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<http://schools.nyc.gov/DCP>



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2009 APPLICATION FOR CONTRACT

INSTRUCTIONS ON HOW TO APPLY FOR A NCLB-SES REQUIREMENTS AGREEMENT WITH THE NEW YORK CITY DEPARTMENT OF EDUCATION

**TITLE: NO CHILD LEFT BEHIND SUPPLEMENTAL
EDUCATIONAL SERVICES REQUIREMENTS
AGREEMENT**

**CONTRACT PERIOD: SEPTEMBER 1, 2009 THROUGH
AUGUST 31, 2012**

This document provides instructions on how to apply for a contract to provide NCLB-SES with the New York City Department of Education (“NYCDOE”).

If you have application inquiries, please contact:

<u>Name:</u>	Susan C. Nasté
<u>Title:</u>	NCLB-SES Contract Coordinator
<u>Address:</u>	65 Court St., 12 th Floor, Brooklyn, NY 11201
<u>Email:</u>	snaste@schools.nyc.gov

If you are offered a contract with NYCDOE, you must comply with NCLB-SES procedures and guidelines as set forth in the current 2007-08 NCLB-SES Policy and Implementation Manual, which is available at: http://schools.nyc.gov/RulesPolicies/NCLB/SES/Providers/KeyDocumentsandResources/Prov_Resources.htm Please read that document carefully before you proceed with this application.

Note: Terms and conditions are subject to change; the 2008-09 Policy and Implementation Manual will not be identical to last year’s.

If you have program questions, you may make inquiries to:

<u>Name:</u>	Sherry Hawn
<u>Title:</u>	Interim NCLB-SES Program Director
<u>Address:</u>	65 Court St., 15 th Floor, Brooklyn, NY 11201
<u>Email:</u>	Shawn@schools.nyc.gov

Upon successful completion and acceptance of this application and all its components, NYCDOE will offer you a three year agreement. Visit: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind> to view last year’s agreement for reference purposes only.

Note: Terms and conditions are subject to change; the 2009 Agreement will not be identical to last year’s.

If you have questions concerning the contract you may contact:

<u>Name:</u>	Cara Molloy, Esq.
<u>Title:</u>	NCLB-SES Attorney
<u>Address:</u>	65 Court St., 12 th Floor, Brooklyn, NY 11201
<u>Email:</u>	CMolloy2@schools.nyc.gov

INTRODUCTION

As a New York State Education Department (“NYSED”) Approved Supplemental Educational Service Provider (“ASESP”), you may want to provide No Child Left Behind Supplemental Educational Services (“NCLB-SES”) to eligible students within New York City in accordance with the No Child Left Behind Act of 2001 (“NCLB Act”). However, before providing any service to eligible students, you must first have a properly executed and fully registered system-wide requirements agreement¹ with NYCDOE.

This Application document, consisting of two sections, provides guidance on how to enter into, and maintain, a successful partnership with NYCDOE.

SECTION 1: provides an Application Checklist that contains instructions on how to apply. ***You must submit a completed Application Checklist with your application.***

SECTION 2: highlights some important provider responsibilities that we believe will help you better understand the NCLB-SES program. This list is not an exhaustive explanation of your contractual obligations.

As a matter of form: You must submit **one (1) original and two (2) copies** of the Application for Contract document to Susan C. Nasté, NCLB Contract Coordinator, at the address indicated on the cover page.

- ⇒ All applications must be typed in 12 pt. type, except for forms supplied by NYCDOE.
- ⇒ All documents are to be signed and dated by an authorized representative.
- ⇒ NYCDOE **will not accept** any videotapes, pamphlets, instructional materials, textbooks, or other supplemental materials.

NYCDOE will review your application and may conduct site visits to determine whether your organization has complied with our guidelines. Failure to comply with our guidelines may lead to disqualification of your application. Offers of contracts are subject to providers passing a background check, and the prices are fair and at reasonable costs, within the maximum per pupil allocation (“PPA”) as set by the NYSED. Approved applicants will sign a (3) three-year requirements agreement with the NYCDOE. Violation of any federal, state or city law or removal from NYSED ASESP list may result in the immediate termination of your contract with NYCDOE.

Note: The Division of Contracts and Purchasing (DCP), conducts vigorous, detailed background reviews.

IMPORTANT REMINDER

CHECK THIS WEBSITE: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>
REGULARLY FOR INFORMATION AND UPDATES REGARDING THE APPLICATION AND CONTRACT PROCEDURES.

1. “Requirements agreements” do not guarantee that services will be purchased. Providers have the opportunity to solicit parents of eligible students; but, ultimately it is up to the parent of the eligible student to select the most appropriate program for their child. The requirements agreement is the document that establishes the price per unit of services and the approved programs. Providers are not to provide any services without a signed contract from the Division of Contracts and Purchasing that is fully registered by the New York City Comptroller.
2. NYSED, in cooperation with the applicable school districts, monitors the quality and effectiveness of the services offered by approved providers. NYSED must withdraw approval from providers that fail, for two years, to contribute to increasing the academic proficiency of students to whom they provide services or that fail to meet any of the other eligibility requirements or assurances. Additionally, any violation of provider’s responsibilities referenced in NYSED’s Request For Qualification are grounds for immediate removal from the State approved list.

SECTION 1

2009 NCLB-SES APPLICATION CHECKLIST

You must complete this Application Checklist and submit one (1) original and two (2) copies of all requested information/forms in one packet to the NYCDOE in order to be considered for a contract. By checking each box on this Application Checklist, you hereby certify that you are submitting true and accurate official business records to a government agency.

DOING BUSINESS DATA FORM - In order for the City to obtain the necessary information to establish the required database, vendors responding to this application for contract should complete the Doing Business Data Form, which can be downloaded from the attached link located here:
<http://schools.nyc.gov/Offices/DCP/Vendor>

APPLICATION COVER LETTER - Complete the form letter available at:
<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Print the completed letter on company letterhead and have the appropriate officer at your organization sign.

PROVIDER'S CONTACT INFORMATION - Read the instructions and complete the form available at:
<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

NYSED APPROVED RFQ RESPONSE - Submit a copy of the RFQ you submitted to the NYSED which includes your approved SES technical proposal and your assurances and signature form.

NYSED LETTER APPROVING YOUR NCLB-SES PROGRAM - Submit a copy of your NYSED approval letter for your original program and, if applicable, for any NYSED approvals for modifications of your program.

CHECK HERE IF YOU ARE A CURRENTLY CONTRACTED PROVIDER SEEKING AN AMENDED CONTRACT WITH NYCDOE -If you are seeking an amendment, you must complete the NCLB-SES Contract Modification Form available at: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Note: Amendments to the substance and structure of your academic program must be approved by NYSED prior to applying to NYCDOE for an amended contract.

NYCDOE WORK PLAN - Read the instructions and complete the form available at:
<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Note: The NCLB Act requires that your NYCDOE instructional methods and contents be consistent with your approved NYSED plan.

- NYCDOE PROPOSED ESTIMATED ANNUAL BUDGET DETAIL FORM ³** - Read the instructions and complete the form available at: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Note: Your unit prices must be uniform throughout all school districts within NYCDOE.

- NYCDOE PROPOSED COST DETAIL WORKBOOK** - Read the instructions available at: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

COMPLETE THE FORM AVAILABLE AT:

<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

- W-9 FORM** - If you have not done so in the past, complete New York City's W-9 form verifying your business name and address. The form is available at:

<http://schools.nyc.gov/Offices/DCP/Vendor>

- CERTIFICATE OF INSURANCE** - Submit a Certificate of Insurance demonstrating proper levels of insurance as required under the NCLB-SES Agreement. The Certificate must name both the City of New York and the New York City Department of Education as additional insured(s). The issuing insurance company's five-digit insurance code must also be on the Certificate of Insurance.

- CERTIFICATION OF COMPUTER CAPABILITIES** - You must certify that your organization has the capacity for the following minimum system requirements. Complete the certification form available at:

<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Print the certification on company letterhead and have the appropriate officer at your organization sign.

- TAX AFFIRMATION** - Complete the tax affirmation available at:

<http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind>

Print the affirmation on your company letterhead and have the appropriate officer at your organization sign.

PLEASE TAKE NOTE

By checking the box below, you are indicating that you have submitted all required forms to the Mayor's Office of Contract Services ("MOCS") and/or, as applicable, that you have submitted two original, signed copies of the Certification of No Change as part of this application.

- VENDEX FORMS** - You must comply with the City's Vendex procedures as set forth by MOCS. Forms and instructions are available at: <http://www.nyc.gov/html/mocs/html/research/vendex.shtml>

³SCHOOL FACILITY USAGE RATE: If you are approved to operate on school premises, you will be required to discount your invoice(s) for services per child by nine percent (9%). In the event that the NYCDOE changes the Facility Usage Rate, you must discount your invoice(s) by the rate then in existence. The NYCDOE, at its sole discretion, may change the Facility Usage Rate at any time during the term of your Agreement. The school facility usage cost is to be incorporated in your cost breakdown summary under the section "rental/equipment fees", also account for these costs in your per student/per hour rate.

RATES AND FEES: Schools may charge fees separate and distinct from the Facility Usage Rate and School Permit fee (e.g., school safety agents). Your organization will be responsible for paying said fees. Rates depend upon multiple factors including, but not limited to, the particular school, provider's hours of operation, and the day of the week.

SECTION 2

NCLB-SES PROVIDER RESPONSIBILITIES

This Section outlines some crucial aspects of the NCLB-SES program that providers must comply with in order to remain in good standing with NYCDOE. Note: This list is not an exhaustive explanation of your contractual obligations. For a better understanding of your responsibilities, please refer to the 2008 contract template available at: <http://schools.nyc.gov/Offices/DCP/Vendor/NoChildLeftBehind> for reference purposes only. Note: The 2009 contract will not be identical to last year's. Certain terms and conditions will change.

SCHOOL PERMIT/ENGAGEMENT NOTICE:

If you intend on providing services to students on NYCDOE property, you must contact the appropriate Integrated Service Center designated as the contact for your application to use school property. You must also contact the appropriate school principal to obtain an approved "Permit Application - School Buildings" form, (also known as the "Extended Use Form"), and an "Engagement Notice".

Information about an Extended Use Form is available online at:

<http://schools.nyc.gov/NR/rdonlyres/F2381D29-283D-4428-AD06-2FB6BBD38782/0/ExtendedUsePermit.pdf>
and/or at the principal's/custodian's offices.

Information about an Engagement Notices form is available online at:

http://schools.nyc.gov/RulesPolicies/NCLB/SES/Providers/KeyDocumentsandResources/Prov_Resources.htm

Note: You are required to forward a copy of the completed approved Engagement Notice to: Susan C. Nastè, NCLB Contract Coordinator, NYC Department of Education, Division of Contracts and Purchasing, 65 Court Street, Room 1201, Brooklyn, N.Y.11201 and to: Sherry Hawn, Interim NCLB-SES Program Director, NYC Department of Education, Division of Financial Operations, 65 Court Street, Room 1501, Brooklyn, N.Y.11201

INDIVIDUAL STUDENT EDUCATION PLAN:

Student Education Plans must be completed prior to or shortly after the start of tutoring services. These plans must be developed in consultation with the parent and must state 1) the specific achievement goals for the student based on the student's specific educational needs as determined by a pre-assessment; 2) the timetable for improving student achievement; and 3) a description of how student achievement will be measured. The plans must be aligned to state and local standards, related to ELA/Reading and/or math, and understandable to parents.

END YEAR REPORTS:

By **AUGUST 31st** of every year, providers must submit Final Reports to NYCDOE summarizing the progress of all students enrolled in the provider's program. The NYCDOE will compile the data and will submit the data to the NYSED for review. This information will be used by the NYSED to determine continuance of the provider on the state approved list. NYCDOE will notify the provider of the deadline for the submission of the summary and the Final Report's form.

HIRING NYCDOE EMPLOYEES:

You may not employ any present full-time or part-time NYCDOE employee or employee on leave unless NYCDOE applicant/employee receives a waiver from the New York City Conflict of Interest Board. Note: NYCDOE has requested and received a blanket waiver permitting only the hiring of NYCDOE teachers as instructors and lead teachers - NOT AS SUPERVISORS. NYCDOE teachers do not need to seek a waiver. Providers may not hire any other NYCDOE employee (principals, assistant principals, district or regional staff, parent coordinators, aides, secretaries, etc.). If you have any questions, contact: Samantha Biletsky, Ethics Officer, at 212-374-3438 or at: SBiletsky@schools.nyc.gov.

For more information, you can also read Section 6.0 of the SES Policy and Implementation Manual, available at: http://schools.nyc.gov/RulesPolicies/NCLB/SES/Providers/KeyDocumentsandResources/Prov_Resources.htm

FINGERPRINTING AND SECURITY CLEARANCE:

As a condition in your contract with the NYCDOE, all individuals employed by, volunteering for, or working in a consulting relationship with Contractor or its subcontractor (if any), including support, clerical, administrative, food service or custodial staff, prospective candidate for employment, or any other person who (i) may have direct contact with SES students or (ii) work in or visit a location during times that students are served there even if such contact is on an occasional basis, or (iii) provide online services to students and/or have any contact with students via telephone, email or internet (hereinafter referred to collectively as “Staff”) shall be subject to security clearance procedure including but not limited to fingerprinting, criminal history review and compliance with the Board’s Personnel Eligibility Tracking System (“PETS”).

No member of Contractor’s Staff can have contact with any students until said Staff has been (1) fingerprinted, (2) entered into the PETS system and (3) cleared by NYCDOE upon review of the fingerprint results. Contractor’s failure to comply may result in withholding of payment or termination of Agreement or both.

In the event NYCDOE denies Contractor or any one or more of the Contractor’s Staff access to NYCDOE pupils, parents, staff and/or property, the Contractor will be notified and must remove the barred individual(s) from any contact with NYCDOE pupil, parents, staff and/or property. The Contractor must then assign another Staff member to fulfill the duties and responsibilities of the removed individual(s). See this website for more information: <http://docs.nycenet.edu/docushare/dsweb/Get/Document-55/C-105.pdf>

If you are not certain whether an individual meets the definition of “Staff” for purposes of fingerprinting, you may contact the Division of Human Resources’ Office of Personnel Investigations (“OPI”) at: (718) 935-2668. For more information, visit:

<http://schools.nyc.gov/Offices/DHR/Fingerprinting+Employee+IDs+and+Smart+Cards.htm>

To make an appointment for your Staff to be fingerprinted, please call (718) 935-2635 or e-mail at: wmorale@schools.nyc.gov. To receive a complete fingerprinting packet (Fingerprint Cards; Fingerprint Referral Form; I-9 Form) by mail, please call (718) 935-2668.

THE BOARD’S PERSONNEL ELIGIBILITY TRACKING SYSTEM (“PETS”):

PETS is an online database that allows the Contractor to enter Staff members’ information into an electronic roster (the “Roster”) and monitor the fingerprinting status of each person. Upon registration of this Agreement with the New York City Comptroller’s office, the Board will provide Contractor with a PETS website link and a PETS user name and password. Contractor must follow the directions on the website and enter the required information for all of Contractor’s Staff, including each Staff member’s full name, Social Security number/Tax Identification Number, title or job description, home address and telephone number, and such other relevant information as the Board may reasonably require. PETS will provide Contractor with timely information on Staff members’ security clearance status and will automatically notify the Contractor and its Staff member if a Staff member is ineligible or becomes ineligible to render services to the Board due to security reasons.

Providers have a continuing obligation to update their PETS rosters throughout the three-year term of the contract. All new staff must be fingerprinted at the NYCDOE’s Office of Personnel Investigations (“OPI”) prior to working with students. Contractor must review and monitor fingerprinting results and Staff member eligibility on the PETS website.

NYCDOE will monitor compliance with security procedures through records reviews and unannounced site visits. If it is determined that individuals who meet the criteria of staff have not been fingerprinted as required, NYCDOE will take appropriate action, which may include suspension of payments and/or termination of contract.

OFFICE OF EQUAL OPPORTUNITY (“OEO”) FORM(S):

If your contract with NYCDOE is for an estimated annual amount of \$100,000 or greater, then you must complete and submit the appropriate Office of Equal Opportunity (“OEO”) form(s). OEO will contact you after NYCDOE receives a completed application. Failure to supply OEO with required information and documentation will prevent full execution of your contract.

FOR MORE INFORMATION, VISIT:

<http://schools.nyc.gov/Offices/GeneralCounsel/Investigative/OEO/KeyDocuments>

DOING BUSINESS DATA FORM:

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain the necessary information to establish the required database, vendors responding to this application for contract should complete the Doing Business Data Form, which can be downloaded from the link located here:

<http://schools.nyc.gov/Offices/DCP/Vendor> , and return it with your application document. The submission of a Doing Business Data Form that is not accurate and complete may result in appropriate sanctions.

INFORMATION FOR A NON-FOR-PROFIT COMPANY:

Non-for-profit companies must file its most recent audited financial statements with the New York State Office of the Attorney General, in particular, The Charities Bureau. Please see this website for additional information:

http://bartlett.oag.state.ny.us/Char_Forms/search_charities.jsp