"RFPS, CONTRACTS & INVOICES …….. OH MY!"

NASTID – January 2011

RFPs, Contracts & Invoices



RFPs, Contracts & Invoices



Equitable Services
was the #1 finding
for the 2009-2010 monitoring cycle.



Contracting was one of the
top monitoring five findings
under this indicator.

RFPs, Contracts & Invoices

Let's start at the very beginning…



RFPs, Contracts & Invoices



Consultation

RFPs, Contracts & Invoices

Topics that must be addressed during consultation can be found in section 200.63 of the Title I regulations:



- How LEA will identify needs.
- Services.
- How, where and by whom.
- Evaluation.
- Size and scope of services.
- Source of low-income data.
- Services to teachers and families of participants.
- Service delivery mechanism.
- Contract.

RFPs, Contracts & Invoices

After consultation, the LEA should know …



- Grades to be served.
- Subject areas.
- Type of staff.
- Selection criteria.
- Evaluation.

RFPs, Contracts & Invoices

After consultation, the LEA should know …

- Private schools whose children will participate.
- When services will be provided.
- Pooling or not.
- Topics for parental involvement.
- Topics for professional development.



RFPs, Contracts & Invoices

The LEA should also have identified the amount of Title I funding available for:



- Instruction.
- Parental Involvement.
- Professional Development (if applicable).

RFPs, Contracts & Invoices



Background



- Education Department General Administrative Regulations (EDGAR) requires LEAs to use the State's procurement procedures.

- LEAs may add other procedures as long as they are not in conflict with the SEA's procedures.

RFPs, Contracts & Invoices

The Request for Proposal (RFP)



RFPs, Contracts & Invoices

The RFP

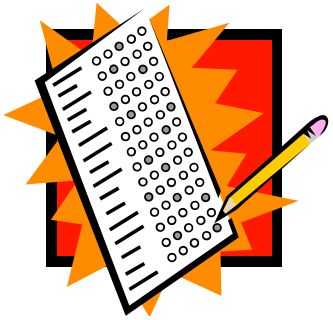
The RFP is an early stage in a procurement process, it issues an invitation for suppliers, often through a bidding process, to submit a proposal on a specific service.



RFPs, Contracts & Invoices



The RFP should reflect the needs of eligible private school children, their classroom teachers and parents.



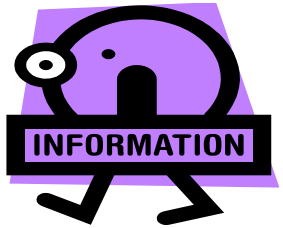




RFPs, Contracts & Invoices

The RFP serves two purposes:

1. The RFP provides information.





2. The RFP poses questions.

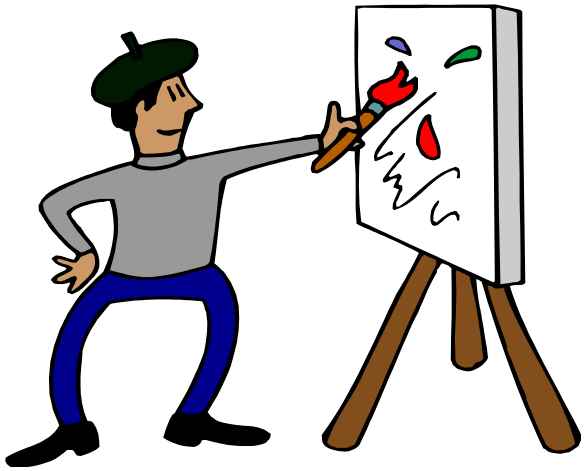
RFPs, Contracts & Invoices

The RFP should provide information…

in order that perspective contractors have sufficient information to be able to respond to the questions posed in the RFP.

RFPs, Contracts & Invoices

The RFP should provide a “picture” of what the LEA expects in its Title I program for private school children.



RFPs, Contracts & Invoices

The RFP should provide information about:

- Private schools.
- Grades.
- Subject(s).
- Selection criteria.
- When.
- Amount of funding for instruction, parental involvement, and professional development for the private school classroom teachers (if applicable).

RFPs, Contracts & Invoices

The RFP should provide information about:

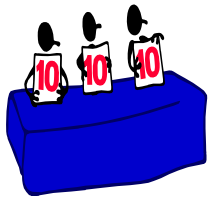
- Evaluation.
- Information that the services should support the private school curriculum.
- Information that the services must be supplemental.
- Topics - parental involvement.
- Topics – professional development (if applicable).
- Information about pooling.

RFPs, Contracts & Invoices

The RFP should provide information about:



- All the tasks that the LEA wants completed.
- The list of required deliverables with due dates.
- The scoring rubrics the review panel will use.



- How to complete the proposal.
- The fact that the amount of funds available for instruction, professional development, and parental involvement are not negotiable and may vary from year to year.

RFPs, Contracts & Invoices

The RFP should pose questions to perspective contractors about the proposed program that they will deliver.



RFPs, Contracts & Invoices

The RFP should ask questions of perspective contractors.

How is your program research-based?

?

How will your program support the regular classroom program?

?

Do you have the capacity and what are your qualifications?

?

RFPs, Contracts & Invoices

The RFP should ask questions of perspective contractors.

How will you ensure that the Title I services are supplemental?

What parental involvement will be provided?





What professional development will be provided?



RFPs, Contracts & Invoices

The RFP should ask questions of perspective contractors.

What materials, supplies and equipment will you need?



How will you complete the evaluation?



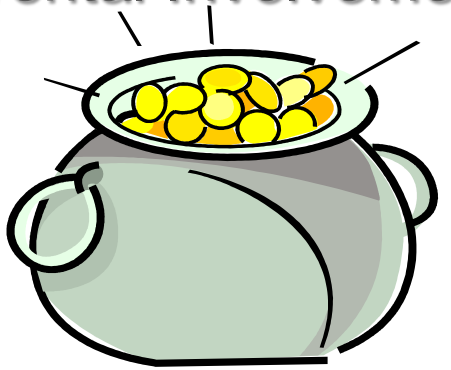
How will you coordinate with private school staff?



RFPs, Contracts & Invoices

Title I Funding

Parental Involvement





Instruction

Professional Development



RFPs, Contracts & Invoices

In order to meet Equitable Services requirements an LEA *must* –

- Provide eligible private school children with an opportunity to participate.

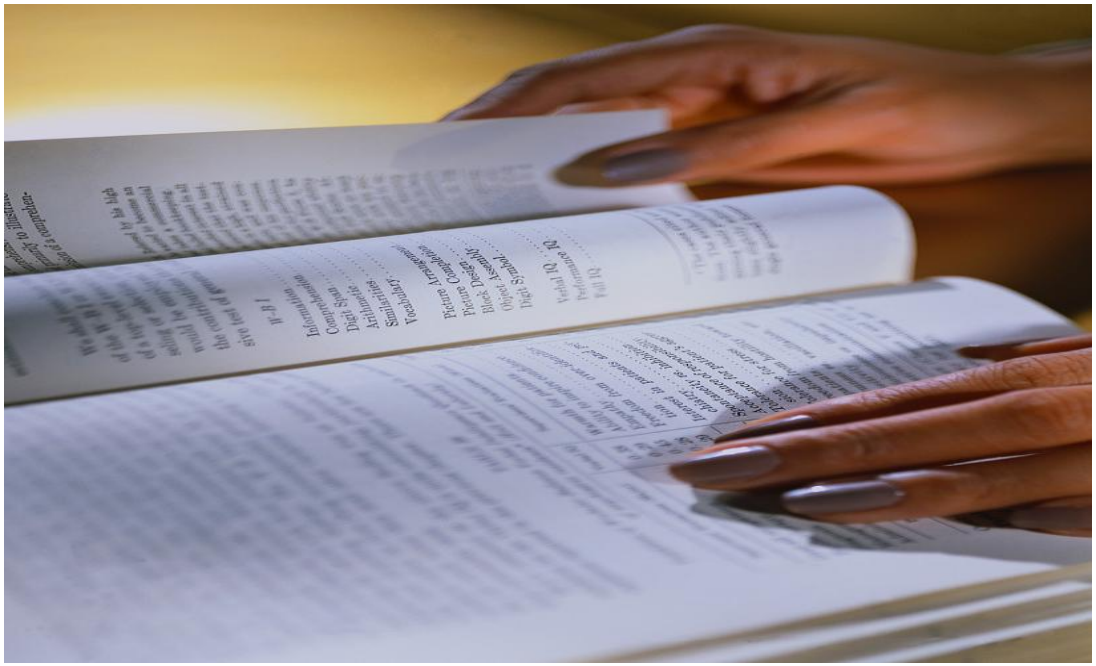
- **Meet the equal expenditure requirements for instruction, professional development, and parental involvement.**

- Assess student needs and the effectiveness of the Title I program.

- **Begin Title I programs at the same time as the Title I programs for public school children**.

RFPs, Contracts & Invoices

It may be helpful to provide definitions in the RFP:



RFPs, Contracts & Invoices



{ Example}

INSTRUCTIONAL COSTS

For the purposes of this contract, instructional costs are defined as:

- Teacher and instructional aide salaries, including fringe benefits;
- Instructional materials, including such items as books, computers and software for student use, workbooks, and supplies.

RFPs, Contracts & Invoices

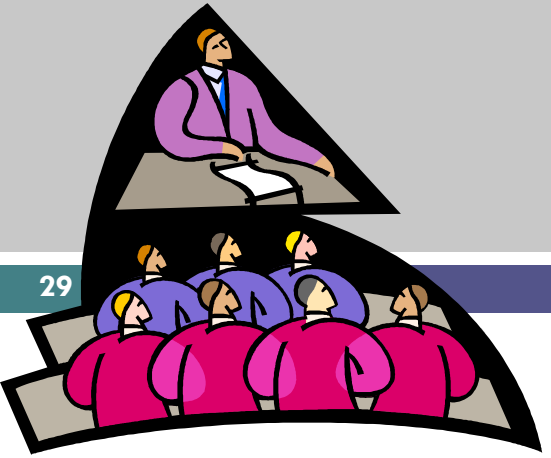


{ Example}

PARENTAL INVOLVEMENT COSTS

For the purposes of this contract, parental involvement costs are defined as:

Costs the contractor incurs to provide parental involvement activities to parents of participating private school children.



RFPs, Contracts & Invoices

{ Example}

PROFESSIONAL DEVELOPMENT COSTS

For the purposes of this contract, professional development costs are defined as:

Costs the contractor incurs to provide professional development activities to private school teachers of participating private school children.

RFPs, Contracts & Invoices

What about other costs that the contractor may incur?



- Supervisors.
- Office overhead and staff.
- Profit/fee.
- Professional development for employees of contractor.
- Travel, supplies needed to provide the services.

RFPs, Contracts & Invoices

Administration



{ Example}

ADMINISTRATIVE COSTS

For the purposes of this contract, administrative costs are defined as:

Costs the contractor incurs to administer the program, including but not limited to salaries and fringe benefits for the Director, assistants as needed, area supervisors, and support staff, office rent and utilities, office equipment and supplies, postage and mailings, telephone, travel, special capital expenses, escort time, professional development for Title I teachers and supervisors who are employees of the contractor, and the contractor's fee (profit).

RFPs, Contracts & Invoices

In order to address the different amount of funding that is available each year, an LEA may decide that administration is a percentage of instructional or instructional, professional development and parental involvement funds.



RFPs, Contracts & Invoices



OMB Circular A-87 Test:

- Reasonable and Necessary
- Allocable
- Authorized



RFPs, Contracts & Invoices

The Review Process

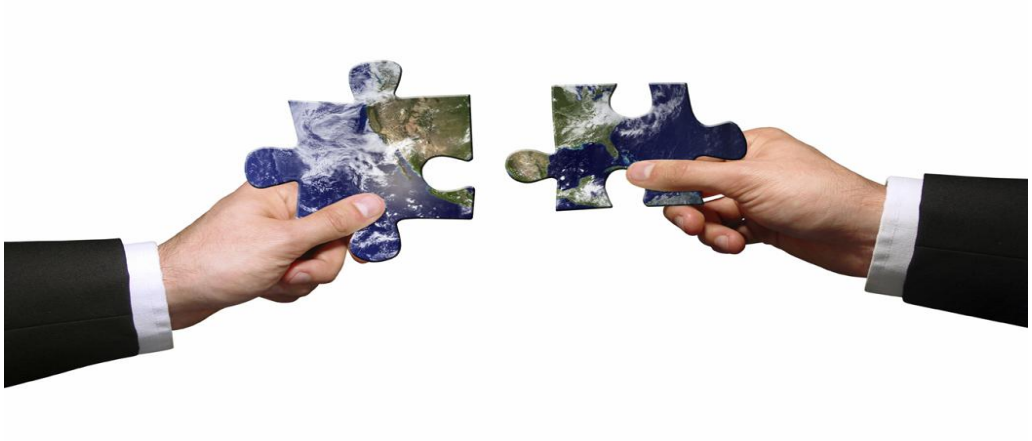


Points should be awarded by the review panel to perspective contractors who have plans or descriptions that accurately reflect the Title I equitable services requirements.



RFPs, Contracts & Invoices

The chosen program should offer the best match to the expectations of the LEA.



RFPs, Contracts & Invoices

Negotiating …

The only amount that can be negotiated is the amount that the contractor charges for administration.

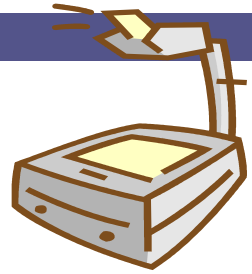
10%? **25%?** **14%?**

RFPs, Contracts & Invoices

Writing The Contract



RFPs, Contracts & Invoices



Statements that should be included:

- All equipment purchased with Title I funds is the property of the LEA, not the contractor.
- The contractor will comply with all Title I statutory and regulatory requirements.
- The LEA has the right to withhold payment if any requirement is not met.



RFPs, Contracts & Invoices

Statements that should be included:

- The LEA will inform the contractor by _____ the amount of funds available for all activities (instruction, professional development, and family involvement).

- The contract may be modified if there is a reauthorization of the ESEA during the performance period of the contract.

- Clauses that address GEPA and ESEA requirements.

Other Information that should be included in both the RFP and the contract:

A description of the procedures for submission of invoices by the contractor including how often they are to be submitted.

What are ESEA and GEPA requirements?



RFPs, Contracts & Invoices

Section 9306(a) of Elementary and Secondary Education Act (ESEA) requires that:

- The program will be administered in accordance with all applicable statutes and regulations; and
- The subgrantee will maintain control of the program.

RFPs, Contracts & Invoices

Section 443(a) of General Education Provisions Act (GEPA) requires subrecipients to maintain records that fully disclose:

- How the funds were used.
- Total cost of the activity for which the funds were used.
- Other records that will facilitate an effective audit.

RFPs, Contracts & Invoices

The contract should require:



- That invoices have separate categories for instructional, professional development, parental involvement, and administrative costs.

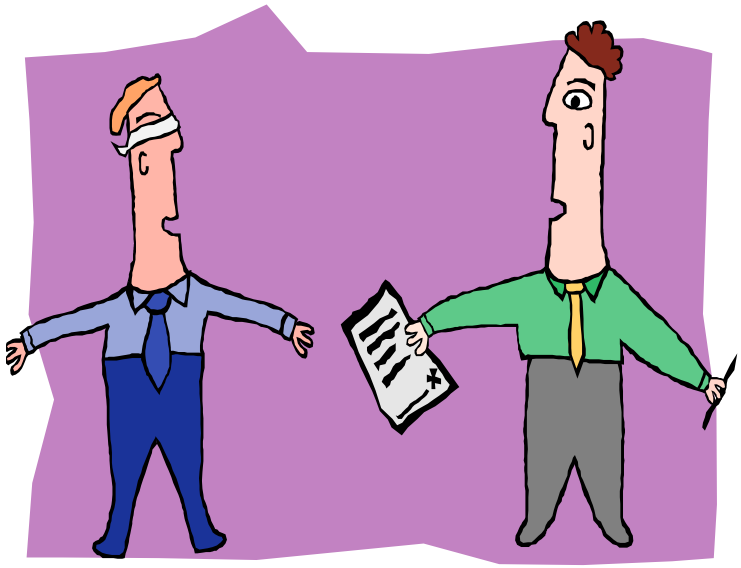
- Sufficient documentation from the contractor prior to payment of the invoice.

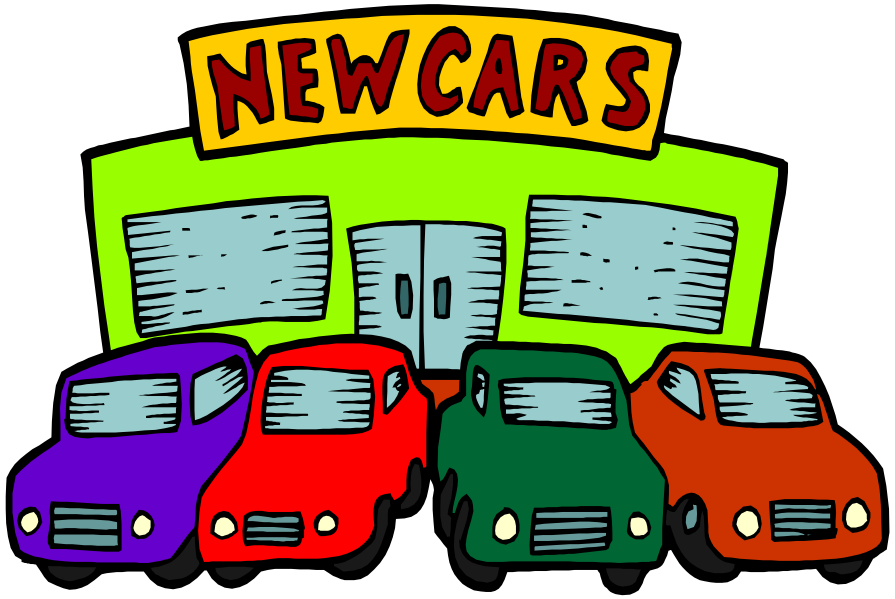
RFPs, Contracts & Invoices

Beware the *tempting contract template*



Beware the *tempting contract template*





RFPs, Contracts & Invoices

Phrases That Can Be Problematic

- The contractor will provide input to the selection of professional development …
- The amount of _____ will be paid in equal monthly installments ….
- LEA and private school officials will not …



RFPs, Contracts & Invoices

Whichever type, the contract must reflect that the contractor is required to provide information about:

- How the funds were used.
- Total cost of the activity for which the funds were used.
- Other records as will facilitate an effective audit.

RFPs, Contracts & Invoices

Invoices



RFPs, Contracts & Invoices

The LEA should require:



- That invoices have separate categories for instructional, professional development, parental involvement, and administrative costs.

- Sufficient documentation from the contractor prior to payment of the invoice.

RFPs, Contracts & Invoices

Invoice
Best Contractor
September 1, 2011 – September 30, 2011

Instruction _____

Parental Involvement _____

Professional Development _____

Administration _____

Total _____

Documentation

Detail must be sufficient to enable the LEA to determine that the requested invoices are in accordance with Title I requirements and the GEPA.

- Name and salary of each teacher.
- Instructional materials purchased.
- Specific administrative costs, such as supervisor's salary, office expenses, travel costs, capital expense type costs, and fees.

RFPs, Contracts & Invoices

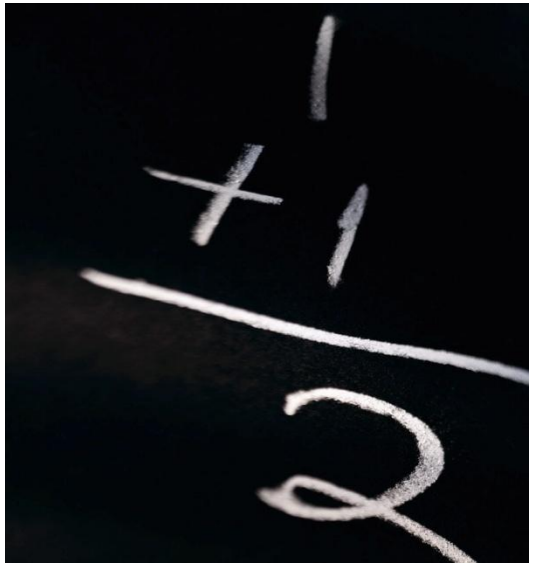
$100,000 – Instruction *(salaries, materials, equipment)*

$17,000 – Professional Development *(personnel to provide professional development activities to classroom teachers of participating private school children)*

$5,000 – Parental Involvement *(personnel to provide activities to the families of participating private school children)*

RFPs, Contracts & Invoices

At the end of the school year, the instructional, professional development, and family involvement costs charged on the invoices should total the amount of funds generated by poverty private school children.



RFPs, Contracts & Invoices

Let's discuss *Example Contract*

Questions?



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RFPs, Contracts & Invoices

Resources

- **U.S. Department of Education Web Site** www.ed.gov
- **Office Student Achievement and School Accountability (SASA) Web Site** http://www2.ed.gov/about/offices/list/oese/sasa/index.html
- **Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit:** http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf
- **Title I Services to Eligible Private School Students:** http://www.ed.gov/programs/titleiparta/psguidance.doc

CONTRACT AGREEMENT
BETWEEN
THE ABC COUNTY PUBLIC SCHOOLS
AND
WONDERFUL WORKS

This AGREEMENT is made and entered into as of the 29th day of October 2010 (the "Effective Date"), and by and between **THE ABC COUNTY PUBLIC SCHOOLS** (hereinafter referred to as the "LEA") and **WONDERFUL WORKS** (hereinafter referred to as "Wonderful").

In consideration of the mutual covenants and conditions set forth in this Agreement, the parties agree as follows:

1. TERM

1.1 The term of this agreement (the **"Term"**) shall be for a term commencing on the **"Effective Date"** and terminating on July 31, 2011 unless earlier terminated in accordance with Section 6 hereof.

2. SERVICES TO BE PROVIDED BY WONDERFUL:

2.1 Provide comprehensive Title I educational services based on proven instructional practices using the latest technological advancements to improve student academic achievement. The supplemental educational services will focus on the improvement of the academic achievement of students in grades 1-12 with instructional strategies, methodologies, instructional resources, and educational specialists.

2.2 Provide principal and classroom teachers onsite support in the management of student data and evaluation.

2.3 Provide professional development designed to improve the knowledge of teachers of Title I students through research-based training that will increase achievement of at-risk students who have not yet achieved core competencies. The training will include:

- Effective Classroom Management;
- Integrating Technology and Math;
- How to Teach Calculus;
- Writing Across the Curriculum;
- Reading Comprehension;
- Effective Research Skills;
- Teaching Science.

3. FEES AND PAYMENT

3.1 For and in consideration of the services to be provided by Wonderful under this contract, the LEA will pay to Wonderful, upon submission of an original invoice, a total not to exceed two hundred twenty-two thousand three hundred seventy-two dollars ($222,372.00). This amount represents the amount to be paid towards the

total cost for services rendered by Wonderful for a period of twelve six (12) months. Two payments of seventy-four thousand one hundred twenty dollars and ($74,120.00) and one payment of seventy-four thousand one hundred thirty-two dollars ($74,132.00) will be made upon satisfactory completion of the work performed. The payments shall be made on the following dates: January 1, 2011, March 1, 2011, and June 1, 2011. The LEA will reimburse Wonderful for allowable expenses no later than thirty (30) days after the invoice is submitted.

Title I Student Instruction:

Student Instruction includes the following:

Research-based Reading and Math Program that provides instruction in core reading and math skills in vocabulary, fluency and writing in reading, and Numbers and Operations and Concepts and Applications in math.

Reading materials include: Pre and post assessments, teacher lesson plans, a variety of age and grade level reading materials, and classroom supplies required for learning.

Math materials include: Pre and post assessments, teacher lesson plans, a variety of age and grade level math materials, and classroom supplies required for learning.

Wages and Salaries:

Wonderful's wages, salaries, taxes, benefits include of costs for two (2) teachers, two (2) assistants and supervisory staff of program supervisors, area manager and regional director. Cost - $86,794.00

Total Instructional Cost - $188,586.00

Professional Development Services for Private School Principals and Teachers

Total Cost for Professional Development - $33,786.00