

Department of  
Education

Joel I. Klein  
Chancellor

**DECLARATION PURSUANT TO EDUCATION LAW SECTION 2590-g (9)**  
**CONCERNING EMERGENCY PROCUREMENTS**

I, Joel I. Klein, Chancellor of the New York City Department of Education ("Department"), pursuant to Section 2590-g (9) of the New York State Education Law, do hereby determine that the procurement policy and contracts set forth below require immediate action, prior to the Panel for Educational Policy's ("Panel") meeting on September 14, 2009, to ensure the orderly opening of schools in September and continued operation of necessary services for the school system, and thus to preserve the health, safety and general welfare of the students and school system as a whole. The September 14 meeting will be the first meeting of the Panel after the amendment of the New York State Education Law by Chapter 345 of the Laws of 2009, which was signed into law on August 11, 2009. As described in more detail below, the immediate adoption of the policy and award of the specified contracts are necessary for the preservation of student health, safety, and general welfare, and compliance with the requirements of subdivisions (7) and (8) of Section 2590-g would be contrary to the public interest.

The New York State Education Law, as amended by Chapter 345 of the Laws of 2009, requires that the Panel approve the Department's procurement policy. Approval of this policy is subject to a public review process. As part of the process, information about the procurement policy must be circulated and the proposed text made available for public comment at least 45 days prior to the Panel's vote on the policy. Certain contracts, however, must be implemented immediately in order to provide necessary services for children and for proper administration of the school system.

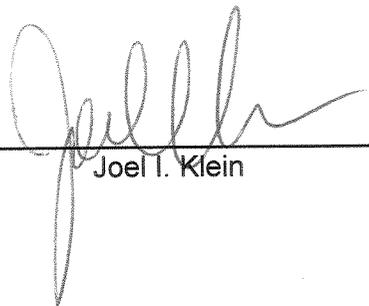
Recognizing that emergency circumstances will sometimes require the Department to act before there has been enough time to circulate a proposed action for comment, and before the Panel has an opportunity to vote on a matter, Section 2590-g (9) of the amended Education Law authorizes me to take action on an emergency basis, upon my determination that "immediate adoption of any item requiring [the Panel's] approval is necessary for the preservation of student health, safety or general welfare" and that compliance with provisions relating to public comment and the Panel's approval would be contrary to the public interest. In accordance with this provision, I have determined that it is necessary to adopt the following policy for emergency procurements to remain in effect until the Panel approves a Temporary Procurement Policy that shall be presented to the Panel at its meeting on September 14, 2009.

Pursuant to Section 2590-g (9) of the Education Law and in order to provide for an orderly transition from the prior legal structure to the new one, until the Panel adopts a Temporary Procurement Policy, the Department, upon written determination of the Chancellor, may procure items or services to avoid or mitigate emergency conditions and the contract shall become effective immediately. An emergency condition is an unforeseen danger to life, safety, property, or a necessary service. An emergency procurement shall be made with such competition as is practicable under the circumstances. The written determination of the basis

for the emergency procurement shall be filed with the Comptroller when the contract is filed with the Comptroller, which shall be filed as soon as is practicable. This emergency adoption shall remain in effect no more than 60 days and is intended to be replaced by the adoption of a Temporary Procurement Policy by the Panel at its September 14, 2009 meeting.

Pursuant to Section 2590-g (9) of the Education Law and the policy set forth above regarding emergency procurements, I hereby determine that the contracts identified in the attachment hereto must be implemented immediately to ensure the orderly opening of schools in September and continued operation of necessary services for the school system, and thus to ensure the provision of a necessary service and preserve the health, safety and general welfare of the students and school system as a whole.

Dated: New York, NY  
September 3, 2009



---

Joel I. Klein

## ATTACHMENT TO DECLARATION CONCERNING EMERGENCY PROCUREMENTS

### Universal PreKindergarten

An emergency procurement is required for the delivery of necessary Universal PreKindergarten Services for four year olds. The services must begin immediately pursuant to Chapter 436 of the Laws of 1997 which requires LPK vendors to provide a minimum of 180 days of service and align with the DOE calendar. Forty-one vendors were recommended for award through a competitive solicitation process. One vendor was recommended for award by the Committee on Contracts.

The term of this emergency is 60 days. The emergency period shall terminate upon the earlier of: (i) 60 days; or (ii) registration of a permanent contract with the Comptroller's office; or (iii) Panel fails to approve the entering into a permanent contract.

Request for Approval to enter into contract will be presented to the Panel for Educational Policy on September 14, 2009, with a term of three years. The contract for The Educational Alliance, however, will be presented as a 1-year term.

|    | Vendor   | Service                   | Emergency Amount | Annualized Amount |
|----|--|---------------------------|------------------|-------------------|
| 1  | 4 Angels Day Care, Inc.  | Universal PreKindergarten | \$7,258          | \$43,550          |
| 2  | A to Z Center Too, Inc.  | Universal PreKindergarten | \$20,400         | \$122,400         |
| 3  | American European Child Care Day Care Center, Inc.               | Universal PreKindergarten | \$16,333         | \$98,000          |
| 4  | Antioch Baptist Church Day Care                                  | Universal PreKindergarten | \$9,482          | \$56,892          |
| 5  | Ateret Torah Center, Inc.  | Universal PreKindergarten | \$10,200         | \$61,200          |
| 6  | Bais Yaakov Faigeh Schonberger of Adas Yereim                    | Universal PreKindergarten | \$9,900          | \$59,400          |
| 7  | Bessie & Nora's Place, Inc.                                      | Universal PreKindergarten | \$9,930          | \$59,580          |
| 8  | Children's Storefront  | Universal PreKindergarten | \$9,957          | \$59,741          |
| 9  | Congregation Mishkan Yecheskel                                   | Universal PreKindergarten | \$10,200         | \$61,200          |
| 10 | Congregation Ohr Shraga D'Veletzky                               | Universal PreKindergarten | \$10,950         | \$65,700          |
| 11 | Early Sunrise Preschool and Kind, Inc.                           | Universal PreKindergarten | \$19,980         | \$119,880         |
| 12 | Evangelical Lutheran Church of the Redeemer                      | Universal PreKindergarten | \$10,020         | \$60,120          |
| 13 | Grace Lutheran Day School  | Universal PreKindergarten | \$10,078         | \$60,468          |
| 14 | Holy Rosary Parochial Elementary School                          | Universal PreKindergarten | \$10,800         | \$64,800          |
| 15 | Immaculate Conception School                                     | Universal PreKindergarten | \$10,200         | \$61,200          |
| 16 | Immanuel Group, Inc.   | Universal PreKindergarten | \$19,824         | \$118,944         |
| 17 | Institute of the Sisters of St. Dorothy - Academy of St. Dorothy | Universal PreKindergarten | \$9,900          | \$59,400          |
| 18 | Jackson's Children's Services                                    | Universal PreKindergarten | \$10,083         | \$60,496          |
| 19 | Jewish Institute of Queens                                       | Universal PreKindergarten | \$18,882         | \$113,292         |
| 20 | Just 4 Kids Soundview Center, Inc.                               | Universal PreKindergarten | \$9,900          | \$59,400          |
| 21 | Lil Angels Academy   | Universal PreKindergarten | \$24,933         | \$149,600         |
| 22 | Mi Nuevo Mondo   | Universal PreKindergarten | \$19,950         | \$119,700         |
| 23 | New Age Family Day Care  | Universal PreKindergarten | \$9,900          | \$59,400          |
| 24 | Rabbi Jacob Joseph School  | Universal PreKindergarten | \$9,900          | \$59,400          |
| 25 | Research Foundation of SUNY                                      | Universal PreKindergarten | \$11,100         | \$66,600          |
| 26 | Santa Maria Elementary School                                    | Universal PreKindergarten | \$21,600         | \$129,600         |
| 27 | St. Ann Parochial Elementary School                              | Universal PreKindergarten | \$21,600         | \$129,600         |

|    |  |                           |          |           |
|----|--|---------------------------|----------|-----------|
| 28 | St. Anthony of Padua                   | Universal PreKindergarten | \$19,950 | \$119,700 |
| 29 | St. Charles Borromeo School            | Universal PreKindergarten | \$10,048 | \$60,288  |
| 30 | St. Christopher School                 | Universal PreKindergarten | \$8,250  | \$49,500  |
| 31 | St. John Chrysostom                    | Universal PreKindergarten | \$22,200 | \$133,200 |
| 32 | St. John's EV Lutheran Church & School | Universal PreKindergarten | \$10,200 | \$61,200  |
| 33 | St. Luke's Evangelical Lutheran Church | Universal PreKindergarten | \$19,980 | \$119,880 |
| 34 | St. Mary's Parochial Elementary School | Universal PreKindergarten | \$10,800 | \$64,800  |
| 35 | St. Mel School                         | Universal PreKindergarten | \$19,877 | \$119,259 |
| 36 | St. Peter's Elementary School          | Universal PreKindergarten | \$9,900  | \$59,400  |
| 37 | St. Theresa School                     | Universal PreKindergarten | \$21,600 | \$129,600 |
| 38 | The Educational Alliance               | Universal PreKindergarten | \$79,038 | \$474,228 |
| 39 | TLC Spirit, LLC                        | Universal PreKindergarten | \$13,200 | \$79,200  |
| 40 | United Academy                         | Universal PreKindergarten | \$59,400 | \$356,400 |
| 41 | Yeshiva Ohr Haiim                      | Universal PreKindergarten | \$9,981  | \$59,886  |
| 42 | Yeshivah Ohel Moshe                    | Universal PreKindergarten | \$9,900  | \$59,400  |

**Title I Non-Public School Supplemental Instructional Services**

An emergency procurement is required for the delivery of necessary services to provide instruction and support in reading, writing, mathematics, English as a Second Language (ESL), and guidance related services to students enrolled in nonpublic schools. These services must be available to students when schools open on September 9th. The vendors were selected through the DOE's Pre-Qualification Solicitation procurement process.

The term of this emergency is 60 days. The emergency contract shall terminate upon the earlier of: (i) 60 days; or (ii) registration of a permanent contract with the Comptroller's office; or (iii) Panel fails to approve the entering into a permanent contract.

Request for Approval to enter into contract will be presented to the Panel for Educational Policy on September 14, 2009, with a full five year term starting on or about September 2009.

| Vendor                                 | Service   | Emergency Amount | Annualized Amount |
|--|---|------------------|-------------------|
| 43 Brienza Academic Advantage          | Title I Non-Public School Supplemental Instructional Services | \$250,000        | \$1,500,000       |
| 44 NonPublic Educational Services, Inc | Title I Non-Public School Supplemental Instructional Services | \$250,000        | \$1,500,000       |

**Student Textbooks**

An emergency procurement is required to ensure obtaining necessary textbooks for student instruction for the commencement of school. These contracts are let by DOE Listing Applications for materials for which the vendor holds the copyright, and therefore are not available through other sources.

The term of this emergency is 60 days. The emergency period shall terminate upon the earlier of: (i) 60 days; or (ii) registration of a permanent contract with the Comptroller's office; or (iii) Panel fails to approve the entering into a permanent contract.

Request for Approval to enter into contract will be presented to the Panel for Educational Policy.

|                            | Emergency Amount  | Annualized Amount |
|----------------------------|-------------------|-------------------|
| Vendor                     | Service           |                   |
| 45 Barclay School Supplies | Student Textbooks | \$26,667          |
| 46 Crabtree Publications   | Student Textbooks | \$33,333          |
| 47 Davis Publications      | Student Textbooks | \$33,333          |
| 48 Flame Company           | Student Textbooks | \$23,333          |
| 49 Gutenberg Inc.          | Student Textbooks | \$16,667          |
| 50 Loyola University       | Student Textbooks | \$50,000          |
| 51 Mondo Publishing        | Student Textbooks | \$63,333          |
| 52 National Geographic     | Student Textbooks | \$400,000         |
| 53 Rosen Publishing        | Student Textbooks | \$100,000         |
| 54 Weekly Reader Corp.     | Student Textbooks | \$6,667           |

**Classroom Supplies & Materials**

An emergency is required to meet the immediate and on-going need for school classroom supplies/materials, as necessary service. These materials are critical to providing instruction in the areas of science, math, English, language arts, social studies and other core subject areas. Orders must be entered immediately as school begins September 8. School Specialty is the primary instructional supplies and materials provider for the DOE. They currently supply over 8800 items to all schools and programs throughout the DOE, including such materials as crayons, craft supplies, paints, drawing paper, art supplies, workbooks and colored pencils. Moreover, these materials also serve special populations such as ELL, ESL, special education, gifted and talented, etc. The selection of School Specialty is pursuant to a DOE mini-bid against a New York State Office of General Services contract.

The term of this emergency is 60 days. The emergency period shall terminate upon the earlier of: (i) 60 days or (ii) registration of a permanent contract with the Comptroller's office.

| Vendor              | Service                        | Emergency Amount | Annualized Amount |
|---------------------|--------------------------------|------------------|-------------------|
| 55 School Specialty | Classroom Supplies & Materials | \$1,000,000      | \$6,000,000       |