIF)

School districts that have received SIG or SIF should describe in the Curriculum and Academic Rigor section of their application how NYS ECHS grant funds will work with other federal and state grant funds to meet their individual turnaround strategy. If the school which will host the program is currently implementing an approved SIF grant or SIG, the program proposed under this application must be consistent with the whole school re-design model approved and implemented and the district and schools defined theory of action/approach to school turnaround/redesign; such plans may be amended as needed to ensure alignment.

ATTACHMENT I

NEW YORK STATE ECHS PROGRAM

APPLICATION COVER PAGE

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

Agency Code

Name of Applicant Agency:	Name and Title of Contact Person:
List other agencies involved in this partnership:	
Address: City: Zip Code:	Telephone: Fax: E-Mail:
County:	Funding Requested for 2017-2022:

I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, Appendix A, Appendix A-1G, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous because of changed circumstances.

Authorized Signature	Title: Chief School/Administrative Officer
Typed Name:	Date:

Submit one original and two (2) paper copies (both the narrative application and the budget/budget narrative, and M/WBE documents) as well as one electronic copy of the complete application on CD or flash drive to:

New York State Education Department
Attention: NYS ECHS GRANT
Office of Postsecondary Access, Support and Success
89 Washington Ave., Rm. EBA 971
Albany, NY 12234

Applications must be <u>postmarked</u> by November 22, 2017.

ATTACHMENT II

APPLICATION CHECKLIST

Applicant Name:

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

Required Documents	***Checked – Applicant***	***Checked – SED***
Application Cover Pages (with original signatures)	☐	☐
Completed Grant Application Checklist	☐	☐
<u>Part One</u> – Proposal Summary and Narrative	☐	☐
<u>Part Two</u> - Budget Form (FS-10 – with original signature), Budget Narrative, and Overall Program Budget (Attachment IV)	☐	☐
<u>Part Three</u> – other submission documents- ***as outlined below***		
• **Memorandum of Understanding (Attachment V) (If an MOU with required signatures is not submitted with the application, the application will not be reviewed)**	☐	☐
• **Resumes of key staff (if available)**	☐	☐
• **Proposed Enrollment Table (Attachment VI)**	☐	☐
• **Proposed College Credit Accumulation Plan (Attachment VII)**	☐	☐
• **Certification for meeting criteria for bonus points (Attachment VIII) (if applicable)**	☐	☐

M/WBE Documents Package (original signatures required)

☐ Full Participation ☐ Request Partial Waiver ☐ Request Total Waiver

Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	☐	☐	☐
M/WBE Cover Letter	☐	☐	☐

M/WBE 100 Utilization Plan	☐	☐	N/A
M/WBE 102 Notice of Intent to Participate	☐	☐	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	☐	☐
M/WBE 101 Request for Waiver Form and Instructions	N/A	☐	☐
EEO 100 Staffing Plan and Instructions	☐	☐	☐

SED Comments:
Has the applicant complied with the application instructions? ☐ Yes ☐ No

Reviewer: _____ Date: _____

ATTACHMENT III

NEW YORK STATE EARLY COLLEGE HIGH SCHOOL PROGRAM

PART ONE
PROPOSAL NARRATIVE

The narrative is the applicant's opportunity to provide a comprehensive description of the proposed project. Be clear, precise and adhere to the following required structure.
(A total of 80 points are available in the Narrative section, with an additional 10 possible bonus points)

Elements of Proposal Narrative

The proposal narrative includes three separate pieces as indicated in A, B and C below:

A. Proposal Summary (not included in the 25-page total): This summary must be limited to a single page. Please note formats and additional information located in the "Application Instructions" section.

B. Documentation for Bonus Points (not included in the 25-page total)

To qualify for bonus points, the applicant will complete the Certification of Bonus Points form (Attachment VIII) to certify that a) the majority (i.e., 51% or more) of students will be enrolled from a Focus district(s) and/or Priority or Focus School(s) – which include those schools defined in Education Law 211-f and identified as Struggling Schools and Persistently Struggling Schools (3 **bonus points**), and/or b) the applicant is an existing ECHS whose graduates have earned an average of 24 or more college credits for the past two school years (4 **bonus points**). The proposal clearly describes that computer science will be the focus of the Early College High School program (3 **bonus points**)

C. Proposal Narrative: The narrative must not exceed 25 pages.

Please address these components in the following order:

1. **Target Population (5 points max)**

   a. Describe the recruitment plan for the ECHS. Discuss how the ECHS will identify and recruit mainly students who are historically underrepresented, and/or students who are economically disadvantaged. (See **Definitions of Frequently Used Terms**) **(3 points max)**

   b. Provide the enrollment targets for the ECHS, serving a minimum of 25 and a maximum of 100 students per grade level with these grant funds. If the ECHS is an existing ECHS, the applicant may provide justification for a larger student enrollment. Include a completed Proposed Enrollment Table (Attachment VI) with the application. **(2 points max)**

   NOTE: Students must enter a NYS ECHS no later than the 9th grade level. In addition, the ECHS program does not extend the senior year of high school into a 5th year or longer.

This applies to applicants with both new and existing ECHSs. All ECHSs funded with this grant program will not include any grade levels higher than the 9th grade in their first year of operation, and will add a grade level each year for three succeeding years up to the 12th grade. A NYS ECHS is considered fully operational if it has enrolled and graduated at least one class of students. Fully operational NYS ECHSs will include four grades: grades 9 through 12.

2. P-16 Partnership and Governance (18 points max)

a. Provide evidence that the ECHS is supported by an active partnership between the school district and IHE partner(s). If the applicant is an existing ECHS partnership, provide a brief history of the partnership. Describe the roles and responsibilities of each party, including a steering committee and joint decision-making procedures that allow for the planning and implementation of a coherent program across institutions. A description of the committee membership and frequency of meetings should be included. A fully executed MOU that defines the roles of each ECHS partner, including the fiscal agent and implementation lead, must be submitted with the application. **(6 points max)**

b. Articulate the IHE's commitment to apply the college credits earned by ECHS graduates who matriculate at their institution toward a postsecondary degree and support their completion of the degree in a timely and efficient manner. (4 points) In addition, provide the plans for articulation agreements with other IHEs beyond the ECHS partnership. The plan should include recognition of the goal of the ECHS program to strengthen articulation between 2- and 4-year institutions so that ECHS graduates will have the ability to transfer their college credits to any New York State 4-year institutions to complete baccalaureate degrees in 4 years or less. (2 points)
(6 points max)

c. Describe how the responsibility for performance reporting will be allocated among the partners. Describe the partnership's process for collecting, sharing, and reviewing student data to assess the progress of the ECHS. This includes data on graduates who matriculate at the partner IHE. Describe each IHE partner's commitment to tracking the progress of ECHS graduates who matriculate at their institution, to support their timely completion of a postsecondary degree based on the students' advanced standing due to credit accumulation from the ECHS.
(6 points max)

3. Program Location (5 points max)

a. Explain which of the following program designs the proposed ECHS will follow:
- The ECHS is a school or small learning community located on the partner IHE's campus
- The ECHS is a stand-alone high school located near the partner IHE's campus

- The ECHS is a small autonomous learning community or academy within a larger high school that is located near the partner IHE's campus where ECHS students are a separate cohort with their own teachers, leader, schedule, and curriculum plan.

In the case of a ECHS not located on a college campus, the ECHS must provide all students with at least three of the college courses on the partner IHE's campus, to help instill in the ECHS students the value and impact of a college going culture. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus.

A ECHS will be considered located "near the IHE partner's campus" if their students can be transported to the campus within 45 minutes or less. Such proximity would facilitate the students' taking college courses on campus and visiting the campus to utilize the IHE resources or participate in special events.
(5 points max)

4. Curriculum and Academic Rigor (22 points max)

a. Describe the capacity and plans of the ECHS partnership to use authentic and comprehensive measures of assessment to plan instruction, coordinate support services, and assess students' readiness for enrollment in college level courses. **(3 points max)**

b. Describe how the full-day curriculum will provide rigorous, engaging, high quality instruction and extra academic support for grades 9 through 12 to prepare students from the target population for entry level college courses no later than at the 10th grade level. Describe how innovative teaching and learning strategies will be integrated into the curriculum to support college readiness (e.g., project-based learning, technology enabled learning, cross-curricular instruction, etc.). Include a description of extended learning time in this section. If the school that will host the ECHS program is currently implementing an approved SIF grant or SIG, this section of the proposal narrative should describe how NYS ECHS grant funds will work with other federal or state grant funds to meet their individual turnaround strategy. A target of at least 45 hours of additional instruction in the first implementation year and thereafter 90 hours of additional instruction is provided each implementation year. **(5 points max)**

c. Explain the plan for how the core high school level courses will be aligned with college level courses at the partner IHE(s) and prepare the students to earn at least 24 and up to 60 transferable college credits or an associate degree within four years of high school. **(4 points max)**

d. Explain how students will be provided a program of career awareness, exploration and preparation for careers, that is coordinated with the academic curriculum. Describe how innovative teaching and learning strategies will be integrated into the curriculum to support

the career focus (e.g., project-based learning, technology enabled learning, work-based learning, etc.). A local business partner(s) may collaborate with the ECHS partnership to provide activities that support the career focus. **(5 points max)**

e. Explain how students will receive a Regents diploma and at least 24 and up to 60 transferrable credits or an associate degree. Applicants should submit a College Credit Accumulation Plan (Attachment VII) that outlines the target number of college credits students will earn at each grade level, and the number of college credits a student will have earned cumulatively at the end of each grade level. If applying for the Bonus Points for computer science, describe at least one and no more than four computer science pathways for the postsecondary degree. Applicants should also identify approximately how many college courses will be offered by college faculty on the partner IHE campus. ECHSs that are not located on the partner IHE campus must require students to take at least two courses on the partner IHE campus. For PCSC ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus.
(5 points max)

NOTE: NYSED's goal is for 100% of ECHS graduates to earn at least 24 transferable college credits by the completion of the grant cycle. Grantees that do not meet minimum annual requirements for college credit attainment by enrolled students based on approved College Credit Accumulation Plans will face a financial penalty. Penalties will take effect after the first implementation period if less than 75% of their ECHS students meet the target college credit attainment for their respective grade levels.

5. Support Structures (18 points max)

a. Provide plans for creating and implementing strategies and activities that foster a distinct college-going culture at the ECHS, such as bridge programs, participation in college activities, or college visits. All students, regardless of program location, will attend a summer program on the partner IHE's campus prior to taking college courses on the college campus during the school year. The summer program must be of at least three week's duration. The summer program may be of longer duration and include one or more college courses. **(4 points max)**

b. Provide plans for creating a personalized learning environment and student academic support services to maximize student success, such as tutoring or mentoring. Explain how students will be provided guidance in planning a degree path(s) that supports various careers. Explain how ECHS graduates who matriculate at the partner IHE will be supported to complete a postsecondary degree in a timely manner, considering the number of college credits they had accumulated when they matriculated. **(5 points max)**

c. Provide plans for social and emotional support services for the ECHS students, such as advisory structures, personalized learning communities, individual graduation plans, or guidance and counseling. A local 501(c) 3 CBO may participate in this endeavor. **(3 points max)**

d. Provide the plans for giving ECHS students access to the partner IHE's facilities, resources, and services, such as university faculty; libraries; science labs; technology and writing centers; artistic, cultural, and sports facilities and activities; and extracurricular activities as appropriate. **(3 points max)**

e. Provide evidence of the commitment to substantial parental and community involvement in strategies and activities designed to encourage high school and postsecondary degree completion, and successful transfer to a postsecondary institution and/or pursuit of a career. **(3 points max)**

6. Staffing and Management (12 points)

a. Provide job descriptions and resumes of key professional staff (e.g., the principal/school leader/program director) who are dedicated to the ECHS. Explain how the school leaders possess the ability to drive exceptional student outcomes, are dedicated to working with traditionally underrepresented and/or economically disadvantaged students and their families, and can provide the leadership skills essential for program success. For any key professional staff not yet identified, provide job descriptions and describe plans for recruitment of new professional staff that will be dedicated to the ECHS, and that possess the leadership qualities described above.
(5 points max)

b. Demonstrate that the P-12 teachers and faculty selected to participate in the ECHS have the appropriate background to deliver college-level courses and the ability to provide accelerated instruction to students traditionally underrepresented in postsecondary education, or provide the plan to hire teachers and faculty with these qualities.
(3 points max)

c. Describe plans for supporting the staff and teachers to deliver the ECHS model. Provide plans for common planning time for ECHS instructional faculty and other appropriate staff, including school leaders and, when possible, higher-education faculty. Describe plans for providing ECHS teachers with support and guidance through teacher mentoring, professional development, and induction programs. Over the five grant periods, a minimum of 5 additional professional development days should be planned for high school staff over and above that provided to all staff in the K-12 system. This professional development should focus on curriculum alignment and developing a college-going culture. Explain how collaboration with higher education faculty will be included in these plans. **(4 points max)**

PART TWO
PROPOSED BUDGET FOR A STATE PROJECT (FS-10), COMPREHENSIVE PROGRAM BUDGET PLAN & OVERALL RESOURCE PLAN WORKSHEETS, AND BUDGET NARRATIVE
(20 points)

The budget section of the proposal represents 20 points of the overall score. Applicants will submit an FS-10 and corresponding budget narrative. The budget narrative may not be more than three (3) pages in length. The budget section will be awarded points based on the following criteria:

- The grant funds budget (FS-10), the comprehensive program budget plan and overall resource plan (Attachment IV), and the budget narratives demonstrate sustainability. Provide evidence that demonstrates that the school district and IHE partners have agreed to coordinate funds and resources to support the long-term financial stability of their ECHS. In addition to providing the spending plan for the State ECHS award, the comprehensive program budget and overall resource plan, and the budget narratives should outline the in-kind contributions from the K-12 and the IHE partner(s) as well as other funding sources. The budget narrative may also include a description of other potential funding sources. **(6 points max)**

- The grant funds budget, the comprehensive program budget plan and overall resource plan, and budget narrative describe how costs are reasonable and necessary to support the project activities and goals. **(5 points max)**

- The grant funds budget, the comprehensive program budget plan and overall resource plan, and budget narrative reflect an understanding of the actual costs of operation of the program when fully implemented. **Note:** For ECHS programs not located on a college campus, the budget should include sufficient funding to support the transportation of students to the partnering IHE(s) for the promotion of a college going culture among the students and the participation of all students in at least two college courses on the partner IHE's campus. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus. Include these figures under "Purchased Services" in the Fiscal Form as well as the accompanying comprehensive program budget form and budget narrative. **(5 points max)**

The grant funds budgets, the comprehensive program budget plan and overall resource plan, and budget narratives describe how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided. NOTE: Applicants that are existing ECHS partnerships should provide a clear explanation of how their ECHS funds and activities will not supplant or duplicate services currently provided. **(4 points max)**

Budget Form (FS-10)

Applicants must submit an FS-10 budget with this application for the initial planning phase of January 1, 2018 – August 31, 2018. The budget will be reviewed and scored.

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 online on the NYSED website. Each FS-10 must bear the original signature of the Chief School/Administrative Officer.

The Purchased Services (Code 40) and Purchase Services with BOCES (Code 49) sections of the FS-10 Budget Form should especially reflect a detailed, itemized, budget which clearly identifies the salaries and benefits of project staff employed by approved partnerships should these deductions be included on the M/WBE Goal Calculation Worksheet.

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 NYSED website.

ATTACHMENT IV

NYS ECHS Comprehensive Program Budget Plan & Overall Resource Plan Worksheets

These plans will be scored as part of the Budget Section

The two worksheets below are intended to provide reviewers with an overview of the overall level of resources and expenditures planned for the partnership's NYS ECHS program, including resources that may be provided by members as supplements to the grant award.

Comprehensive Program Budget Plan
5-Project Period Budget Summary Chart (5 Grant Periods)

Year 1 (Planning Phase) – January 1, 2018-August 31, 2018					
Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				
Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				
Indirect Cost (IC)*	90				
BOCES Service	49				
Minor Remodeling	30				
Equipment	20				
	Year 1 Total				
Student Enrollment: _____	**Year 1 Grand Total**				

Comprehensive Program Budget Plan *continued*

Year 2 – September 1, 2018 – August 31, 2019					
Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				

Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				
Indirect Cost (IC)*	90				
BOCES Service	49				
Minor Remodeling	30				
Equipment	20				
	Year 2 Total				
Student Enrollment: _____	**Year 2 Grand Total**				

Comprehensive Program Budget Plan *continued*

Year 3 – September 1, 2019 – August 31, 2020					
Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				
Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				
Indirect Cost (IC)*	90				
BOCES Service	49				

Minor Remodeling	30				
Equipment	20				
	Year 3 Total				
Student Enrollment: _____	**Year 3 Grand Total**				

Comprehensive Program Budget Plan *continued*

Year 4 – September 1, 2020 – August 31, 2021					
Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				
Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				
Indirect Cost (IC)*	90				
BOCES Service	49				
Minor Remodeling	30				
Equipment	20				
	Year 4 Total				
Student Enrollment: _____	**Year 4 Grand Total**				

Comprehensive Program Budget Plan *continued*

Year 5 – September 1, 2021 – August 31, 2022

Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				
Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				
Indirect Cost (IC)*	90				
BOCES Service	49				
Minor Remodeling	30				
Equipment	20				
	Year 5 Total				
Student Enrollment: _____	**Year 5 Grand Total**				

Total for Multi-Year Period – January 1, 2018 – August 31, 2022					
Categories	Code	NYS ECHS Grant Funds	District Funds	IHE Funds	Other Funds
Professional Salaries	15				
Support Staff Salaries	16				
Purchased Services	40				
Supplies and Materials	45				
Travel Expenses	46				
Employee Benefits	80				

Indirect Cost (IC)*	90				
BOCES Service	49				
Minor Remodeling	30				
Equipment	20				
	Multi--Year Total				
	Multi-Year Grand Total				

Resource Plan: NYSED has no expectation that each partner will contribute in the same manner, or even do so in the same manner in each year. The goal of this worksheet is to provide a general idea of the level of resources available in each year of the planned program. In-kind contributions may simply be listed. It is not necessary to estimate a dollar value for these resources.

Overall Resource Plan for the Proposed NYS ECHS Program					
Total Funds Revenue /In Kind Support (by Source)	**January – August, 2018**	**September 2018 – August 2019**	**September 2019 – August 2020**	**September 2020 – August 2021**	**September 2021 – August 2022**
ECHS Grant Funds (use totals from Comprehensive Program Budget Plan)					
School District Partner(s) Total					
- Other district grant funds					
- District financial support					
- District In-Kind Support (Please specify)					
Higher Education Partner(s) Total					
- Higher Education Financial support					
- Higher Education – other grant funds					
- Higher Education In-Kind Support (Please specify)					
- Other Financial support					
- Other In-Kind Support (Please specify)					
Financial Support (Total, All Sources)					

Overall Resource Plan for the Proposed NYS ECHS Program					
Total Funds Revenue /In Kind Support (by Source)	**January – August, 2018**	**September 2018 – August 2019**	**September 2019 – August 2020**	**September 2020 – August 2021**	**September 2021 – August 2022**
In-Kind Support (Total, All Partners)					
Total Resources					

ATTACHMENT V

Sample Memorandum of Understanding

(MOU)
MEMORANDUM OF UNDERSTANDING

Applications that do not include a MOU signed by all required partners will not be reviewed for consideration. Letters of support will not be accepted in lieu of a required partner's signature on the MOU.

This cooperative agreement reflects the overall commitment as well as the specific responsibilities and the roles of the (*Insert K-12 Partner Names*) and (*Insert Higher Education Partner Names)* in implementing a New York State Early College High School (NYS ECHS) Program. This Memorandum of Understanding is entered into as of **January 1, 2018.** The _____ (School District *or IHE, if a pre-existing partnership*) shall act as the **FISCAL AGENT** for this grant and be responsible for the receipt and expenditure of all grant funds, as well as the submission of all program and expenditure reports to NYSED. The _____(School District, BOCES or IHE) shall act as the Implementation Lead for this grant and be responsible for coordinating and overseeing the planning and implementation of the program.

The term of this Agreement is from January 1, 2018 through August 31, 2022.

Per the NYSED Consortium Policy for State and Federal Discretionary Grant Program, (*Insert Lead Applicant Name*) will not act solely as a flow-through for grant funds to pass to other recipients and will be responsible for the performance of any services provided by the partner/consortium members, any partners, consultants, or other organizations, and coordinate participation. The (*Insert Lead Applicant Name*) agrees to facilitate communication with (*Insert all other partner(s) names)* to ensure that the partners fully know all aspects/activities that will be conducted through this grant program.

All Partners should review their respective roles and responsibilities outlined below and sign the MOU to indicate their commitment to fulfilling these and any additional responsibilities they may indicate.

Responsibilities of Partners

K-12: Essential responsibilities of the K-12 partners include:

- Committing to fully implement the NYS model, serving all students in the same common location beginning in 9th grade to assure that all students have a consistent, innovative program and college-going culture and all core faculty have the opportunity to collaborate and focus on ECHS instructional and support services;

- Forming a strong partnership, documented in this formal agreement (MOU), with the higher education partner(s) and any business/community collaborators;
- Recruiting historically under-represented and/or economically disadvantaged students for enrollment;
- Identifying/employing school leaders who have demonstrated the ability to drive exceptional student outcomes; are dedicated to working with under-served students and their families; and can provide the leadership skills essential for program success;
- Working with higher education partner(s) to develop a seamless scope and sequence of courses that enable all students to earn at least 24 and up to 60 transferable college credits or an associate degree in degree paths that articulate with degree programs at the partner IHE(s);
- Establishing a college-going culture for all students that begins on the first day of 9th grade and continues throughout all four years of the ECHS program, engaging students in instruction on key "college knowledge", academic and personal behaviors such as time management; collaboration; problem-solving; leadership; study skills; communication; and tenacity. Credit-bearing college course work and tutoring should be introduced as early as the summer prior to 9th grade, and no later than the 10th grade.
- Preparing students for college-level coursework from the 9th grade level, including college entry-level English and mathematics, so remedial coursework at the post-secondary level is not necessary;
- Preparing students for careers in fields through a program of career awareness, exploration and preparation that is coordinated with the 9th – 12th grade curriculum in collaboration with the IHE partner(s) and any business partners.
- Collaborating with the IHE partner(s) to provide students with guidance as to how the 24 or more college credits or associate degree they earn will transfer to the partner IHE(s) or other IHEs in the State to complete a postsecondary degree.
- Providing relevant and ongoing professional development for the principal/school leader and all participating teachers, including support and frequent exchanges with one another as well as with faculty and administrators from the partner IHE(s) during the school year; and
- Maximizing available funding streams (in addition to the State appropriation), such as federal School Improvement Grants, to support the needs of participating students.

Higher Education: Essential responsibilities of higher education partners include:

- Forming partnerships, as documented in this formal agreement (MOU), with the K-12 partners, any other IHE partners, and any business/community collaborators;
- Identifying appropriate coursework and experiences to introduce students to college course work beginning as early as the summer prior to 9th grade, and no later than the 10th grade;
- Identify appropriate college courses to include in the program's scope and sequence, ensuring that students can earn a minimum of 24 and up to 60 college credits or an associate degree that will enable students upon graduation to matriculate at the partner IHE or another IHE with advanced standing and complete a postsecondary degree;

- Working with the K-12 partners to determine which courses will be taught by college faculty, which by high school teachers with adjunct status, and which by a combination of the two (and ensuring the appropriate college-level rigor of courses taught by adjunct faculty);
- Collaborating with high school faculty, any other IHE partners, and any business partners to ensure that high school course content will prepare students for college work and careers Collaborating with high school faculty and any other IHE partners to develop innovative approaches for early diagnosis and interventions for students who require additional academic assistance (Please note: Funds for this program cannot be spent on college remedial coursework; therefore, all high school coursework should prepare students to seamlessly enter college level courses.);
- Maintaining student advisory resources and credit transfer policies that protect the pathway to degree completion for participating students;
- Committing to maximize available funding streams (in addition to the State appropriation) and waive or reduce tuition costs per credit for all ECHS college courses to no more than existing "college in the high school" rates;
- Providing dedicated staff to work on the initiative, including a College Liaison who has the authority to coordinate with the school on the college/university partner's behalf;
- Committing to accept ECHS graduates' college credits to enable graduates to complete a postsecondary degree in a timely manner; and
- Committing to collect data to monitor the progress of ECHS graduates who matriculate at the partner IHE, and to share these data with NYSED.

In addition, all partners must commit to participate in a statewide network of NYS ECHS schools and to working with colleagues to share expertise and experience on the development of the NYS ECHS model, as well as pertinent resources, tools and strategies.

Additional Responsibilities of each Partner (please list all partners' responsibilities):

Name of Lead Applicant District

_____

Signature _____ **Printed Name:** _____

Title: _____ **Date:**_____

Name of Higher Education Partner:

_____

Signature _____ **Printed Name:** _____

Title: _____ **Date:**_____

Name of Higher Education Partner:

_____

Signature _____ **Printed Name:** _____

Title: _____ **Date:**_____

THE AGREEMENT FOR YOUR PROGRAM SHOULD REFLECT THE SPECIFICS OF YOUR PROGRAM AND YOUR PARTNER/CONSORTIUM MEMBERS. ALL ACTIVITIES/SERVICES, ETC. THAT ARE PERTINENT TO YOUR PROJECT SHOULD BE INCLUDED. PLEASE ADD ADDITIONAL FIELDS FOR MULTIPLE PARTNERS, AS NEEDED. ALL PARTNER RESPONSIBILITIES INCLUDED IN THIS SAMPLE MOU, AS WELL AS ANY ADDITIONAL RESPONSIBILTIIES ESTABLISHED BY THE PARTNERSHIP, SHOULD BE INCLUDED IN THE EXECUTED MOU YOU SUBMIT.

ATTACHMENT VI

Proposed Enrollment Table

Please complete this table and include it with your application for the NYS ECHS Program. This plan will be scored as part of the Target Enrollment section.

Proposed Enrollment Plan for Proposed NYS ECHS

Name of ECHS: _____

Students Served at Grade Level	2018-19	2019-20	2020-21	2021-22
9th Grade				
10th Grade				
11th Grade				
12th Grade				
Total Enrollment				

ATTACHMENT VII

Proposed College Credit Accumulation Plan

Please complete this table and include it with your application for the NYS ECHS Program. This plan will be scored as part of the Curriculum and Academic Rigor section of the proposal narrative.

Name of ECHS: _____

	Grade Level			
	9	**10**	**11**	**12**
Target average number of transferable college credits earned by a student at each grade level				
Average cumulative number of transferable college credits earned by a student by the end of each grade level				

ATTACHMENT VIII

Certification of Meeting Criteria for Bonus Points

By completing and signing this form, the undersigned certifies the applicant has met one or both of the following criteria to receive bonus points on the New York State Early College High School Proposal Evaluation Rubric.

Check one or both, as applicable:

☐ The majority (at least 51%) of the target students will be enrolled from a Focus school district(s) and/or Priority or Focus School(s) – including those schools defined in Education Law 211-f and identified as Struggling Schools and Persistently Struggling Schools as defined in this RFP. Name of school district(s): _____ **3 bonus points**

☐ The applicant is an existing ECHS partnership for which, for the two years prior to the school year beginning September 2017, graduates earned an average of 24 or more college credits. The actual student outcomes were:

- an average of _____ college credits earned per student in the 2015-16 school year, and
- an average of _____ college credits earned per student in the 2016-17 school year

4 bonus points

☐ The applicant has described a detailed plan for computer science as the focus of their Early College High School program. **3 bonus points**

Total Bonus Points _____

Chief Administrator's Signature		**Date:**
Printed Name		
Title		
Name and Address of Lead Agency		

ATTACHMENT IX

PROPOSAL EVALUATION RUBRIC

Score Sheet

New York State Education Department GC #18-006
New York State Early College High School Program
SED Use Only

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

Directions for Raters: Each proposal will be evaluated by two reviewers. Raters are asked to evaluate each technical and budget component as listed in the RFP, using the scales provided below. Raters should independently read and score each proposal. The scores of the two reviewers will be averaged to obtain the final average score. A third review will be performed if there is a difference of fifteen points or more between the two scores. In cases where a third review is necessary, the two closest scores will be averaged to obtain the final average score.

Rating Guidelines:

Very Good - 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 - Unclear and non-specific. Limited information is provided about approach and strategies. Lacks focus and detail.

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

Not Found - Does not address the criteria or simply re-states the criteria.

Total of 100 to 110 points available with the inclusion of bonus points.
All applicants must receive a minimum score of 60 points (not including Bonus Points) to be considered for funding. Any awarded bonus points will be added to the final score for purposes of ranking proposals.

Bonus Points	Yes	No
The applicant has met the following criteria for earning assigned bonus points:		
☐ At least 51% of the students will be enrolled from a Focus school district(s) and/or Priority or Focus School(s) – including those schools defined in Education Law 211-f and identified as Struggling Schools and Persistently Struggling Schools as defined in this RFP.		
☐ The applicant is an existing ECHS whose graduates earned an average of at least 24 transferable college credits for the past two school years (2014-2015 and 2015 – 2016)		
☐ The applicant has included computer science as the focus of their Early College High School program		
Total Bonus Points		

1. Target Population [5 points] The target population is students who have been identified as historically underrepresented in postsecondary education and/or economically disadvantaged.	Very Good	Good	Fair	Poor	NF
a. The applicant discusses how the ECHS will identify and recruit mainly students who are historically underrepresented, and/or economically disadvantaged.	3	2.25	1.5	0.75	0
b. The recruitment plan provides the enrollment targets for the ECHS, serving a minimum of 25 and a maximum of 100 students per grade level with these grant funds. If the ECHS is an existing ECHS, the applicant may provide justification for a larger student enrollment. A completed Proposed Enrollment Table (Attachment VI) is included with the application. NOTE: Students must enter a NYS ECHS no later than the 9th grade level. In addition, the ECHS program does not extend the senior year of high school into a 5th year or longer. This applies to applicants with both new and existing ECHSs. All ECHSs funded with this grant program will not include any grade levels higher than the 9th grade in their first year of operation, and will add a grade level each year for three succeeding years up to the 12th grade. A NYS ECHS is considered fully operational if it has enrolled and graduated at least one class of students. Fully operational NYS ECHSs will include four grades: grades 9 through 12.	2	1.5	1	0.50	0
Comments:				Score ( ) out of 5	

2. P-16 Partnership and Governance **[18 points]** The applicant describes an active partnership that works closely together to administer the ECHS.	Very Good	Good	Fair	Poor	NF
a. The application provides evidence that the ECHS is supported by an active partnership between the school district and IHE partner(s) and other collaborators, if applicable. If the applicant is an existing ECHS partnership, a brief history of their partnership is provided. The roles and responsibilities of each party are described, including a steering committee and joint decision-making procedures that allow for the planning and implementation of a coherent program across institutions. A description of the committee membership and frequency of meetings is included. The fully executed MOU clearly defines the roles of each NYS ECHS partner, including the fiscal agent and implementation lead.	6	4.5	3	1.5	0
b. The narrative articulates the commitment of the IHE partner(s) to apply the college credits earned by ECHS graduates who matriculate at their institution toward a postsecondary degree and support their completion of the degree in a timely and efficient manner. (4 points). The narrative also provides plans for articulation agreements with other IHEs beyond the ECHS partnership. The plan should include recognition of the goal of the ECHS program to strengthen articulation between 2- and 4-year institutions so that ECHS graduates will have the ability to transfer their college credits to any New York State 4-year institutions to complete baccalaureate degrees in 4 years or less. (2 points)	6	4.5	3	1.5	0
c. The narrative describes how the responsibility for performance reporting will be allocated among the partners. The partnership's process for collecting, sharing, and reviewing student data to assess the progress of the ECHS is described. This includes data on graduates who matriculate at the partner IHE. The narrative describes each partner IHE's commitment to track the progress of ECHS graduates who matriculate at their institution, to support their timely completion of a postsecondary degree based on the student's advanced standing due to credit accumulation from the ECHS.	6	4.5	3	1.5	0

Score ( ) out of 18

2. P-16 Partnership and Governance *(continued*)

Comments:

3. Program Location [5 points]	Very Good	Good	Fair	Poor	NF
a. The narrative explains whether the ECHS is • a school or small learning community located on the IHE partner's campus • a stand-alone school located near the IHE partner's campus • an autonomous small learning community or academy within a larger high school that is located near the IHE partner's campus where ECHS students are a separate cohort with their own teachers, leader, schedule, and curriculum plan. Applicants whose ECHS is not located on the partner IHE campus must provide at least three college courses for all students on the partner IHE campus, to help instill in the ECHS students the value and impact of a college going culture. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus. ECHSs will be considered located "near the IHE partner's campus" if their students can be transported to the campus within 45 minutes or less. Such proximity would facilitate the students' taking college courses on campus and visiting the campus to utilize the IHE resources or participate in special events.	5	3.75	2.5	1.25	0
Comments:				Score (	) out of 5

4. Curriculum and Academic Rigor [22 points]	Very Good	Good	Fair	Poor	NF
a. The narrative describes the partnership's capacity and plans to use authentic and comprehensive measures of assessment to plan instruction, coordinate support services, and assess students' readiness for enrollment in college level courses.	3	2.25	1.50	0.75	0
b. The narrative describes a full-day curriculum plan that provides rigorous, high quality instruction and extra academic support for grades 9 through 12, to prepare students from the target population for entry level college courses no later than 10th grade. The narrative also describes how innovative teaching and learning strategies (e.g., project-based learning, technology enabled learning, cross-curricular instruction, etc.) will be integrated into the curriculum. A description of extended learning time is included in this section. If the school which will host the ECHS program is currently implementing an approved SIF grant or SIG, this section of the proposal narrative should describe how NYS ECHS grant funds will work with other federal or state grant funds to meet their individual turnaround strategy. A target of ninety hours of additional instruction is provided each subsequent implementation year.	5	3.75	2.5	1.25	0
c. The narrative explains the plan for how the core high school level courses will be aligned with college level courses at the partner IHE(s) and prepare the students to earn at least 24 and up to 60 transferrable college credits or an associate degree within four years of high school.	4	3	2	1	0
d. The narrative explains how students will be provided a program of career awareness, exploration and preparation for careers in fields that is coordinated with the academic curriculum. The narrative describes how innovative teaching and learning strategies will be integrated into the curriculum to support the career focus (e.g., project-based learning, technology enabled learning, work-based learning, etc.). A local business partner(s) may collaborate with the ECHS partnership to provide activities that support the career focus.	5	3.75	2.5	1.25	0
e. The narrative explains how students will receive a Regents diploma and at least 24 and up to 60 transferrable college	5	3.75	2.5	1.25	0

credits or an associate degree. The applicant has submitted a College Credit Accumulation Plan (Attachment VII) that outlines the target number of college credits students will earn at each grade level, and the number of college credits students will have earned cumulatively at the end of each grade level. The applicant also identifies approximately how many college courses will be offered by college faculty on the partner IHE campus. ECHSs that are not located on the partner IHE campus must require students to take at least two courses on the partner IHE campus. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus.					

Score ( ) out of 22

4. Curriculum and Academic Rigor

Comments:

5. Support Structures [18 points] The applicant describes how the partners collaborate to provide support structures to build college readiness and a college-going culture.	Very Good	Good	Fair	Poor	NF
a. The applicant provides plans for creating and implementing strategies and activities that foster a distinct college-going culture at the ECHS, such as bridge programs, participation in college activities, or college visits. All students, regardless of program location, will attend a summer program on the partner IHE's campus prior to taking college courses on the college campus during the school year. The summer program must be of at least three weeks duration. The summer program may be of longer duration and include one or more college courses.	4	3	2	1	0
b. The applicant provides plans for creating a personalized learning environment and student academic support services to maximize student success, such as tutoring or mentoring. The applicant explains how students will be provided guidance in planning career paths and a postsecondary degree path(s) that supports that career. The applicant also explains how ECHS graduates who matriculate at the partner IHE will be supported to complete a postsecondary degree in a timely manner, considering the number of college credits they had accumulated when they matriculated.	5	3.75	2.5	1.25	0
c. The applicant describes plans for social and emotional support services for the ECHS students, such as advisory structures, personalized learning communities, individual graduation plans, or guidance and counseling. A local 501(c)3 CBO may participate in this endeavor.	3	2.25	1.50	0.75	0
d. The applicant describes plans for giving ECHS students access to the partner IHE's facilities, resources, and services, such as university faculty; libraries; science labs; technology and writing centers; artistic, cultural, and sports facilities and activities; and extracurricular activities as appropriate.	3	2.25	1.50	0.75	0
e. The applicant provides evidence of the commitment to substantial parental and community involvement in strategies and activities designed to encourage high school and postsecondary degree completion, and successful transfer to a postsecondary institution and/or pursuit of a career	3	2.25	1.50	0.75	0
Comments:				Score ( ) out of 18	

5. Support Structures [18 points] *continued*

Comments:

6. Staffing and Management [12 points]	Very Good	Good	Fair	Poor	NF
a. Applicants provide job descriptions and resumes for key professional staff (e.g., the principal/school leader/program director) who are dedicated to the ECHS. The applicant explains how the school leaders possess the ability to drive exceptional student outcomes, are dedicated to working with traditionally underrepresented and/or economically disadvantaged students and their families, and can provide the leadership skills essential for program success. For any key professional staff not yet identified, applicants provide job descriptions and describe plans for recruitment of new professional staff that will be dedicated to the ECHS, and that possess these leadership qualities.	5	3.75	2.5	1.25	0
b. The applicant demonstrates that P-12 teachers and faculty selected to participate in the ECHS have the appropriate background to deliver college-level courses and the ability to provide accelerated instruction to students traditionally underrepresented in postsecondary education, or provides the plan to hire teachers and faculty with these qualities.	3	2.25	1.50	0.75	0
c. The applicant describes plans for supporting the staff and teachers to deliver the ECHS model. Plans for common planning time for ECHS instructional faculty and other appropriate staff, including school leaders and, when possible, higher-education faculty are provided. Plans for providing ECHS teachers with support and guidance through teacher mentoring, professional development, and induction programs are described. Over the five grant periods, a minimum of 5 additional professional development days should be planned for high school staff over and above that provided to all staff in the K-12 system. This professional development should focus on curriculum alignment and developing a college-going culture. The applicant explains how collaboration with higher education faculty will be included in these plans.	4	3	2	1	0
Comments:			Score ( ) out of 12		

7. Budget **[20 points]** Program budgets will be evaluated based on the number of students to be served, the quality of the program design, and efficient use of funds and other resources.	Very Good	Good	Fair	Poor	NF
a. Evidence the grant funds budget (FS-10), the comprehensive program budget plan & overall resource plan (Attachment IV), and the budget narrative demonstrate sustainability. The documents demonstrate that the school district and IHE partners have agreed to coordinate funds and resources to support the long-term financial stability of their ECHS. In addition to providing the spending plan for the ECHS award, the comprehensive program budget & overall resource plan, and the budget narratives outline the in-kind contributions from the School District and the IHE partner(s) as well as other funding sources. The budget narrative may also include a description of other potential funding sources.	6	4.5	3	1.5	0
b. Evidence the grant funds budget, the comprehensive program budget plan & overall resource plan, and budget narrative describe how costs are reasonable and necessary to support the project activities and goals	5	3.75	2.50	1.25	0
c. Evidence the grant funds budget, the comprehensive program budget plan & overall resource plan, and budget narrative reflect an understanding of the actual costs of operation of the program when fully implemented. **Note:** For ECHS programs not located on a college campus, the budget should include sufficient funding to support the transportation of students to the partnering IHE(s) for the promotion of a college going culture among the students and the participation of all students in at least two college courses on the partner IHE's campus. For ECHS programs in which students earn an associate degree, students must take at least three of their college courses on the partner IHE campus. These figures are included under "Purchased Services" in the Fiscal Form as well as the accompanying comprehensive program budget form and budget narrative.	5	3.75	2.50	1.25	0
d. Evidence the grant funds budget, the comprehensive program budget plan & overall resource plan worksheets, and budget narrative describe how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided. The Budget Narratives of existing ECHS partnerships provide a clear explanation of how their ECHS funds and activities will not supplant or duplicate funds and services currently provided.	4	3	2	1	0
Comments:			Score (		) out of 20

Scoring By Section

1. Target Population ( ) out of 5 points
2. P-16 Partnership and Governance ( ) out of 18 points
3. Program Location ( ) out of 5 points
4. Curriculum and Academic Rigor ( ) out of 22 points
5. Support Structures ( ) out of 18 points
6. Staffing and Management ( ) out of 12 points
7. Budget ( ) out of 20 points

SUBTOTAL ( ) out of 100 points

Bonus Points

8. Applicant meets one or all bonus criteria ( ) out of 10 bonus points

TOTAL SCORE: _____

ATTACHMENT X

M/WBE Goal Calculation Worksheet

Project Name: Early College High School

Applicant Name: _____

The M/WBE participation goal is 30% of each grantee's total discretionary non-personal service budget. Discretionary non-personal service budget is defined as the total budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries); fringe benefits; the portion of the budget in purchased services representing stipends, student tuition, and financial assistance; indirect costs; room and board, if these are allowable expenditures.

For the purposes of the grant, the salary and fringe benefit exclusion applies to the expenses of the lead applicant as well as any approved partner organization. For example, the salaries of project staff employed by any approved partner should be excluded from the total budget, along with the lead applicant's project staff salaries, when calculating the discretionary non-personal service budget. Therefore, **lines 2-4 below will include any project salaries and fringe benefits of the lead applicant AND members of the partnership.** (Please note that the indirect costs of partner organizations are not allowable expenses under this grant program.)

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

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Totals (2017-18 Project Total)
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Portion of Purchased Services identified as Partnership Salaries and Benefits (Codes 40 &49)		
6.	Portion of Purchased Services identified as Student Tuition (Code 40)		
7.	Indirect Costs (lead applicant only)		
8.	Sum of lines 2, 3, 4, 5 and 6		
9.	Line 1 minus Line 7		
10.	M/WBE goal percentage (30%)		0.30
11.	Line 8 multiplied by Line 9 =MWBE goal amount		

This form is only for use with the 2018-2022 ECHS Program. It may not be used with any other grant program.

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

ECHS 2018-2022

Applicant 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

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 _____

M/WBE 100

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 or Type Name and Title of Authorized Representative

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

_____
Printed or Typed Name and Title of Authorized Representative

_____
Date

M/WBE 102

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 105

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

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.

	DATE	M/WBE NAME	PHONE/EMAIL	TYPE OF WORK	ESTIMATED BUDGET	REASON
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**

M/WBE 105A

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME: **TELEPHONE:**
EMAIL:
ADDRESS: **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):	
☐ **MBE Waiver** - A waiver of the MBE goal for this procurement is requested. ☐ **Total** ☐ **Partial _____%**	☐ **WBE Waiver** - A waiver of the WBE goal for this procurement is requested. ☐ **Total** ☐ **Partial _____%**
☐ **Waiver Pending ESD Certification** (check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development) Subcontractor/Supplier Name: _____ Date of application filing: _____	

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

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

NAME OF PREPARER:	**FOR AUTHORIZED USE ONLY**
TITLE OF PREPARER: TELEPHONE: EMAIL:	REVIEWED BY: _____ DATE:_____ **WAIVER GRANTED ☐ YES ☐ NO** ☐ TOTAL WAIVER ☐ PARTIAL WAIVER ☐ ESD CERTIFICATION WAIVER ☐ NOTICE OF DEFICIENCY ☐ 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: _____ Telephone: _____

Address: _____ Federal ID No.: _____

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

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

NAME AND TITLE OF PREPARER: _____ TELEPHONE/EMAIL: _____

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@mail.nyused.gov, if you have any questions.
6. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in designated areas.

RACE/ETHNIC IDENTIFICATION

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

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

EEO 100

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 M/WBE 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/Offerers 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)

General

B. 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.

C. 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/.

D. 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.

E. 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.

F. 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