

Contracts Agenda for the Meeting of the Panel for Educational Policy - Wednesday, April 22, 2020

Contract Type	PEP Description	Estimated Highest Annual Spending	Estimated Total Spending	Contract Term	Agenda Item
Request for Proposals	R1134 - Labor Support Unit Administrative Staff and Team Leaders, Round 2 (2020-2023)	\$180,000	\$540,000	3 Years	1
Multiple Task Award Contract Process	Arts Education (RA 19)	\$100,000	\$500,000	5 Years	2
Multiple Task Award Contract Process	Literacy Professional Development and Coaching Services (RA 3)	\$30,000	\$150,000	5 Years	3
Multiple Task Award Contract Process	Math Related Services and Professional Development (RA 3)	\$2,800,000	\$14,000,000	5 Years	4
Multiple Task Award Contract Process	PD for Instructional Technology (RA 17)	\$130,000	\$650,000	5 Years	5
Multiple Task Award Contract Process	Professional Development for School Leaders and Teachers (RA 16)	\$60,000	\$300,000	5 Years	6
Multiple Task Award Contract Process	Professional Development Services for Multiple Pathways & Career & Technical Education (RA 3)	\$30,000	\$150,000	5 Years	7
Multiple Task Award Contract Process	Science PD, Direct Student Services and STEM (RA 1)	\$150,000	\$750,000	5 Years	8
Multiple Task Award Contract Process	Social Studies Professional Development (RA 1)	\$90,000	\$450,000	5 Years	9
Multiple Task Award Contract Process	Student Support Services (RA 22)	\$60,000	\$300,000	5 Years	10
Multiple Task Award Contract Process	Whole School Reform (RA 8)	\$125,000	\$625,000	5 Years	11
Negotiated Services	ExpandedED Schools - Middle School Quality Initiative (MSQI) Extended School Day Grant	\$2,285,000	\$2,285,000	1 Year	12
Negotiated Services	Local Products for Garden to Café Program	\$42,000	\$84,000	1 Year, 10 Months	13

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Contract Type	PEP Description	Estimated Highest Annual Spending	Estimated Total Spending	Contract Term	Agenda Item
Negotiated Services	Negotiated services contracts for Head Start	\$797,267.37	\$797,267.37	10 Months	14
Negotiated Services	Wellness Yoga Initiative	\$57,075	\$57,075	6 Days	15
Amendments and Extensions	Amendment Increases to EarlyLearn Contracts	\$234,429.97	\$234,429.97	1 Year	16
Amendments and Extensions	Assessment Materials	\$1,582,925	\$1,582,925	1 Year	17
Amendments and Extensions	Mayoral Discretionary Child Care Earlylearn Contract Amendments	\$1,668,803	\$1,668,803	1 Year	18
Amendments and Extensions	New York City Parents of Lesbian and Gay Men - City Council Discretionary Fund	\$200,000	\$200,000	1 Year	19
Amendments and Extensions	Affinity Group Organizations Extension	\$1,429,496	\$1,429,496	1 Year	20
Amendments and Extensions	Custodial supplies	\$40,844,622	\$40,844,622	1 Year	21
Amendments and Extensions	Extension to Attendance Improvement and Dropout Prevention to support Adult Literacy at partner schools	\$18,280,448	\$36,560,896	2 Years	22
Amendments and Extensions	Mechanics materials	\$21,527,125	\$21,527,125	1 Year	23
Emergency	Accenture, LLP to Provide Management Consulting Services "COVID 19"	\$1,200,000	\$1,200,000	2 Months	24
Emergency	COVID-19 emergency purchase of iPad staging services and devices to support remote learning	\$40,525,000	\$40,525,000	4 Months	25
Emergency	Emergency Bus Extensions for (March - April) for Bus Transportation (Legacy GE & SE and B2192) - School Year	\$135,972,066	\$135,972,066	1 Month	26

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Contract Type	PEP Description	Estimated Highest Annual Spending	Estimated Total Spending	Contract Term	Agenda Item
Emergency	Emergency Bus Services Extensions for Transportation of Pupils Residing in Temporary Housing (STH) - (March-April)	\$9,761,400	\$9,761,400	1 Month	27
Emergency	Emergency Contracts for On-Site Nursing Staff Coverage	\$1,827,000	\$7,308,000	6 Months	28
Emergency	Emergency Contracts for On-Site Nursing Staff Coverage (R0884)	\$2,608,200	\$10,432,800	6 Months	29
Emergency	Emergency Extensions for (March-April) for Bus Transportation - B2321 (Non-Legacy)	\$21,409,865	\$21,409,865	1 Month	30
Emergency	Pre-K Emergency Bus Extensions for Pre-Kindergarten & Early Intervention participants (B2026) for (March - April)	\$13,131,761	\$13,131,761	1 Month	31
Discretionary and Grant Funded	City Council Award to support the College and Career Readiness Initiative	\$55,000	\$55,000	1 Year	32
Discretionary and Grant Funded	FY20 City Council Discretionary Fund for UPK program - Williamsbridge NAACP E.C.E.C. Inc.	\$1,158,786	\$1,158,786	1 Year	33
Discretionary and Grant Funded	RF CUNY - Creative Arts Team: City Council Crisis Management Systems Initiative	\$267,500	\$267,500	1 Year	34
Discretionary and Grant Funded	Urban Assembly Inc - City Council Discretionary Fund	\$200,000	\$200,000	1 Year	35
Purchases through Governmental Contracts	E-discovery and Document Management Solution for Legal Services	\$60,000	\$120,000	1 Year, 8 Months	36

Request for Authorization to Contract with Labor Support Unit Consultants for the Office of Labor Relations – R1134

Procurement Method: Request for Proposals per DOE Procurement Policy and Procedures, Section 3-03

Estimated Highest Annual Amount: \$180,000

Estimated Total Amount: \$540,000

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: Three Years

Options: None

Options Amount: N/A

Contract Type: Requirements

RA Number: 7218

Vendor Name: See Table Below

Contract Manager: Karen Sardoff, Administrative Education Analyst, Office of Labor Relations

Lead Contracting Officer: Naeemah Lamont, Director, Teacher Performance Unit

Division of Contracts and Purchasing Contact: Natasha Worthen, Administrative Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Labor Relations (“OLR”) to contract with the vendors listed below to serve in the Labor Support Unit (“LSU”) and provide ongoing assistance to principals and assistant principals in the evaluation and discipline process for tenured pedagogues. This authorization will result in multiple requirements contracts. All of the contracts will be active for approximately three years, commencing on or around August 1, 2020 and terminating on or around June 30, 2023.

Discussion

A Request for Proposals (“RFP”) was the preferred procurement method because the service requires vendors to have a working knowledge of the discipline process for pedagogues, prior experience with supervising classroom instruction, and improving underperforming educators. Since there is an ongoing need for additional providers, this RFP is open-ended, thus allowing candidates the opportunity to submit proposals upon receiving the required supervisory certification.

The RFP included an option for Labor Support Unit Consultants. Consultants are assigned to cases involving teachers and other pedagogues who were rated unsatisfactory, and they prepare documentation related to the underperforming personnel. Team Leaders act as liaisons who offer support among the attorneys, Labor Support Consultants, and school administrators. Team Leaders must also have knowledge of New York State Education Law Section 3012-c, passed in May 2010, that reflects changes in how educators throughout New York State are evaluated and supported.

Proposals were evaluated by a three-member committee drawn from the Teacher Performance Unit and the Office of Labor Relations, all of whom have experience working with the LSU Consultants and extensive knowledge of the teacher evaluation process delineated in the teachers’ collective bargaining agreement, as well as the New York State Education Law Section 3020-a (“3020-a”)

disciplinary process for tenured pedagogues. Proposals for LSU Consultants were scored using the following evaluation criteria: Communication/Interpersonal Skills (50 points), which factored in interview performance, and Demonstrated Effectiveness (50 points). All proposers were required to have a supervisory certificate and submit a writing sample.

Of the five (5) candidates who submitted proposals, three (3) candidates are recommended here and two (2) are still being evaluated. No protests were received from these proposers. Additional recommendations for awards will be covered in subsequent RAs.

All the candidates recommended for award clearly articulated their relevant experience and demonstrated knowledge of the collective bargaining agreement. All have also had extensive experience as a school supervisor.

Awarded vendors will be compensated a daily rate of \$350 for seven hours or a pro-rated hourly rate of \$50, which is unchanged from the prior contract and fixed for the entire term of this contract. An analysis was done comparing the consultants' hourly rate of \$50 to equivalent titles of full-time DOE Education and Associate Staff Analysts. The hourly rate of those titles ranged from \$51.60 to \$66.73 and \$59.39 to \$76.90 respectively, including fringe benefits. In light of the unchanged costs and as the consultants' rates are below the range of equivalent titles, pricing can be determined to be fair and reasonable.

Although each consultant will be paid identical daily rates, estimated annual amounts for each may vary based on the distribution of assignments.

VENDORS & ADDRESSES	ESTIMATED ANNUAL AMOUNT
Elena O'Sullivan 201 Stillwells Corner Road Freehold, NJ 07728	\$60,000
Joseph Belesi 33-22 Colony Drive Baldwin Harbor, NY 11510	\$60,000
Joseph D. Cantara 199-10 28 Avenue Bayside, NY 11358	\$60,000
TOTAL ESTIMATED ANNUAL AMOUNT	\$180,000

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Arts Education Services – R1129 (RA 19)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$100,000

Estimated Total Amount: \$500,000

Funding Source: Various including tax levy & reimbursable funds

Contract Retroactive? No

Contract Term: Five Years

Options: One 3-Year

Options Amount: \$300,000

Contract Type: Requirements

RA Number: 8598

Vendor Name: Sundog Theatre, Inc.

Vendor Address: 950 West Fingerboard Road, 4th Floor, Staten Island, N.Y. 10305

Awarded Components: 1,2,3,4

Contract Manager: Jeffrey Trenton Price, Senior Director for the Office of Arts & Special Projects

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching & Learning

Division of Contracts and Purchasing Contact: Aldrina Hazell, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Arts and Special Projects (“OASP”) to contract with the above-named vendor to provide Arts Education Services. The awarded vendor will offer direct services to students and parents in dance, music, theater, visual arts, and the moving image. Services will be provided at the discretion of each participating school or central office operating on behalf of a school or consortium of schools.

Discussion

This request for Arts Education Services replaces a previous Arts Education solicitation. Approved vendors will deliver culturally responsive services that support and advance teaching and learning by building on the Blueprint for Teaching and Learning in the Arts (“Blueprint”), the New York State Learning Standards (“NYSL”) for the Arts, and the National Coalition for Core Arts Standards. The Blueprint forms the basis for instructional programs in dance, music, theater, visual arts, and the moving image and is built upon five strands of Arts Learning: (1) Arts Making; (2) Literacy in the Arts; (3) Making Connections; (4) Community & Cultural Resources; and, (5) Careers and Life-long Learning. Services provided will integrate the guidelines established and culturally responsive learning in the Blueprint while enhancing studies in other disciplines.

Proposals were distributed to an Evaluation Committee that included Arts Coordinators and Directors from OASP, all of whom are knowledgeable of the Blueprint and the NYSL for the Arts. They have participated in developing the Blueprint, are currently implementing arts programming, and possess

years of experience within New York City public schools or DOE central offices. To ensure scoring consistency, a training session was conducted for all committee members, in which they received an overview of the process and a scoring rubric. Proposals were evaluated using the following criteria: Program Plan (25 points), Organizational Capacity (25 points), Demonstrated Effectiveness (25 points), and Price (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Seventy-seven (77) vendors were recommended for contract awards under previous Requests for Authorization and one is recommended here.

Sundog Theatre offers a variety of arts workshops to all students including those with special needs. Teaching artists work with children in various artistic mediums to create 2-D & 3-D art, use watercolors, acrylics, wood, paper, foil, clay, pencils, crayons, and marker. Students learn dances including ethnic, salsa, African, Chinese, step dance, and ballroom. Students will study & perform classic folk/fairy tales, write and perform a play about historic events, and make them original by connecting the stories to the curriculum.

Pricing was determined fair and reasonable based on a comparison with hourly rates for similar services by vendors contracted under this solicitation.

The estimated annual contract amount is based on expenditures under a previous contract for similar services.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Literacy Professional Development and Coaching Services – R1256 (RA 3)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$30,000

Estimated Total Amount: \$150,000

Funding Source: Various incl. Tax Levy & Reimbursable Funds

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$90,000

Contract Type: Requirements

RA Number: 8562

Vendor Name: Center for Student Achievement Solutions, LLC

Vendor Address: 387 Park Ave South, 5th Floor, New York, NY 10458

Awarded Components: 1,2

Contract Manager: Jessica Kaplan, Senior Director, Office of Curriculum, Instruction and Professional Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: David Gonzalez, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Teaching and Learning (“DTL”) to contract with the above-named vendor to provide systemwide literacy professional development services. These programs will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

To help ensure that its students achieve the higher standards in literacy and implementation of the NY State Next Generation Learning Standards (“NGLS”), the DOE must acquire professional development services for its teachers, leaders, coaches, administrators, and support staff. These services will increase literacy content and pedagogical knowledge, support the implementation of NGLS-based literacy instruction, and align resources to improve student achievement. These services will also support schools and learning communities as they plan and conduct effective instruction and professional development in literacy.

Contracted vendors will provide high-quality, needs-based, and culturally responsive professional development and coaching services to support comprehensive NGLS-based literacy instruction for teachers and other staff covering Pre-kindergarten through 12th grade. Services will focus on literacy

content, pedagogy, citywide curriculum programs, research, and best practices and will include institutes, workshops, seminars, course work, conferences, walk-throughs, and inter-visitations.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

There are currently 35 vendors contracted pursuant to a previous solicitation to provide literacy professional development services; 15 of these contracts will expire between June 30, 2020 and October 31, 2020. Under these contracts, vendors provided services to 837 schools and 10 central and/or field offices, including: Office of Post-Secondary Readiness, Office of English Language Learners, Division of Early Childhood, and the Bureau of Non-Public Schools.

In response to the most recent solicitation, vendors proposed for one or more of the following focus areas: 1) Literacy Professional Development, and 2) Literacy Consultants/Coaches.

Proposals were evaluated by a minimum of three evaluators. The evaluation committees included a director of literacy, director of academic intervention services, education administrator, and literacy instructional specialists. Proposals were scored based on program plan (25 points), organizational capacity (25 points), pricing (25 points), and demonstrated effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Sixteen (16) vendors were recommended for contract awards. Of the 16 recommended, five were named in previous Requests for Authorization (“RAs”) and one is named here. The remaining 10 are undergoing price negotiations and background checks and will be named in future RAs.

The recommended vendors’ services introduce shifts in pedagogy and provide direction on efficient and effective ways to use student data to inform instructional practices and improve student achievement. Professional development offerings will provide specific support to schools and teachers for implementing all or some components of reading and other components of literacy instruction in ELA and content area classrooms, including foundational literacy skills. Program delivery methods include customized workshops, support, and coaching.

The Center for Student Achievement Solutions professional development workshops focused on grade-level standards, evidenced-based instructional strategies about the writing process, and the core components of a balanced approach to literacy phonics, phonemic awareness, fluency, alphabetic principles, comprehension, vocabulary, word work, motivation, and assessment. Teachers learn how to design pacing guides, units of study, lesson plans, and formative assessments to increase reading comprehension and writing skills to address the diverse needs of all students.

The hourly pricing rate of \$143 for Center for Student Achievement Solutions was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amount for Center for Student Achievement Solutions is based on the minimum annual amount for new vendors with literacy professional development services requirements contract of \$30,000.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services, and to offer a choice among vendors.

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Math Related Services and Professional Development – R1254 (RA 3)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$2,800,000

Estimated Total Amount: \$14,000,000

Funding Source: Various incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$8,400,000

Contract Type: Requirements

RA Number: 8558

Vendor Name: See Table A below

Contract Manager: Jessica Kaplan. Deputy Executive Director, Office of Curriculum, Instruction & Professional Learning, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: David Gonzalez, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Teaching and Learning (“DTL”) to contract with the below-named vendors to provide systemwide mathematics professional development and direct student services. These services will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

To help ensure that its students achieve the higher standards in mathematics that adoption of Next Generation Math Learning Standard (“NGMLS”) requires, the DOE must acquire professional development services for its teachers, leaders, coaches, administrators, and support staff. These services will increase math content and pedagogical knowledge, support the implementation of NGMLS, and align resources to improve student achievement. These services will also support schools and learning communities as they plan and conduct effective instruction and professional development in math.

Vendors will provide high-quality, needs-based, and culturally responsive NGMLS-aligned professional development and support instruction for teachers and other staff covering Pre-kindergarten through 12th grade. Services will focus on math content, pedagogy, citywide curriculum programs, cognitive and socio-emotional development, research and best practices, and will include institutes, workshops, seminars, course work, conferences, walk-throughs, and inter-visitations.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

There are currently 16 contracted vendors pursuant to a previous solicitation to provide math-related professional development services; eight of these contracts will expire between March 31, 2020 and June 30, 2020. Under these contracts, vendors provided services to 730 schools and 11 central and/or field offices, including the Office of English Language Learners, Office of Post-Secondary Readiness, Office of Special Education, and the Bureau of Non-Public Schools.

In response to the most recent solicitation, vendors proposed for one or more of the following focus areas: 1) Mathematics Professional Development, 2) Mathematics Consultants/Coaches and, 3) Direct Student Services.

Proposals were evaluated by a minimum of three evaluators. The evaluation committees included a teacher, math director, and STEM instructional specialists. Proposals were scored based on program plan (25 points), organizational capacity (25 points), pricing (25 points), and demonstrated effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Ten vendors were recommended for contract awards. Of the 10 recommended, three were named in prior Requests for Authorization ("RAs"), two are presented here and the remaining five are undergoing price negotiations and background checks.

The recommended vendors' services introduce shifts in pedagogy and provide direction on efficient and effective ways to use student data to inform instructional practices that will improve student achievement and prepare them for college and careers in math. Professional development offerings will provide specific support to schools and teachers for implementing NGLMS, including conceptual understanding, procedural fluency, problem solving, and communication. Program delivery methods include customized workshops, support, and coaching.

The negotiated hourly rates range from \$96 for the Research Foundation of CUNY on behalf of the City College of New York, which uses learning communities, summer institutes, and collaborative coaching workshops to focus on recent reforms in math education and to transform teachers' views of teaching and learning to better adapt to NGLMS, to \$198 for National Training Network's ("NTN") professional development services designed to optimize instructional effectiveness and deepen teachers' knowledge of standards-aligned foundational mathematics concepts. NTN staff developers analyze data collected from instructional walks, student data, and feedback from school leaders and network staff to customize and revise ongoing professional development.

Negotiations resulted in an average cost savings to the DOE of approximately 35 percent in program hourly rates. Both vendor's pricing was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amounts for these vendors are based on their previous contract expenditures for similar services.

The MTAC process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Table A –Estimated Contract Amounts for Recommended Vendors

Vendor Names & Addresses	Component(s)	Estimated Annual / Total Amount
Research Foundation at CUNY on behalf of the City College of CUNY 160 Convent Avenue, Room NAC 6/207 New York, NY 10031	1,2	\$200,000 / \$1,000,000
National Training Network, Inc. PO BOX 36 Summerfield NC, 27358	1	\$2,600,000 / \$13,000,000

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Research Foundation at CUNY

A news article from July 2018 indicated that an advertising firm filed a suit against the City University of New York (CUNY), claiming that CUNY and its research foundation did not pay them \$172,000 during CUNY’s rebranding campaign. A news report in April 2018 reported that the New York State Inspector General is investigating why CUNY bypassed procurement rules and authorized the sole-source contract through the CUNY Research Foundation (RF CUNY). CUNY’s counsel and the Assistant Attorney General representing CUNY advised that the litigation is still pending.

Since 2016, news reports reveal that federal prosecutors conducted an investigation into the use of college funds to pay personal and other expenses of the president of the City College of New York (CCNY), Lisa S. Coico, who resigned unexpectedly last October. Ms. Coico was already under scrutiny regarding the improper use of federal research money and the accounting of her personal expenses from City College’s 21st Century Foundation. The investigation, which coincides with a state investigation into broader university practices, included a review of how the 21st Century Foundation covered some of Ms. Coico’s personal expenses when she took office in 2010 and then was reimbursed for more than \$150,000 by the RF CUNY. RF CUNY advises that CCNY’s interim president welcomes the efforts and, in February 2017, CUNY instituted new procedures for payments to faculty and staff beyond their regular salaries, from sources such as the Research Foundation. RF CUNY advised that it acts as fiscal agent for grant funds for the colleges of CUNY, of which CCNY is one. In response to an inquiry by the DOE, the U.S. Attorney’s Office for the Eastern District of New York advised that it could not comment on pending investigations.

As the litigation is pending and RF CUNY already has taken corrective actions in response to the ongoing federal investigations and in light of the vendor’s satisfactory or better performance on prior DOE work, the DOE determines the RF CUNY to be a responsible vendor.

Request for Authorization for Professional Development Services for Instructional Technology – R1077 (RA 17)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$130,000

Estimated Total Amount: \$650,000

Funding Source: Various Incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 8555

Vendor Name: Project Recess, Inc.

Vendor Address: 6856 Exeter St., Room 2, Forest Hills, N.Y. 11375

Awarded Components: 1, 3

Contract Manager: Winnie Bracco, Executive Director, iLearnNYC, Office of Innovation

Lead Contracting Officer: Celine Lewin-Azoulay, Senior Executive Director, iZone, Office of Innovation

Division of Contracts and Purchasing Contact: Daniel Morales, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Innovation (“OI”) to contract with the above-named vendor to provide Professional Development (“PD”) services in instructional technology for educators and administrators in grades Pre-K through 12. These services will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

To increase the integration of technology across the NY State Next Generation Learning Standards (“NGLS”) and help ensure that educators and their students are equipped with appropriate leading-edge technology and support, the DOE must acquire PD services for its teachers, leaders, coaches, and administrators. These services will focus on improving student performance, enhance and support instruction, and increase schools’ capacity to independently expand the instructional use of computer technology.

Awarded vendors provide PD services in instructional technology and assist with integrating computer technology into instructional programs so that educators and administrators can make appropriate use of computers and other technologies in classrooms. PD program delivery methods include presentations, lectures, workshops, and courses. Vendors who are awarded this contract must maintain practices aligned to the NGLS, including culturally responsive practices.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

Vendors proposed for one or more of the following three (3) components: 1) PD workshops that will increase teachers' and administrators' ability to make effective and appropriate use of computers, telecommunications, the Internet, and related technologies; 2) PD through curriculum enrichment services, through which organizations will develop model lessons and co-teaching archetypes in collaboration with school-based staff; and 3) PD through mentoring which organizations will provide one-on-one partnerships with classroom teachers. This PD can include a combination of services from Components 1 and 2, and one-on-one services such as observations, experiences, and studies for teaching improvement.

Proposals were evaluated by a minimum of three evaluators. The Evaluation Committee consisted of a Principal, Teacher, Senior Instructional Coaches, and Program Directors from OI. Proposals were scored based on: Program Plan (25 points), Organizational Capacity (25 points), Pricing (25 points), and Demonstrated Effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Twenty-eight vendors were recommended for contract awards under previous Requests for Authorizations, and one is recommended here.

Project Recess, Inc. offers professional development workshops through a combination of face-to-face and online modules, exploring topics that integrate technology into instructor practice to promote differentiation, engagement and self-directed learning. Project Recess will provide PD on specific technology resources that include, but not limited to, Google's G Suite for Education, digital student portfolios, tablet computers (iPads), interactive white boards (Smart Boards), and multimedia tools such as digital video, podcasting, animation, and photography. These resources create opportunities to meet the International Society for Technology in Education ("ISTE") standards for students, teachers and administrators which include creativity, critical thinking, collaboration and digital citizenship.

Project Recess, Inc.'s negotiated average hourly rate of \$150 has been determined to be fair and reasonable based on the comparison with hourly rates for similar services provided by vendors contracted under this solicitation.

The estimated annual contract amount for Project Recess, Inc. is based on previous expenditures under contract for similar services.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Professional Development for School Leaders and Teachers – R1179 (RA 16)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$60,000

Estimated Total Amount: \$300,000

Funding Source: Various incl. Tax Levy & Reimbursable Funds

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$180,000

Contract Type: Requirements

RA Number: 8585

Vendor Name: See Table A

Contract Manager: Verlene Davidson, Senior Analyst - Finance and Procurements, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: Daniel Morales, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Teaching and Learning (“DTL”) to contract with the below-named vendors to provide Professional Development (“PD”) for school leaders and teachers. These programs will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

PD for school leaders and teachers is necessary to support instructional strategies that are designed to increase students’ learning and academic success. These PD services include developing educators’ expertise in integrating process and content for academic counseling services, sustainable leadership, postsecondary readiness, and improved teaching practices. The awarded vendors will provide PD to school leadership and instructional staff across content areas, with an overall focus on improving the classroom environment for learning and leadership development, while providing best and culturally responsive practices to prepare students for the challenges of postsecondary education and work. Awarded vendors will also assist administrators in understanding the concepts of sustainable leadership, particularly in an environment where principals have discretion in decision making, and are accountable for student success.

Vendors proposed for one or more of the following five (5) focus areas: 1) Leadership Development, 2) Curriculum Development, 3) Postsecondary Readiness, 4) Conflict Resolution and Classroom Management, and 5) Data-Driven Decision-Making and Teacher Effectiveness.

Proposals were received by an Evaluation Committee consisting of former teachers and principals, literacy coaches, math coaches, program directors, or operations staff from DOE central offices. To ensure consistency, a training session was conducted for all committee members where they received an overview of the process and scoring rubric. Proposals were scored based on: Program Plan (25 points); Organizational Capacity (25 points); Pricing (25 points), and Demonstrated Effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

The Committee has recommended 53 vendors for award, of which 49 were named in prior Requests for Authorization (“RAs”) and two are named here. The remaining two are undergoing price negotiations and background checks, and will be named in future RAs.

Recommended vendors offer instructional programs and job-embedded PD, including teacher and leader effectiveness training. These services help schools improve classroom instruction through focused conversations and data-driven inquiry and decision making. Program delivery methods include à la carte service packages, workshops, and coaching.

The negotiated hourly rates range from \$233 for Tequipment, Inc. workshops focused on project-based learning to equip teachers with strategies and resources to improve instructional delivery, support learning styles, and foster the development of 21st century skills, to \$264 for National Training Institute on Race and Equity’s (“NTIRE”) workshops focused on understanding, identifying, and managing the content, skills, and behavior needed to create diverse social and professional communities that are inclusive and equitable. NTIRE uses evidenced-based approaches on difficult and sensitive topics to enhance interpersonal and intergroup relations.

Pricing for both vendors was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amount for Tequipment, Inc. is based on their previous expenditures under contract for similar services. The estimated annual contract amount for NTIRE is based on the minimum amount for new vendors for PD for School Leaders and Teachers requirements contracts of \$30,000,

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Table A –Estimated Contract Amounts for Recommended Vendors

Vendor Names & Addresses	Component(s)	Estimated Annual / Total Amount
National Training Institute on Race and Equity (NTIRE) 4840 Guilford Forest Dr. SW Atlanta, GA 30331	1	\$30,000 / \$150,000

Vendor Names & Addresses	Component(s)	Estimated Annual / Total Amount
Tequipment, Inc. 7 Norden Lane, Huntington Station, NY 11746	1, 2, & 5	\$30,000 / \$150,000

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Professional Development Services for Multiple Pathways and Career and Technical Education – R1261 (RA 3)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$30,000

Estimated Total Amount: \$150,000

Funding Source: Various incl. Tax Levy & Reimbursable Funds

Contract Retroactive? No

Contract Term: Five Years

Options: One - 3 Year

Options Amount: \$90,000

Contract Type: Requirements

RA Number: 7497

Vendor Name: DB Grant Associates, Inc.

Vendor Address: 39 Broadway, 31st Floor, New York, NY, 10006

Awarded Components: 2

Contract Manager: Tom Pendleton Executive Director, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano Deputy Chief Operation Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: Daniel Morales, Procurement Analyst, Instructional Services Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Postsecondary Readiness (“OPSR”) to contract with the above-named vendor to provide professional development services for Multiple Pathways and Career and Technical Education (“CTE”) programs focused on providing high quality support for schools serving the City’s most struggling high school students. These programs will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

The DOE seeks to implement new and innovative models and/or practices to enhance the quality of NYC’s CTE programs and enrich student learning in new and emerging fields, thus ensuring NYC students are better prepared to meet tomorrow’s postsecondary education and employment opportunities. Services are focused on DOE professionals, teachers, counselors, principals, and assistant principals. The Multiple Pathways component will support professional learning that will directly help teachers make the necessary adjustments in classroom practice that will lead to improved student outcomes, including meeting standards and postsecondary readiness. The CTE professional learning will also support teachers and classroom instruction as well as other CTE goals related to work-based learning, career exploration, engagement of employer partners, and related technical education goals.

Component 1 - Professional Development for Multiple Pathways; and/or,
Component 2 - Professional Development for Career and Technical Education

It is necessary to contract for these services because the DOE does not have sufficient capacity to implement the specific training workshops and programs required. MTAC was the preferred method of procurement because it satisfies the demand for leadership services while allowing end users to select from a menu of vendors based on the services required.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

Proposals were evaluated by a minimum of three evaluators. The evaluation committees included an administrative education officer, a senior educational research, evaluation and program planning specialist, and, a program associate. Proposals were scored based on program plan (25 points), organizational capacity (25 points), pricing (25 points), and demonstrated effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Eight proposals were received, of which six were recommended for contract awards. Of the six recommended, two were named in previous Requests for Authorization ("RA"), one is named here and the remaining five are undergoing price negotiations and background checks, and will be named in future RAs.

DB Grant Associates, Inc. offers workshops with tailored coaching and training to support Work Based Learning ("WBL") in order to prepare students for careers in the workforce. DB Grant Associates, Inc. includes internship development via the Industry Scholars Program, a web-based WBL toolkit, and Educator/Partner Career Exploration to strengthen participating educator's knowledge about career opportunities in various industries.

DB Grant Associates, Inc.'s negotiated hourly rate of \$150 was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amount for DB Grant Associates, Inc. is based on the minimum amount for new vendors for Professional Development Services for Multiple Pathways and CTE requirements contracts of \$30,000.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

DB Grant Associates, Inc.

A review of DB Grant Associates, Inc.'s (DB Grant) PASSPort submission revealed the following information:

- The New York City Department of Investigation (DOI) issued a report regarding the DB Grant's workforce contracts. The investigation began following a New York City Department of Small Business Services (SBS) audit and DOI concluded that between February 2011 and October 2011, DB Grant claimed credit for numerous false placements, claimed credit for past hires, made placements in violation of SBS rules on timing of placements and had duplicate and invalid placements. The investigation further revealed untimely data entry, weak validation procedures, inadequate training, and pressure to obtain placements as well as a number of remedial actions taken by DB Grant.
- On March 8, 2013, DB Grant entered into a monitoring agreement with the City of New York to further review the firm's contracts and to assure quality control moving forward. SBS requested, and DB Grant did not dispute, reimbursement of \$319,557 due to the findings, which has been paid. Additionally, DB Grant entered into a plan with SBS memorializing its improved protocols, controls, procedures, training and policies. Further, DB Grant was required to engage services of a DOI selected Integrity Monitor at the sole expense of DB Grant in order to monitor the actions, conduct and operations of DB Grant, the performance of audits and investigations as reasonable, and the training of DB Grant key employees. The Integrity Monitor reports that DB Grant has "shown a strong commitment to complying with laws and regulations."

The DOE is also aware of the following:

- On March 29, 2018, the Office of Inspector General at the Corporation for National & Community Service (OIG) issued an audit report on service grants awarded to the Mayor's Fund to Advance New York City (Mayor's Fund) between 2010 and 2015 finding that the Mayor's Fund awarded a sub grant to New Workforce Directions Inc. DBA Madison Strategies and allowed Madison to subcontract to DB Grant which was considered to be in violation of the regulations governing such awards. While DB Grant was not the subject of the audit, the Corporation for National & Community Service (CNCS) did not concur with the OIG's the findings. However, CNCS committed to working with the OIG to address its recommendations.

As DB Grant was not the subject of the audit and has demonstrated exceptional performance on prior DOE contracts, the DOE determines the vendor to be responsible.

Request for Authorization for Professional Development, Direct Student Services, Family Enrichment, and Fairs/Expos for Elementary, Middle, and High School Sciences and STEM Education - R1253 (RA 1)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$150,000

Estimated Total Amount: \$750,000

Funding Source: Various incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$450,000

Contract Type: Requirements

RA Number: 8557

Vendor Name: See List Below

Contract Manager: Jessica Kaplan, Deputy Executive Director, Office of Curriculum, Instruction & Professional Learning, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: Yesnuel Ramirez, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Teaching and Learning (“DTL”) to contract with the below-named vendors for professional development and direct student services for teaching elementary, middle, and high school sciences and Science, Technology, Engineering, and Math (“STEM”) education. All services will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

To prepare young people for postsecondary opportunities in science and STEM, and to equip them with the skills needed for 21st-century careers and the demands of global competition, the DOE must increase content understanding via professional development and direct student services in Life Sciences, Earth and Space Sciences, Physical Sciences, Computer Science, and Engineering at all grade levels.

Services will include developing and providing programs to strengthen science teaching, promoting and reinforcing science knowledge, and building schools’ capacity to support students pursuing careers in STEM fields. Students will be provided with opportunities to interact directly with the natural world, develop the skills they need to explain the world that surrounds them, practice problem-solving skills, develop positive science and engineering design attitudes, learn new science and engineering content, and increase their scientific and engineering literacy.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

There are currently 15 contracted vendors pursuant to a previous solicitation to provide professional development and direct student services for teaching elementary, middle, and high school sciences and STEM education; seven of these contracts will expire in fiscal year 2020. Under these contracts, vendors provided services to 128 schools and seven central and/or field offices, including the Office of Office of Post-Secondary Readiness, Office of English Language Learners, Bureau of Non-Public Schools and Office of Community Schools.

In response to the most recent solicitation, vendors proposed for one or more of the following focus areas: 1) Educator Professional Development and Capacity Building, 2) Direct Services to Students, 3) Family Engagement and Enrichment Services for Parent and School Community Groups, and 4) Coordination and Facilitation of Science and STEM Fairs/Expos and Student Competitions.

Proposals were evaluated by a minimum of three evaluators. The evaluation committee included a director of technology and engineering, director of science, and citywide science instructional specialists. Proposals were scored based on program plan (25 points), organizational capacity (25 points), pricing (25 points), and demonstrated effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Fifteen proposals were received, of which seven were recommended for contract awards. Of the seven recommended, three are named here and the remaining four are undergoing price negotiations and background checks and will be named in future RAs.

The recommended vendors offer instructional programs to both teachers and students to strengthen science teaching, promote and reinforce science knowledge, and build schools' capacity to support students pursuing careers in science and STEM fields. Depending on school grade levels, programs will employ a hands-on, inquiry-based, or engineer design process approach, and will emphasize either communicating thoughts, procedure knowledge, or investigation and research. Program delivery methods include hands-on activities, customized workshops, explorations, tours, and trips.

The negotiated rates range from \$183 for Wildlife Conservation Society's standards-based content, which engages students with hands-on learning programs closely aligned with national, State, and City education initiatives to \$233 for TEQ, Inc.'s workshops focused on the Universal Design for Learning (UDL) framework that supports growth in pedagogical practices, content knowledge and engagement techniques to enrich student outcomes.

All three vendors' pricing was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amount for Wildlife Conservation Society is based on their previous contract expenditures for similar services. The estimated annual contract amount for BioBus, Inc. and Tequipment, Inc. is based on the minimum amount for new vendors for Science PD, Direct Student Services and STEM requirements contract of \$30,000.

The MTAC process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Wildlife Conservation Society

A review of The Wildlife Conservation Society’s (Wildlife) PASSPort submission revealed the following agency-reported caution:

- From 2015 – 2016, Wildlife was found in violation of administrative and regulatory provisions by the New York City Fire Department (FDNY) and the United States Occupational Safety and Health Administration (OSHA). The vendor advised that both matters are closed.

The DOE is also aware of the following information:

- From 2017 – 2019, Wildlife was subject to two OSHA inspections. The vendor advised that one matter is closed and the other is still pending.

As the matters above have been resolved, or are pending and the vendor’s performance has been satisfactory or better on prior DOE contracts, the DOE determines the vendor to be responsible.

Table A – Estimated Contract Amount for Recommended Vendors

Vendor Names & Addresses	Component(s)	Estimated Annual / Total Amount
BioBus, Inc. 1361 Amsterdam Street New York, NY 10027	1,2	\$30,000/ \$150,000
TEQ, Inc. 7 Norden Lane Huntington Station, New York 11746	1	\$30,000/\$150,000
Wildlife Conservation Society 2300 Southern Blvd. Bronx, NY 10460	1,2	\$90,000/\$450,000

Request for Authorization for Social Studies Professional Development and Direct Student Services – R1255 (RA 1)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$90,000

Estimated Total Amount: \$450,000

Funding Source: Various incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$270,000

Contract Type: Requirements

RA Number: 8600

Vendor Name: Teaching Matters, Inc.

Vendor Address: 475 Riverside Drive Suite 1270, New York, N.Y., 10115

Awarded Component: 1

Contract Manager: Jessica Kaplan, Deputy Executive Director, Office of Curriculum, Instruction & Professional Learning, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Division of Teaching and Learning

Division of Contracts and Purchasing Contact: David Gonzalez, Procurement Analyst, Instructional Services Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Teaching and Learning (“DTL”) to contract with the above-named vendor for social studies professional development and direct services to students. These services will be provided at the discretion of participating schools, central offices operating on behalf of schools, or consortiums of schools.

Discussion

The Chancellor wants to ensure that all New York City schools work collaboratively with parents, educators, school communities, and external stakeholders to improve student achievement and that every child graduates from high school prepared for college or a career. Toward that end, efforts in social studies are focused on raising the level of content understanding (U.S. history, world history, geography, economics, civics/citizenship, and government), integrating national social studies standards, the Next Generation Learning Standards (“NGLMS”), the DOE’s Social Studies Scope and Sequence, and the New York State Social Studies Framework K-12, while ensuring student engagement, inquiry, and subject area literacy.

Vendors will provide professional development and direct student services in social studies to support the implementation of the DOE’s initiatives, engaging teachers and students in work that incorporates

social studies best practices, inquiry-based instruction, disciplinary literacy, and informed action around the topics of citizenship, leadership, and democracy.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

There are currently eight vendors contracted pursuant to a previous solicitation to provide social studies professional development and direct student services; five of these contracts will expire on June 30, 2020 – August 31, 2020. Under these contracts, vendors provided services to 143 schools and four central and/or field offices, including the Office of Curriculum and Instruction, Manhattan Borough Office, and District Offices 1 and 8.

In response to the most recent solicitation, vendors proposed for one or both of these focus areas: 1) Social Studies Professional Development and 2) Social Studies Direct Student Services.

Proposals were evaluated by a minimum of three evaluators. The evaluation committee included 11 social studies instructional specialists from the Division of Teaching Learning. Proposals were scored based on program plan (25 points), organizational capacity (25 points), pricing (25 points), and demonstrated effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Five proposals were received in the first batch, of which three were recommended for contract awards. Of the three recommended, one is named here, and the remaining two are undergoing price negotiations and background checks and will be named in future Requests for Authorization (“RAs”).

Teaching Matters (“TM”) offers middle grades civics professional development program, which uses technology, media, and role-playing exercises to increase students’ understanding of U.S. government and its impact on their daily lives. TM’s program includes planning session and one-on-one in-classroom support. The in-classroom visits include modeling instruction, co-teaching of lessons with the teacher and offering opportunities for reflection and feedback during debriefing sessions.

Teaching Matters’ pricing was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amount for Teaching Matters, Inc. is based on their previous contract expenditures for similar services.

The MTAC process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and to offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization for Student Support Services – R1151 (RA 22)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$60,000

Estimated Total Amount: \$300,000

Funding Source: Various incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$180,000

Contract Type: Requirements

RA Number: 8575

Vendor Name: See List Below

Contract Manager: Angie Guo, Senior Operations Manager, Office of Safety & Youth Development

Lead Contracting Officer: Robert J. Weiner, Chief Operating Officer, Office of Safety & Youth Development

Division of Contracts and Purchasing Contact: Bryan E. Hester, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Safety and Youth Development (“OSYD”) to contract with the below-named vendors to provide direct student support services and increase opportunities for educational enrichment. These programs will be provided at the discretion of each participating school or central office operating on behalf of a school or consortium of schools.

Discussion

Vendors proposed one or more of the following 19 components: 1) Leadership Development and Civic Engagement, 2) Individual Counseling, 3) Group Counseling, 4) Mentoring, 5) Recreation/sports, 6) College/post-secondary Planning, 7) Career Awareness and the World of Work, 8) Conflict Resolution/Peer Mediation, 9) Violence Prevention/student Safety, 10) Bullying Prevention, 11) Substance Abuse and Problem Gambling Prevention and Intervention, 12) Internet Safety, 13) School Attendance Improvement, 14) Family Support Services, 15) Tutoring/homework Assistance, 16) Study/test-taking Skills, 17) Academic Skills Enhancement, 18) Thematic Projects, and 19) Family Literacy. Services may take place on- or off-site during the school day, after-school, or on non-school days. Non-school days include weekends, summer break, and vacation breaks during the school year.

Proposals were distributed to an Evaluation Committee that included former Principals, Assistant Principals, Teachers, Guidance Counselors, Instructional Specialists, Operations Analysts, Grant Managers and Directors from OSYD, OPSR, OCS, the Office of School Wellness, and the Division of Family and Community Engagement. To ensure scoring consistency, a training session was

conducted for all committee members where they received an overview of the process and scoring rubric. Proposals were scored based on the following criteria: Program Plan (35 points); Organizational Capacity (20 points); Pricing (25 points); and, Demonstrated Effectiveness (20 points). Successful vendors were required to achieve a minimum score of 80 points.

Seventy-four vendors were recommended under previous Requests for Authorizations, and two are presented here.

A vendor can offer a single workshop for a component or offer an à la carte menu of services covering the 19 components listed above.

The negotiated hourly rates range from \$209 for Wheelchairs Against Guns’ workshops that promote positive decision-making and behaviors that reduce instances of violence while fostering a culture of inclusion and mutual respect, to \$229 for GoCampusing’s college access campus visit programs that enable participants to become more familiar with various aspects of life in a college environment.

Negotiations resulted in an average cost savings to the DOE of approximately 37 percent in program hourly rates. Pricing for all five vendors was determined to be fair and reasonable based on a comparison with hourly rates for like services by vendors contracted under similar solicitations.

The estimated annual contract amounts for both vendors are based on the estimated amount for new vendors with a student support services requirements contract of \$30,000.

The Multiple Task Award Contract process is the preferred procurement method as this process allows the DOE to award contracts for similar services to multiple vendors in order to meet the demand for such services and to offer a choice among vendors.

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Estimated Contract Amount for Recommended Vendors

Vendor Names & Addresses	Component(s)	Estimated Annual / Total Amount
GoCampusing, Inc. 6201 Northern Boulevard East Norwich, NY 11732	6	\$30,000 / \$150,000
Wheelchairs Against Guns, Inc. 320 Sterling Street, Apt. 5CE Brooklyn, NY 11225	8, 9	\$30,000 / \$150,000

Request for Authorization for Whole School Reform Services – R1150 (RA 8)

Procurement Method: Multiple Task Award Contract (MTAC) per DOE Procurement Policy and Procedures, Section 3-04

Estimated Highest Annual Amount: \$125,000

Estimated Total Amount: \$625,000

Funding Source: Various incl. Tax Levy & Reimbursable

Contract Retroactive? No

Contract Term: Five Years

Options: One – 3 Year

Options Amount: \$375,000

Contract Type: Requirements

RA Number: 8601

Vendor Name: The Big Picture Company

Vendor Address: 325 Public Street, Providence, RI 02905

Awarded Components: B, C

Contract Manager: Angel Crespo, Operations Manager, Office of School Improvement

Lead Contracting Officer: Melissa Torres, Director of Operations, Office of School Improvement

Division of Contracts and Purchasing Contact: Bryan E. Hester, Procurement Analyst, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of School Improvement and State/Federal Education Policy (“OSISFE”) to contract with The Big Picture Company for Whole School Reform (“WSR”) services. WSR services are necessary to support the New York State Education’s (“NYSED”) initiative to provide services in schools it has identified as in need of improvement (i.e., SINI, corrective action, restructuring, PLA, or SURR). These programs will be funded at the discretion of each participating school or central office operating on behalf of a school or consortium of schools.

Discussion

The awarded vendor will provide services to support central offices, borough field support centers, and school staff in the planning and development of comprehensive whole school restructuring and sustainability programs. The goal is for program designs to function as transitional plans that ultimately lead schools to continue reform efforts on their own. These WSR efforts, under the terms of the Elementary and Secondary Education Act (“ESEA”), will provide participating schools with professional assistance to either begin to restructure or continue to implement comprehensive reform already underway.

Vendors proposed for one or more of the following: Component A – Elementary School (Pre-k-Grade 5); Component B – Middle School (Grades 6-8); and Component C – High School (Grades 9-12).

Proposals were evaluated by a minimum of three members of an evaluation committee drawn from a pool of six evaluators that included a Director of School District Improvement Initiatives, a Director of School Improvement Implementations, an Operations Manager and a Director, both from the OSISFE, and an Instructional Achievement Coach. Proposals were scored based on the following criteria: Program Plan (25 points), Organizational Capacity (25 points), Pricing (25 points), and Demonstrated Effectiveness (25 points). Successful vendors were required to achieve a minimum score of 80 points.

Thirteen vendors were recommended under previous Requests for Authorizations, and one is recommended here.

The Big Picture Company offers school change services for middle and high schools that aim to create an environment of accountability and sustainability. Services focus on implementing personalized student learning plans that include robust curricula, engaging project-based learning activities, while concurrently evaluating and addressing staff skill competencies in various areas of school function to more effectively reach both short and long-term improvement goals for student achievement, school structure/culture, and increased community engagement. The Big Picture Company programs include assessments, workshops, design sessions, and additional online resources and student supports.

The negotiated average hourly pricing of \$304 for The Big Picture Company falls within the range of vendors contracted under previous solicitations for similar services. Pricing for The Big Picture Company has therefore been determined to be fair and reasonable.

The estimated annual contract amount for The Big Picture Company is based on their prior contract expenditures for similar services.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

The Multiple Task Award Contract process is the preferred procurement method as it allows the DOE to award contracts for similar services to multiple vendors in order to meet demand for such services and offer a choice among vendors.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

REQUEST FOR AUTHORIZATION TO CONTRACT WITH EXPANDED SCHOOLS, INC. TO LITERACY TUTORING FOR SELECT MIDDLE SCHOOLS

Procurement Method: Negotiated Services Contract per DOE Procurement Policy and Procedures, Section 3-08

Estimated Highest Annual Amount: \$2,285,000

Estimated Total Amount: \$2,285,000

Funding Source: Various incl. Tax Levy & City Council Funds

Contract Retroactive? Yes

Contract Term: 07/01/19 – 06/30/20

Options: Three – 1 Year Renewal Options

Options Amount: \$2,285,000

Contract Type: Full Value

RA Number: 6992

Vendor Name: ExpandedED Schools Inc.

Vendor Address: 1440 Broadway, 16th Floor New York, NY 10018

Contract Manager: Nadine Figaro, Associate Director of Grants, Division of Teaching and Learning

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer Office of the Chief Academic Officer

Division of Contracts and Purchasing Contact: Natasha Worthen, Procurement Analyst Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Curriculum Instruction and Professional Learning (“CIPL”) to contract with ExpandedED Schools, Inc. (“ExpandedED”) provide Middle School ExTra (MSExTra), an extended school day program under the Middle School Quality Initiative (“MSQI”) that offers 2.5 hours of daily instructional, academic, social, and personal development to middle school students at 24 high-needs middle schools.

Discussion

ExpandedED subcontracts with community-based organizations (“CBOs”) to provide MSExTra, an expanded learning day for sixth grade students in MSQI schools. During this expanded learning time, at-risk students receive one hour of intensive, individual literacy tutoring, project-based instruction, in addition to a wide variety of enrichment opportunities to which they would not otherwise have access. MSExTra has been expanded from 22 to 24 schools for the 2019-20 school year.

ExpandedED works with school principals to identify their priorities, interests, and vision to assemble a pool of high-quality, high-capacity, nonprofit CBOs as potential partners for the schools. Principals ultimately select their school’s partner organization from among these subcontractors. The DOE determines each vendor’s responsibility by reviewing VENDEX and internal records, while ExpandedED completes independent responsibility determinations. ExpandedED enters into formal grant agreements with participating CBOs, implementing budgets, scopes of work, and staffing plans, managing their performance, and analyzing program data.

A contract for these services is necessary to provide continuity of services under the MSQI Program.

A competitive sealed bid was not performed because the City Council specifically named this vendor for a discretionary allocation of \$1,550,000. The DOE provides an additional tax levy allocation of \$735,000.

ExpandedED will be required to submit an annual work plan and corresponding budget to ensure compliance with program requirements prior to any renewal. The work plan and budget will be subject to review and approval by the Division of Teaching and Learning. The DOE has sole discretion to renew this contract each year and renewal will be contingent on future City Council allocations. As such, renewal amounts may be larger than the base contract. Any increase in funding under a renewal will go only to the CBOs and not to ExpandedED’s administrative costs.

Funding for the proposed program is split between the DOE and the Department of Youth and Community Development (“DYCD”):

A	B	C	D	E
DOE Funding	DOE Funding	DOE Funding	Non-DOE Funding	Total Program Cost [C + D]
DOE Tax Levy	DOE City Council	DOE Total [A + B]	NYC DYCD	
\$735,000	\$1,550,000	\$2,285,000	\$519,200	\$2,804,200

The total annual program cost is set at \$2,804,200, with \$1,722,000 (61.4%) of this value distributed to CBOs providing direct services to students. Further, DOE tax levy funding accounts for \$735,000 (26.2%) of the annual budget.

The vendor’s cost of direct labor to administer the program comes to \$552,703 (19.7%), with unloaded hourly labor rates ranging from \$19.23 to \$59.63. These labor rates are within the range of hourly rates in the competitively negotiated MTAC R1151 for Student Support Services. The remainder of program’s budget is allocated to professional development, printed program materials, grant management, and the vendor’s remaining other than personal and indirect costs. Accordingly, pricing is determined to be fair and reasonable.

The Committee on Contracts approved this Negotiated Services (“NS”) contract on October 24, 2019 on the basis of Best Interest of the DOE.

This contract is retroactive because it is a City Council discretionary contract for Fiscal Year 2020, with a term beginning July 1, 2019 following a June 19, 2019 enacted budget.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Council on the Environment for the Garden to Café Program

Procurement Method: Negotiated Services Contract per DOE Procurement Policy and Procedures, Section 3-08

Estimated Highest Annual Amount: \$42,000

Estimated Total Amount: \$84,000

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 9/1/19 – 6/30/21

Options: None

Options Amount: None

Contract Type: Requirements

RA Number: 8549

Vendor Name: Council On The Environment Inc. D/B/A GrowNYC

Vendor Address: 100 Gold Street Suite 3300 New York, 10038-1617

Contract Manager: Janice Zapinsky, Deputy Director, Office of Food and Nutritional Services

Lead Contracting Officer: Lisa D'Amato, Director, Office of Food and Nutritional Services

Division of Contracts and Purchasing Contact: Fior Castellon, Procurement Analyst, Transportation, Food, and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Food and Nutrition Services (“OFNS”) to contract with Council on the Environment Inc., D/B/A GrowNYC through a negotiated services (“NS”) procurement to provide delivery of locally grown produce to NYCDOE schools participating in the Garden to Café (“GTC”) Program. Currently, 143 schools are participating in the GTC program, which is increasing to 168 schools.

Discussion

The DOE’s OFNS partnered with GrowNYC’s Grow to Learn, the New York State Department of Agriculture & Markets, and the NYC Department of Parks and Recreation’s Green Thumb Division to create the Garden to Café program which facilitates a connection between school gardens and seasonal harvests through educational events and activities. The GTC program exposes students, teachers, and parents to a learning environment on agricultural literacy, building awareness, and interest of the regional food system and OFNS local food initiatives.

GrowNYC is a nonprofit local food hub and distribution program which will act as the procurement agent to the OFNS to facilitate the acquisition and deliveries of locally grown produce. The vendor works directly with farms obtaining the best quality product and reasonable prices based on season and local availability. In conjunction with OFNS, the vendor will be responsible for organizing weekly events at schools during the school year. In addition, the vendor will manage price solicitation among various local suppliers and due to a dynamic market for local products, the vendor will provide OFNS with price lists three times a week.

This contract is retroactive due to administrative delays in finding a vendor who could service the increased number of schools, while also meeting the program requirement that all products be locally sourced.

The estimated not-to-exceed total amount of this 22-month negotiated service procurement is \$84,000 and will be funded by the OFNS. The price includes the purchase of local produce, delivery mark up to each school, and administrative costs associated with running the program. The DOE is releasing a Request for Bid for produce using a contract direct model to cover this service.

GrowNYC selects produce items after obtaining prices from various local farmers that submit a price list three times a week to the Garden to Café Director who is assigned by OFNS to make purchasing decisions. OFNS maintains pricing records and tracks changes which help in hedging against the volatility of produce prices. Furthermore, GrowNYC applies a 25% markup which is inclusive to the maximum amount per order of \$250 and is less than the 29% markup the DOE currently pays for produce under Food Distribution contracts (B2147/B2442). Accordingly, pricing for this service can be determined to be fair and reasonable.

No. of Schools Participating in GTC Program	Average No. of Events Per Week (42 Week Schoolyear)	Maximum Amount per Order	Estimated Annual Contract Value	Estimated Total Contract Value
168	4	\$250	\$42,000	\$84,000

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Direct Head Start Grantees to Provide Supplemental Resources

Procurement Method: Negotiated Services Contract per DOE Procurement Policy and Procedures, Section 3-08

Estimated Highest Annual Amount: \$797,267.37

Estimated Total Amount: \$797,267.37

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 10/01/2019-6/30/2020

Options: Two One-Year

Options Amount: TBD

Contract Type: Requirements

RA Number: 7457

Vendor Name: See List Below

Contract Manager: Amar Rajwani, Deputy Executive Director - Finance/Operations, Division of Early Childhood Education

Lead Contracting Officer: Lucas Koehler, Senior Executive Director - Finance/Operations, Division of Early Childhood Education

Division of Contracts and Purchasing Contact: Breanne Sutherland, Director, Early Childhood Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Early Childhood Education (“DECE”) to contract with Direct Head Start Grantees to provide supplemental resources for the implementation of training and technical assistance to program staff.

Discussion

In 1997, the New York State Education Department (“NYSED”) established the Universal Pre-kindergarten program (“UPK”), which entitles eligible four-year-olds to receive 2 hours and 30 minutes of instructional programming for 180 days at no charge to families. In March 2014, the State legislature approved a \$300 million grant to expand full-day pre-kindergarten access in New York City.

In April 2017, the 3-K for All (“3-K”) program was introduced and announced as part of Mayor de Blasio’s initiative to expand high-quality early childhood care and education for New York City (“NYC”) children ranging from birth to age five. Implementation of the 3-K program is targeted to provide three-year-olds with universal, free, and enhanced early childhood education within NYC’s five boroughs.

Over the last decade, New York City has invested in initiatives to support and advance the early care and education system, including EarlyLearn NYC at the ACS and Pre-K for All and 3-K for All at the

DOE. In July 2019, New York City transferred all contracted birth-to-five early care and education services from ACS to the DOE.

The DOE's goal is to support the delivery of high-quality Head Start services citywide by providing supplemental resources through this enhancement. All eligible programs meeting the criteria of being a federal Head Start grantee operating in NYC were contacted and invited to submit a proposal to collaborate with the DOE's DECE for this enhancement through negotiated service contracts. The initial deadline for submissions was March 20, 2020, but the DOE may honor submissions on an on-going basis. In order to be found eligible, grantees who met the following criteria were able to be considered for award:

- Provides center-based services
- Has strong record of health and safety and is in good standing with licensing and other regulatory and funding agencies at each site; and
- Operates programs located within New York City (centers operating outside NYC may not be funded through this opportunity).

After removing duplicates and non-responsive submissions, five responsive proposals were evaluated. Four are recommended for award here; the remaining one will be presented on a future request for authorization.

Contracts for these services are necessary because the DOE does not possess the personnel to perform them.

Funding will be based on a fixed rate of up to \$100 per staff member, plus costs for required background clearances. Programs with increased labor expenses to implement this initiative may request additional funding upon negotiation with the DOE. Further, as costs for background clearances are set by the DOE at \$135 per person, and labor costs are set by collective bargaining, the cost can be determined as fair and reasonable.

This contract is retroactive in order to cover increased labor costs in alignment with the ratified collective bargaining agreements that became effective on October 1, 2019.

The Committee on Contracts approved this request on April 7, 2020.

Vendor Legal Name	Clearance Costs	Training Costs	Increased Labor Costs	Total Contract Amount
Richmond Medical Center DBA Richmond University Medical Center	\$1,080.00	\$9,000.00	\$351,521.14	\$361,601.14
The Hudson Guild	\$0.00	\$3,100.00	\$57,839.45	\$60,939.85
Committee for Early Childhood Development Day Care Center	\$0.00	\$8,400.00	\$96,728.06	\$105,128.06
Police Athletic League Inc.	\$0.00	\$11,500.00	\$258,098.32	\$269,598.32

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Richmond Medical Center

A review of the New York City Mayor's Office of Criminal Justice's (MOCJ) responsibility determination (RD) revealed the following information:

- A November 2018 google news article revealed that Richmond University Medical Center (RUMC) was named as one of seven New York-area hospitals who erroneously billed sexually assaulted victims for services in violation of New York State law. The Office of the Attorney General of the State of New York (OAG) commenced an investigation into certain business practices of RUMC and concluded between January 12, 2016 and December 17, 2017, RUMC improperly billed 28 patients for services. As a result of the investigation, RUMC entered into a settlement agreement with the OAG and was required to modify its Sexual Assault Treatment Policy and Procedure, provide the OAG with a report detailing its compliance requirements set forth in the settlement agreement, pay restitution to all affected patients who paid for examination kits dating back six years prior to the effective date of the settlement agreement, hire an independent auditor and pay \$15,000 to the New York State Department of Law. The independent accountants' report indicated that RUMC paid restitution in full and adjusted the affected patient accounts to reflect a zero balance.
- A February 2016 news article reported that RUMC agreed to pay a one million dollar settlement in connection to the death of Eric Garner after the dispatched Emergency Medical Technicians (EMT) did not conduct the appropriate examination and failed to perform lifesaving procedures on Garner. The vendor advised that the two EMTs involved in the incident were restricted from their duties but were ultimately found to have committed no wrong doing and were reinstated in full after the New York State Department of Health (NYS DOH) completed its investigation. The vendor further advised that the settlement is confidential and was effectuated under the hospital's malpractice policy.
- The United States Department of Labor Occupational Safety and Health Administration (OSHA)'s Establishment database revealed an open complaint dated October 5, 2015 with a close conference date on January 5, 2016. The vendor responded to the inspection by implementing engineering, administrative and work practice controls to address workplace safety concerns.

The DOE is also aware of the following:

- An April 2014 news article reported that a former employee of RUMC filed a class action suit claiming he was exposed to asbestos after RUMC denied his requests to provide him with the appropriate protective gear. The vendor advised that they denied the allegations and indicated that the matter was dismissed.

In light of RUMC's corrective actions, and its satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.

The Hudson Guild

The Hudson Guild (Hudson Guild) PASSPort submission contains the following caution information:

- From 2013 to 2018, Hudson Guild was investigated by the United States Equal Employment Opportunity Commission (EEOC) and the United States National Labor Relations Board (NLRB). It also has an ongoing civil matter pending before the Supreme Court of New York State and the New York City Civil Court (NYC Civil Court).
 - On May 11, 2018, a parent filed a civil complaint against Hudson Guild in the Supreme Court of New York State alleging that failure to maintain the premises of PS 191 resulted in her middle school aged child being injured in the school gym. This matter is currently pending.

- On October 10, 2017, Hudson Guild was the subject of a NYC Civil Court complaint by an assistant teacher alleging wrongful termination based on religious discrimination and harassment. This matter is currently pending.
- On July 23, 2015, Hudson Guild was the subject of NLRB charges alleging unfair labor practices. In September 2015, the NLRB dismissed the charges.
- On July 9, 2015, Hudson Guild was subject of an EEOC petition related to a claim by a male teacher alleging gender discrimination. The EEOC Petition was dismissed on July 13, 2015. Subsequently, the individual filed a complaint with the Eastern District of New York and in April 2016, the matter was resolved by a settlement of \$18,500, with no admission of any wrongdoing by Hudson Guild.
- On January 16, 2013, Hudson Guild was the subject of an EEOC petition by a child care worker alleging retaliation by the vendor. In March 2015, the matter was resolved by a settlement of \$60,000, with no admission of any wrongdoing by Hudson Guild.

As these matters were resolved satisfactorily or are still pending, and in light of the vendor's satisfactory performance on prior DOE contracts, the vendor is determined to be responsible.

Police Athletic League, Inc.

A review of Police Athletic League Inc.'s (PAL) PASSPort submission revealed the following information:

- PAL received two poor evaluations from the New York City Department of Youth and Community Development (DYCD) for the evaluation period ending June 30, 2017 due to failure to meet the rate of participation (ROP) and fulfilling the scope of service for its SONYC and Compass program. As a result, the vendor was placed on a work improvement plan (WIP) and a corrective action plan (CAP). DYCD advised that the vendor's performance has improved and the vendor subsequently received satisfactory performance evaluations.
- PAL received an unsatisfactory from DYCD for the evaluation period ending August 31, 2016 pertaining to its School's Out NYC – Center Based Brooklyn program. DYCD advised that the unsatisfactory evaluation was due to the vendor's failure to meet the contract's benchmark rate of participation (ROP) and lateness in submitting required documentation. Subsequently, due to a continuing lower than expected ROP, DYCD placed PAL on a CAP, and advised that since the latest site visit, PAL has improved and was able to meet the enrollment benchmark. DYCD states that the vendor is currently meeting the programmatic and service quality standards.

Moreover, in the past three years, PASSPort otherwise reports 27 performance evaluations for PAL, of which 3 were excellent, 9 good, and 15 satisfactory.

As DYCD has advised that PAL currently is performing satisfactorily, the DOE determines the vendor to be responsible.

REQUEST FOR AUTHORIZATION TO CONTRACT WITH KRIPALU CENTER FOR YOGA AND HEALTH TO PROVIDE PROFESSIONAL DEVELOPMENT IN NEW YORK CITY

Procurement Method: Negotiated Services Contract per DOE Procurement Policy and Procedures, Section 3-08

Estimated Highest Annual Amount: \$57,075

Estimated Total Amount: \$57,075

Funding Source: Tax Levy – Office of the Brooklyn Borough President

Contract Retroactive? Yes

Contract Term: 06/23/19 – 06/28/19

Options: None **Options Amount:** None

Contract Type: Full Value

RA Number: 7189

Vendor Name: Kripalu Center for Yoga and Health

Vendor Address: P. O. Box 309 Stockbridge, MA 02162-0309

Contract Manager: Steven Strull, Director of Student Services Brooklyn North Borough Office

Lead Contracting Officer: Kebrina Carter, Executive Director, Division of the First Deputy Chancellor

Division of Contracts and Purchasing Contact: Natasha Worthen, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Brooklyn North Borough Office (“Brooklyn North”) to contract with Kripalu Center for Yoga and Health (“Kripalu”) to provide mindfulness training to Brooklyn North staff members.

Discussion

As part of the Brooklyn Borough President’s Office of Mindfulness Yoga Initiative, opportunities were provided for DOE Borough Offices to submit proposals for funding that would provide services in schools. Brooklyn North proposed a 200-hour Yoga and Mindfulness Teacher Preparation Program with the organizing construct of Mindful Behavior(ism).

Brooklyn North’s proposal accounted for the development and delivery of a curriculum with a vendor certified by the Yoga Alliance, training of 30-35 Brooklyn North staff members, as well as pre- and post-assessment to measure the impact of the program. Brooklyn North received three quotes from certified vendors and Kripalu was selected based on the more comprehensive program and the lower price for services. As part of the certification, participants were required to complete 32 hours of training with was conducted during a week-long residency at Kripalu in Stockbridge, MA, in July 2019.

The DOE solicited pricing from three vendors to provide lodging, meals and program rooms for yoga training. While Kripalu and one vendor proposed one all-inclusive price, the other proposed two all-inclusive prices for two different lodging options. For comparison purposes, the DOE calculated an

all-inclusive per diem rate based on 5 days/nights and the 31 teachers who participated in the training.

Kripalu proposed a total price of \$51,075, resulting in a per diem rate that ranges from 9.8% to 45.1% lower than the other two vendors. Moreover, Kripalu's program rooms are specially equipped with yoga supplies including mats, blocks, straps, blankets, and writing tablets. Additionally, the Office of the Brooklyn Borough President is funding \$50,850 or 99.6% of the cost and the remaining portion of \$225 will be covered by the DOE. Accordingly, pricing is determined to be fair and reasonable.

This contract is retroactive due to when DOE was notified of funding award, as well as administrative delays.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Amend EarlyLearn Contracts to Achieve Pay Parity for Early Childhood Educators

Procurement Method: Contract Amendment per DOE Procurement Policy and Procedures, Section 4-08

Estimated Highest Annual Amount: \$234,429.97

Estimated Total Amount: \$234,429.97

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 2/1/19 – 6/30/20 (Local 95); 10/1/2019-6/30/2020 (Local 205 & Non-Union)

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 8629

Vendor Name: See List Below

Contract Manager: Amar Rajwani, Deputy Executive Director - Finance/Operations, Division of Early Childhood Education

Lead Contracting Officer: Lucas Koehler, Senior Executive Director - Finance/Operations, Division of Early Childhood Education

Division of Contracts and Purchasing Contact: Breanne Sutherland, Director, Early Childhood Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Early Childhood Education (“DECE”) to amend the EarlyLearn contracts of vendors listed in the chart below for to achieve Pay Parity for Early Childhood Educators.

Discussion

On November 18, 2019, the City announced that new labor contracts were negotiated that increased compensation for members of District Council 37/1707 Local 205 and Local 95, as well as salary increases for certified teachers at non-unionized EarlyLearn, 3-K, and Pre-K programs. Certified teachers will see phased-in wage increases, with parity achieved in October 2021. Non-certified teachers and support staff will also see increases in compensation.

The program for pre-school age children is based upon the developmental needs and abilities which are designed to enhance the self-esteem and the physical, emotional, social, and intellectual development of the children entrusted in their care. The curriculum is to provide planned learning activities appropriate to children's age and development in emerging literacy, mathematics, science, social studies, the arts, technology, and processing skills.

These contracts are retroactive due to the timeline associated with identifying and processing the list of vendors' employees who qualified for the amendment. For non-unionized vendors or those with employees in Local 205, the retroactive amount goes back to October 1, 2019, the effective date of

the new salaries. For vendors with employees in Local 95, the updated collective bargaining agreement includes salary increases retroactive to February 1, 2019. Those amounts are included in these amendments.

The contract amendment for Fiscal Year 2020 will include an additional services provision, which requires the providers to, as of March 1, 2020: (1) comply with the 3-K for All and Pre-K for All Policy Handbook for New York City Early Education Centers (“Policy Handbook”), which may be updated, amended, or supplemented from time to time at the discretion of the Board; (2) train administrative and classroom-based staff on the Policy Handbook; and, (3) certify in writing to DOE that these trainings have been conducted no later than June 30, 2020.

Vendor Name	Union	Amendment Amount	Fringe	Total Amendment Amount
La Peninsula Community Organization, Inc.	Local 95	\$ 145,899.54	\$ 27,590.38	\$ 173,489.92
Marc Academy And Family Center Inc.	Local 95 & Local 205	\$ 54,086.10	\$ 6,853.95	\$ 60,940.05

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Amend a Contract with Paul H. Brookes Publishing Company, Inc.

Procurement Method: Contract Amendment per DOE Procurement Policy and Procedures, Section 4-08

Estimated Highest Annual Amount: \$1,582,925

Estimated Total Amount: \$1,582,925

Funding Source: Tax Levy, Reimbursable

Contract Retroactive? No

Contract Term: One Year

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 8573

Vendor Name: Paul H. Brookes Publishing Company, Inc.

Vendor Address: PO Box 10624, Baltimore, MD 21285

Contract Manager: Morayo Tracey Oyemade, Executive Director, Division of Enterprise Purchasing

Lead Contracting Officer: Kimberly De Vine, Director, Division of Enterprise Purchasing

Division of Contracts and Purchasing Contact: Dolly Figueroa, Procurement Analyst, Technology and Instructional Materials Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Enterprise Purchasing (“DEP”) to amend a contract with Paul H. Brookes Publishing Company, Inc. (“Paul H. Brookes”) to provide assessment materials to participating public and non-public schools.

Discussion

Paul H. Brookes publishes questionnaires, user guides, and assessment materials to assist teachers in completing developmental screenings to identify potential delays and language support needs in students.

The amendment is necessary to add additional items to the current contract. The estimated amount for this amendment is based on the anticipated volume for the remainder of the contract term, and results in a revised total greater than 10% of the base agreement.

Paul H. Brookes is the publisher and exclusive distributor of its materials, which cannot be purchased by open, competitive means. Accordingly, a competitive procurement is impractical and the DOE will utilize a listing application as its solicitation method.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Marc Academy & Family Center, Inc. to Provide Early Childhood Education Services

Procurement Method: Contract Amendment per DOE Procurement Policy and Procedures, Section 4-08

Estimated Highest Annual Amount: \$1,668,803.00

Estimated Total Amount: \$1,668,803.00

Funding Source: Mayoral Discretionary Funding

Contract Retroactive? Yes

Contract Term: 7/01/2019 - 6/30/2020

Options: None **Options Amount:** None

Contract Type: Full Value

RA Number: 8635

Vendor Name: Marc Academy & Family Center, Inc.

Vendor Address: 55 East 175th Street, Bronx 10453

District: 9

Contract Manager: Amar Rajwani, Deputy Executive Director - Finance/Operations, Division of Early Childhood Education

Lead Contracting Officer: Lucas Koehler, Senior Executive Director - Finance/Operations, Division of Early Childhood Education

Division of Contracts and Purchasing Contact: Breanne Sutherland, Director, Early Childhood Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education ("DOE") hereby requests authorization on behalf of the Division of Early Childhood Education ("DECE") to amend the EarlyLearn contract of Marc Academy & Family Center, Inc. for the Mayoral Discretionary Child Care Program to enhance Early Childhood Education and Child Care services.

Discussion

The Mayoral Administration adopted the expense budget for Fiscal Year 2020 with the Discretionary Child Care Program. This allocation supports childcare programs to enhance child and family services and adds 155 additional childcare slots for new enrollments. Mayoral Discretionary Funding will provide the funds needed to support a safe and nurturing environment that fosters children's total growth and development, as well as support families to meet their goals.

Discretionary funding can be used to provide additional supplies, field trips, instructional arts, and literacy programs (such as visiting musicians or visual artists to work with students). Additionally, the funding can be used to create additional staff positions, including but not limited to family workers, outreach staff, home visitors, or other instructional staff.

The program for the pre-school age children is based upon the developmental needs and abilities which are designed to enhance the self-esteem and the physical, emotional, social, and intellectual development of the children entrusted in their care. The curriculum is to provide planned learning

activities appropriate to children's age and development in emerging literacy, mathematics, science, social studies, the arts, technology, and processing skills.

The Mayoral Discretionary Child Care programs to be provided pursuant to EarlyLearn contract amendments via the Mayoral Discretionary Funding support:

- Early Childhood Education Childcare Services;
- Afterschool Care;
- Curriculum Workshops;
- Professional Development;
- Family Engagement; and,
- Community Involvement.

This contract is retroactive because it is a funding allocation for Fiscal Year 2020 with a term beginning July 1, 2019 following a June 19, 2019 enacted budget.

The contract amendment for Fiscal Year 2019-2020 will include an additional services provision, which requires the Providers to, as of March 1, 2020: (1) comply with the 3-K for All and Pre-K for All Policy Handbook for New York City Early Education Centers ("Policy Handbook"), which may be updated, amended, or supplemented from time to time at the discretion of the Board; (2) train administrative and classroom-based staff on the Policy Handbook; and, (3) certify in writing to DOE that these trainings have been conducted no later than June 30, 2020."

A competitive sealed bid was not done since this was a negotiation between the City Council and the Mayoral Administration to restore funding for the discretionary grants naming the vendor and allocating a specific amount to be paid for these services, previously funded through the City Council. The DOE has sole discretion to renew this contract each year and renewal will be contingent on future City Council Discretionary awards and negotiation with the Mayoral Administration.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Amend the Contract with New York City Parents of Lesbians and Gay Men, Inc. d/b/a PFLAG NYC to Provide the LGBTQ Inclusive Curriculum to Selected Schools

Procurement Method: Contract Amendment per DOE Procurement Policy and Procedures, Section 4-08

Estimated Highest Annual Amount: \$200,000

Estimated Total Amount: \$200,000

Funding Source: City Council Discretionary Funding

Contract Retroactive? Yes

Contract Term: July 1, 2019 – June 30, 2020

Options: One – 1-Year **Options Amount:** \$200,000

Contract Type: Full Value

RA Number: 7527

Vendor Name: New York City Parents of Lesbians and Gay Men, Inc. d/b/a PFLAG NYC

Vendor Address: 130 East 25th Street, Suite M1, New York, NY 10010

Contract Manager: Angie Guo, Senior Operations Manager, Office of Safety and Youth Development

Lead Contracting Officer: Robert J. Weiner, Chief Operating Officer, Office of Safety and Youth Development

Division of Contracts and Purchasing Contact: Kate Park, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Safety and Youth Development to amend the contract with the New York City Parents of Lesbians and Gay Men, Inc. d/b/a PFLAG NYC (“PFLAG NYC”) to provide additional student presentations and professional development to DOE schools.

Discussion

PFLAG NYC’s Safe Schools Program will deliver educational presentations to students and DOE personnel in schools citywide as part of the LGBTQ Inclusive Curriculum Initiative. These presentations will increase knowledge and understanding of LGBTQ topics; raise awareness of issues facing LGBTQ youth; and disseminate information about LGBTQ-related support services, material, and resources. Presentations are delivered by teams comprised of community speakers trained in providing education on LGBTQ issues and the use of storytelling as an educational tool.

PFLAG NYC’s goals are as follows:

- Increase understanding and awareness of important concepts pertaining to LGBTQ youth among DOE students and school personnel;

- Contribute to Respect for All education by equipping students to understand LGBTQ peers and to develop skills to help create a safe space for all students in the classroom and school;
- Increase competency and build skillset of DOE personnel to respond effectively to support LGBTQ youth and families;
- Build awareness of school and community resources available for LGBTQ youth, parents, and families;
- Foster the development of school environments with supportive climate and wide-reaching understanding for issues and challenges related to coming out and to sexual orientation, gender identity, and/or gender expression; and,
- Support schools in the creation and maintenance of Gender & Sexuality Alliances.

This contract is retroactive because it is a New York City Council discretionary contract for Fiscal Year 2020, with a term beginning July 1, 2019 following a June 19, 2019 enacted budget.

A competitive sealed bid was not done for this procurement and a contract for these services is necessary because this was a City Council discretionary grant naming the vendor, PFLAG NYC, and allocating a specific amount to be paid for these services.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Extend a Contract with The Urban Assembly for the Strong Schools and Strong Communities Structure as Affinity Group Organizations

Procurement Method: Contract Extension per DOE Procurement Policy and Procedures, Section 4-07(b)

Estimated Highest Annual Amount: \$1,429,496

Estimated Total Amount: \$1,429,496

Funding Source: Various incl. Tax Levy & Reimbursable Funds

Contract Retroactive? No

Contract Term: 7/1/20 – 6/30/21

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 7523

Vendor Name: The Urban Assembly

Vendor Address: 90 Broad Street, Suite 2101 New York, NY 10004

Contract Manager: Rosanna Castro, Support Services Liaison, Affinity NYCDOE Citywide Office

Lead Contracting Officer: Carolyne Quintana, Executive Director, NYCDOE Affinity Schools Citywide Office

Division of Contracts and Purchasing Contact: Hany Amin Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of the First Deputy Chancellor (“OFDC”) to extend the contract with the Urban Assembly (“UA”) for an additional one-year for services that support the DOE’s new Strong Schools and Strong Communities structure as an Affinity Group Organization (“AGO”) partner.

Discussion

As an AGO, UA provides building capacity and develops school-based staff to engage in problem solving. UA’s support services include the following:

- Academic Policy and Systems – training and support; programming, and promotion.
- Attendance – investigations; partnerships; outreach, and intervention.
- English Language Learners (“ELL”) – assessment; BESIS; comprehensive education plan; new ELL student’s intake; parent communication; new school support, programming, and scheduling.
- Instruction – assessment and data; curriculum, and structured professional collaboration.
- Special Education – essential programs; compliance updates, and building capacity around Individualized Education Programs.
- Youth Development – guidance counselor and social worker professional development and support; prevention; intervention, and school partnerships.

- Additional Services – college and career readiness; research and evaluation, and social-emotional learning.

The Affinity Schools Citywide Office worked with the Division of Contracts and Purchasing to Release a new RFP (R1260) that expands services beyond the current scope of work and partners. The complexity of the RFP has necessarily required the involvement and expertise of offices representing new schools, instructional technology, budget, and pricing, to name a few. RFP (R1260) was recently released, however, award recommendation will not be made in time for a proper school engagement process to occur.

OFDC has confirmed that UA has provided satisfactory services under the subject contract. In addition, approximately 21 schools have opted to employ their continued support with UA.

It is necessary to contract for these services because the DOE does not possess the capacity of expertise necessary to meet the objectives of this program.

The Committee on Contracts approved the request to extend the contract with UA on April 7, 2020.

The estimated one-year contract extension amount is based on the Fiscal Year 2019 expenditure for this AGO.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Extend a Contract with SDI Inc., to Provide Custodial Supplies – B1192

Procurement Method: Contract Extension per DOE Procurement Policy and Procedures, Section 4-07(b)

Estimated Highest Annual Amount: \$40,844,622

Estimated Total Amount: \$40,844,622

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: One Year

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 7520

Vendor Name: SDI Inc

Vendor Address: 1414 Radcliff Street, Bristol, PA 19007

Awarded Classes: One Citywide Aggregate Class

Contract Manager: Salvatore Calderone, Director of Field Operations, Division of School Facilities

Lead Contracting Officer: Stephen Valente, Director of Contracts & Technical Services, Division of School Facilities

Division of Contracts and Purchasing Contact: Kelvyn Rodriguez, Procurement Analyst, Transportation, Food and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of School Facilities (“DSF”) to extend a contract with SDI, Inc. (“SDI”) to furnish and provide services, and inside delivery of custodial supplies for DOE facilities. This contract will be funded by DSF.

Discussion

DSF contracted with SDI for the purchase and delivery of custodial supplies. The seven-year contract was approved in May 2010 Panel for Educational Policy meeting. The contract was extended once pursuant to section 4-07(a) of the DOE’s Procurement Policy and Procedures (“PPP”), for a term of six months. The contract was then extended five more times for three additional six-month periods, and twice for one year under section 4-07(b) of the PPP. The most recent extension will expire on June 30, 2020.

All renewals and extensions provided for in the original contract have been exhausted. Therefore, this extension is necessary to prevent a gap in service while the DOE conducts a replacement procurement. During the 2017 - 2018 extension period, the DOE attempted to ride the New York State Office of General Services (“OGS”) custodial supply contract. For that solicitation, the DOE received several bids from OGS vendors and while reviewing the items, the DOE noticed that the items were not up to DOE standards and was not awarded. During the 2018 - 2019 extension period, the DOE restructured and released a replacement solicitation and due to a lack of competition was

not awarded. During the 2019 - 2020 extension period, the DOE will once again restructure and released a replacement solicitation. The new solicitation is currently being prepared, and is expected to be released by April 2020, and is expected to be awarded and registered by the beginning of 2021.

Under the original Request for Bids, bidders' were required to submit unit pricing for 300 high-usage items ("Subclass A") and a discount-off the remaining catalog items from the latest distributor catalog(s) and price lists ("Subclass B"). The estimates for each were weighted, with Subclasses A and B representing 70% and 30% of the total expenditures, respectively. To evaluate the best pricing for Subclass B, bidders' discounts were applied to 100 randomly selected generic items in 16 categories to create a market basket of items selected by DSF.

The original contract provides that pricing for high-usage items is adjusted annually based on the Producer Price Index-All Commodities (WPU00000000). The pricing for other-than-high usage items is based on cost plus a 17% markup and will remain so through the extension period.

In July 2019, the adjustment derived from the index was -0.54%, primarily reflecting a decline in the price of crude oil, and the resulting price reductions took effect on July 1, 2019, producing a savings to the DOE of more than \$130,000. For this extension, however, SDI requested an across-the-board increase to prices given that supplier prices had actually increased. Taking into consideration the industry of supply chain integration that SDI operates, the All Commodities Producer Price Index (ACPPI) may not be a fair barometer in gauging the costs for this specific contract which originated in 2010. The Bureau of Labor Statistics has advised that one of the limitations of the ACPPI is that it does not reflect the price changes in the raw materials required to produce the final products that the DOE purchases from SDI. Therefore, a different index, the Final Demand PPI, which reflects the demand for final products, often is a better indicator of the influences that impact the prices for final products. During the same time period (Jun '18 - Dec '19) during which the ACPPI reflected a -2.45% decrease, the FDPPI reflected a 1.46% increase.

Furthermore, during the past year there has been a sharp appreciation of the United States Dollar against the Chinese Yuan slowing down United States domestic production, which in turn resulted in an increase in imports. This increased dependence on imported goods from China, coupled with newly imposed tariffs have in combination fed the increase in unit prices.

In the face of SDI's initial request for an across-the-board price increase, the DOE negotiated to limit relief to only 26 line items where SDI demonstrated the greatest need for an increase, resulting in a total increase of \$566,822.19, and representing a decrease of 83% from SDI's original price proposal. Prices of all high-usage items other than the 26 will remain subject to the ACPPI as prescribed by the original contract. Further, the pricing of catalogue items remains unchanged. When compared to the total contract spend for catalogue and non-catalogue for FY19, the increase is only 1.5% of that amount.

SDI's industry is uniquely sensitive to the evolving economic landscape and current circumstances demonstrate the basis for a price increase. Moreover, negotiations led to a significant reduction from the original price increase requested by SDI and the increases accepted by the DOE were supported by the data provided by the vendor, as well as information received from other sources. Accordingly, pricing has been determined to be fair and reasonable.

The Committee on Contracts approved this contract extension with SDI on April of 2020.

SDI has provided satisfactory service under its contract and DSF anticipates the vendor will continue to provide satisfactory services under the proposed contract extension.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

SDI, Inc.

In June 2014, the New York City Office of the Comptroller (NYCCO) issued an audit report on the New York City Department of Education (DOE)'s custodial supply management with SDI Inc. (SDI) in order to determine the adequacy of the DOE's controls of the award and monitoring of SDI's contract for the period of July 1, 2010 through June 30, 2013. The audit reported that the DOE failed to: conduct a fully competitive procurement, perform an adequate price analysis, properly manage the contract and monitor the vendor's performance.

Recommendations included that the DOE should: retain procurement documentation, perform market price analysis, adequately monitor vendor contract compliance, seek price reductions during the contract term, develop mechanisms for reviewing purchase and price data for custodial supplies, implement a complaint system for custodians and improve communication with custodians.

While DOE officials agreed to implement the recommendations cited in the report, the DOE asserted that it was already in compliance with a number of them and noted that implementation of those recommendations would supplement the monitoring procedures that were already in place and functioning quite satisfactorily. Moreover, in its response, the DOE objected to certain findings and asserted that the contract with SDI has resulted in substantial cost savings while addressing the significant control deficiencies inherent in the open market approach to custodial supply purchasing that formerly had been the practice.

Further, the DOE contended that the facts made it clear that it engaged in an effective bid solicitation that supported a competitive procurement process through which advantageous pricing was secured and the Comptroller's conclusions to the contrary were wrong. Specifically, SDI's pricing for high usage items was 13 percent lower than that of its prior contract, which was also competitively let, and was 4 to 29 percent lower than that of the other proposers, who, while non-responsive, offered sufficient pricing information to allow for a comparison.

Contrary to the audit's assertions, the DOE believed it demonstrated that contract oversight was not lax in any respect and was confident that through consistent and ongoing contract monitoring, SDI had provided, and continued to provide, products at costs that are advantageous to the DOE. Accordingly, the vendor is determined to be responsible.

REQUEST FOR AUTHORIZATION TO EXTEND THE CONTRACT WITH UNITED WAY OF
NEW YORK CITY, INC. TO SUPPORT ATTENDANCE IMPROVEMENT AND DROPOUT
PREVENTION – R0944

Procurement Method: Contract Extension per DOE Procurement Policy and Procedures, Section 4-07(b)

Estimated Highest Annual Amount: \$18,280,448

Estimated Total Amount: \$36,560,896

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 7/1/2019 – 6/30/21

Options: None **Options Amount:** None

Contract Type: Full Value

RA Number: 7241

Vendor Name: United Way of New York City

Vendor Address: 2 Park Avenue, New York, NY 10016

Contract Manager: Catherine Lee, Deputy Executive Director, Finance & Operations, Office of Community Schools

Lead Contracting Officer: Christopher Caruso, Senior Executive Director, Office of Community Schools

Division of Contracts and Purchasing Contact: Denesia Stroom-Blair, Director, Funded & Special Services Procurement, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Community Schools (“OCS”) to extend a contract with United Way of New York City, Inc. (“UWNYC”) to allow for the Attendance and Improvement Dropout Prevention (“AIDP”) programs and services in Community Schools. These services are delivered by Community Based Organizations (“CBO”) subcontracted by UWNYC.

Discussion

The DOE has historically recognized CBOs as key partners in the effort to deliver the highest quality AIDP programs and services. Since 1990, about \$14.6 million has been set aside annually to maximize local CBO engagement in schools with high-needs populations through a contract in which these CBOs are subcontracted and managed by an external entity. UWNYC currently collaborates with OCS to solicit, select, replace, monitor, manage, pay, evaluate, and provide technical assistance to CBOs. UWNYC also advises CBOs about service changes, identifies common reasons students are missing school and ways to address the underlying issues, encourages CBOs to try innovative strategies to bolster attendance, and provides reports on CBOs’ performance.

The original contract provided for a term of four years at a cost of \$13,050,000 per year and additional funding in the amount \$4,154,508 per year was added in Fiscal Year (“FY”) 2016 to support mental health services and expanded learning supports through CBOs already subcontracted by UWNYC as lead agencies in the 45 Community Schools. Subsequently, the contract was amended in

October 2016, to cover services provided as part of the Summer in the City program during the summers of 2016 and 2017. The contract was further amended in February 2017, and then again in 2019, to cover the consolidation of sites that were classified as Renewal Schools into non-renewal schools and fund Adult Literacy services, respectively.

The CBOs deliver personalized services directly to students ranging from grades K to 12 through activities that meet the needs of whole school, targeted students and high need students. Each CBO staffs a Resource Coordinator to facilitate the delivery of services. UWNYP subcontracts Children's Aid Society to provide technical assistance and professional development for CBOs, Resource Coordinators, principals and school staff.

A two-year extension is requested to ensure continuity of services as it is critical that services be provided until competitively awarded contracts are put in place.

This contract is retroactive because the procurement for the replacement of these contracts was placed on hold while the DOE considered options for the scope of work for a competitive solicitation to replace the expiring contracts. This review is now complete, and the DOE anticipates issuance of the solicitation in the Spring of 2020, with the objective of making competitively determined awards for new contracts effective when the proposed contract extensions expire in June 2021.

The total annual AIDP program cost is set at \$18,280,448, with \$17,337,253 (94.8%) of this value distributed to CBOs providing direct services to students. UWNYP's annual management fee remains fixed at the same price of \$943,195 charged throughout the term of the contract.

Accordingly, pricing is determined to be fair and reasonable.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

United Way of New York City

A review of United Way of New York City (UWNYP) PASSPort submission revealed the following caution:

- In 2017, UWNYP was investigated by the New York State Department of Labor (NYSDOL) regarding allegations of unpaid overtime wages. The vendor paid a total \$5,549.21 unpaid wages and the matter is closed.

Additionally, PASSPort revealed the following information from the Department of Youth and Community Development's (DYCD) responsibility determination (RD):

- In 2013 United Way of New York City (UWNYP) was investigated by the Department of Investigation (DOI) regarding its administration of the Combined Municipal Campaign (CMC) program. DOI audited the program which is overseen by DCAS and concluded that UWNYP's management and tracking of the contributions were impaired by unclear procedures resulting in a failure to distribute funds appropriately. UWNYP worked with DCAS and DOI to appropriately distribute the funds and transfer the operation of the program to another entity. DOI confirmed that the case is closed as unsubstantiated in that no wrongdoing was uncovered on the part of UWNYP.

In light of the resolution of the matters above and the vendor's overall satisfactory performance of prior DOE work, the vendor is determined to be responsible.

Request for Authorization to Extend a Contract with SDI Inc., to Provide Mechanics Materials – B0253

Procurement Method: Contract Extension per DOE Procurement Policy and Procedures, Section 4-07(b)

Estimated Highest Annual Amount: \$21,527,125

Estimated Total Amount: \$21,527,125

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: One Year

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 7521

Vendor Name: SDI Inc

Vendor Address: 1414 Radcliff Street, Bristol, PA 19007

Awarded Classes: One Citywide Aggregate Class

Contract Manager: Ken Mahadeo, Director of Maintenance, Division of School Facilities

Lead Contracting Officer: Stephen Valente, Director of Contracts & Technical Services, Division of School Facilities

Division of Contracts and Purchasing Contact: Kelvyn Rodriguez, Procurement Analyst, Transportation, Food and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of School Facilities (“DSF”) to extend a contract with SDI, Inc. (“SDI”) to furnish and provide on-site and inside delivery of maintenance materials for DOE facilities.

Discussion

DSF contracted with SDI for the purchase and delivery of materials via a warehouse management contract. The seven-year contract was approved in December 2008, prior to the creation of the Panel for Educational Policy. The contract was extended twice pursuant to section 4-07(a) of the DOE’s Procurement Policy and Procedures (“PPP”). These extensions were for a term of six months each. The contract was then extended twice more for two additional six-month periods, and twice for one year under section 4-07(b) of the PPP. The most recent extension will expire on June 30, 2020.

All renewals and extensions provided for in the original contract have been exhausted. Therefore, this extension is necessary to prevent a gap in service while the DOE conducts a replacement procurement. During the previous extension period, the DOE significantly restructured and released a replacement solicitation. While that solicitation is currently available for vendors to download from our website, it was determined that additional restructuring was required, and is expected to be awarded and registered by the end of 2020.

Under the terms of this contract, SDI must deliver materials citywide to DOE buildings within five days of receiving an order. DOE staff uses these materials to conduct repairs in school buildings and administrative offices.

The Committee on Contracts approved this contract extension with SDI on April of 2020.

The original contract provides that pricing for high-usage items is adjusted annually based on the Producer Price Index-All Commodities (WPU00000000). Pricing for other-than-high usage items is based on cost plus a 35% markup and will remain so through the extension period.

In January 2020, the adjustment derived from the index was -1.88%, primarily reflecting a decline in the price of crude oil, and the resulting price reductions took effect on January 1, 2020, producing a savings to the DOE of roughly \$170,000. For this extension, however, SDI requested an across-the-board increase to prices given that supplier prices had actually increased. Taking into consideration the industry of supply chain integration that SDI operates, the All Commodities Producer Price Index (ACPPI) may not be a fair barometer in gauging the costs for this specific contract which originated in 2008. The Bureau of Labor Statistics has advised that one of the limitations of the ACPPI is that it does not reflect the price changes in the raw materials required to produce the final products that the DOE purchases from SDI. Therefore, a different index, the Final Demand PPI, which reflects the demand for final products, often is a better indicator of the influences that impact the prices for final products. During the same time period (Jun '18 - Dec '19) during which the ACPPI reflected a -2.45% decrease, the FDPPI reflected a 1.46% increase.

Furthermore, during the past year there has been a sharp appreciation of the United States Dollar against the Chinese Yuan slowing down United States domestic production, which in turn resulted in an increase in imports. This increased dependence on imported goods from China, coupled with newly imposed tariffs have in combination fed the increase in unit prices.

In the face of SDI's initial request for an across-the-board price increase for each of the 21,669 line items, the DOE negotiated increases to only 648 items where SDI has demonstrated the greatest need for an increase amounting to a total increase of \$709,327.63 and representing a decrease of 59% from SDI's original price proposal. In addition, SDI is required to maintain warehouses and a trucking fleet in order to service this contract. Prices of all high-usage items other than the 648 will remain subject to the ACPPI as prescribed by the original contract. Further, the pricing of catalogue items remains unchanged. When compared to the total contract spend for catalogue and non-catalogue for FY19, the increase is only 3.72% of that amount.

SDI's industry is uniquely sensitive to the evolving economic landscape and current circumstances demonstrate the basis for a price increase. Moreover, negotiations led to a significant reduction from the original price increase requested by SDI and the increases accepted by the DOE were supported by the data provided by the vendor, as well as information received from other sources. Accordingly, pricing has been determined to be fair and reasonable.

SDI has provided satisfactory service under its previous and current contracts and DSF anticipates the vendor will continue to provide satisfactory services under the proposed extension.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

SDI, Inc.

In June 2014, the New York City Office of the Comptroller (NYCCO) issued an audit report on the New York City Department of Education (DOE)'s custodial supply management with SDI Inc. (SDI) in order to determine the adequacy of the DOE's controls of the award and monitoring of SDI's contract for the period of July 1, 2010 through June 30, 2013. The audit reported that the DOE failed to: conduct a fully competitive procurement, perform an adequate price analysis, properly manage the contract and monitor the vendor's performance.

Recommendations included that the DOE should: retain procurement documentation, perform market price analysis, adequately monitor vendor contract compliance, seek price reductions during the contract term, develop mechanisms for reviewing purchase and price data for custodial supplies, implement a complaint system for custodians and improve communication with custodians.

While DOE officials agreed to implement the recommendations cited in the report, the DOE asserted that it was already in compliance with a number of them and noted that implementation of those recommendations would supplement the monitoring procedures that were already in place and functioning quite satisfactorily. Moreover, in its response, the DOE objected to certain findings and asserted that the contract with SDI has resulted in substantial cost savings while addressing the significant control deficiencies inherent in the open market approach to custodial supply purchasing that formerly had been the practice.

Further, the DOE contended that the facts made it clear that it engaged in an effective bid solicitation that supported a competitive procurement process through which advantageous pricing was secured and the Comptroller's conclusions to the contrary were wrong. Specifically, SDI's pricing for high usage items was 13 percent lower than that of its prior contract, which was also competitively let, and was 4 to 29 percent lower than that of the other proposers, who, while non-responsive, offered sufficient pricing information to allow for a comparison.

Contrary to the audit's assertions, the DOE believed it demonstrated that contract oversight was not lax in any respect and was confident that through consistent and ongoing contract monitoring, SDI had provided, and continued to provide, products at costs that are advantageous to the DOE. Accordingly, the vendor is determined to be responsible.

Request for Authorization for an Emergency Contract with Accenture, LLP to Provide COVID-19-related Management Consulting Services

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: Up to \$1,200,000

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/20/2020 – 5/14/2020

Options: Two, 3-Week Periods

Options Amount: Up to \$450,000

Contract Type: Requirements

RA Number: 8662

Vendor Name: Accenture, LLP

Vendor Address: 161 N. Clark Street, Chicago, ILL 60601

Contract Manager: Taylor Ibos, Special Project Manager, Office of the Chief Operating Officer

Lead Contracting Officer: Taylor Ibos, Special Project Manager, Office of the Chief Operating Officer

Division of Contracts and Purchasing Contact: Joy Gentolia, Director, Instructional Service Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on to enter into an emergency contract with Accenture, LLP (“Accenture”) in accordance with the DOE Procurement Policy and Procedures, section 3-09, to provide management consulting services related to COVID-19.

Discussion

Given the need for immediate assistance with long-term and short-term project management needs in response to the COVID-19 public health crisis, pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, Chancellor Richard A. Carranza issued a Declaration that the immediate implementation of a contract with Accenture, LLP for implementation of a necessary service to ensure the health, safety, and general welfare of Department students.

Accordingly, the Senior Executive Director of the Division of Contracts and Purchasing declared an emergency procurement to enter into a management consulting contract with Accenture.

Accenture was previously awarded a contract for management services in response to Request for Proposals (“RFP”) R1236 for On-Call Management Consulting services. The contract has been fully executed, but is pending registration by the Comptroller of the City of New York.

Given their capacity, expertise, and ability to perform the required work in the needed timeframe, and begin work immediately, Accenture was determined the best suited provider for the critically needed emergency service.

The pricing rates for the emergency contract are consistent with those approved previously for Accenture's R1236 contract, and on that basis, pricing has been determined to be fair and reasonable.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Accenture LLP

Accenture LLP (Accenture) and subsidiaries, Avanade Inc. (Avanade) and Accenture Federal Services (AFS) collectively self-reported the following cautions in PASSPort:

- In March 2016, the United States Postal Service (USPS) investigated an entity that was acquired by AFS, which focused on the conduct of one of the entity's managerial employees. On March 7, 2016, the agency issued a letter advising that the managerial employee was suspended and proposed for debarment by the federal government. The employee was placed on administrative leave and resigned on May 27, 2016. Accenture advised that the individual is not an employee of AFS and AFS was not suspended or debarred by the federal government.
- In January 2016, the New York State Department of Health requested documents from Accenture connected to its All-Payer Database contract. Accenture advised that the investigation was closed in April 2016, and is unaware of any further actions taken by the agency.
- In November 2012, a qui tam lawsuit was filed under sealed in the U.S District Court for the Western District of Washington against subsidiary Avanade by a private relator. The U.S Department of Justice (DOJ) issued Civil Investigative Demands for documents regarding a software asset that was acquired and licensed to federal government agencies. DOJ reviewed the documents produced and ultimately decided not to intervene in the lawsuit. Accenture advised that the parties settled the litigation without admission of liability by any of the parties. The government and the court approved the settlement and the case has been dismissed.

Additionally, the following information was also revealed in PASSPort for prime vendor Accenture:

- In 2011, Wellogix was awarded \$94.4 million (later reduced to \$44 million) in a lawsuit against Accenture alleging trade secret infringement. The suit was affirmed in early 2014 on appeal.
- In September 2011, Accenture agreed to pay the United States over \$63 million to resolve a whistleblower suit. The investigation alleged that Accenture received kickbacks for recommending hardware and software to the U.S. government. This prompted the New York City Department of Investigation (DOI) to conduct a review to determine whether Accenture may have engaged in similar conduct on its city contracts, specifically, alliance agreements with other IT vendors. It was determined that Accenture had received \$607,598 in such compensation under two contracts with DOITT from 2002 to 2004. In 2012, while Accenture asserted that the payments were proper, it agreed to reimburse the City the entire amount.

The DOE is aware of the following information reported in news media for Accenture and subsidiaries, Avanade and AFS:

- In June 2019, a former employee for Accenture filed an employment discrimination lawsuit in the U.S District Court for the District for Connecticut against Accenture alleging discrimination. Accenture has advised that this matter is pending and believe that the allegations are without merit.
- In April 2019, The Hertz Corporation sued Accenture for \$32 million over a failed website redesign and the matter is still ongoing.
- In April 2018, a former employee for Accenture filed a complaint in the United States District Court Eastern District of California against Accenture alleging employment discrimination. In August 2018, the case was dismissed with prejudice.
- In January 2018, Accenture conducted an internal investigation on subsidiary AFS for a General Services Administration multiple award contract. AFS reported to the government that overcharges had been caused by unauthorized purchases of copy toner made by a subcontractor on the contract. AFS agreed to pay \$1.7 million to settle the overcharges billed. Accenture advised that the amount has been paid in full.
- In May 2018, 70 custodial parents in Massachusetts were incorrectly underpaid due to faulty code in the new system developed by Accenture. Accenture has advised that the matter was mutually resolved by the parties, and Accenture continues to perform work for the State of Massachusetts in connection with the child-support payment system. Accenture is prohibited from disclosing further details due to contractual and client confidentiality restriction.
- In April 2018, the Washington Metropolitan Area Transit Authority terminated a contract awarded to Accenture in 2014 for litigation concerns. Accenture advised that the termination was not for default and is prohibited from disclosing further details due to contractual and client confidentiality restriction.
- In February 2016, a software engineer from India working on a visa, quit and sued Accenture in New York State Court for allegedly subjecting him to “discriminatory treatment” by paying him lower wages than his American counterparts and denying him benefits. Accenture advised case was settled on a class-wide basis for a total of \$500,000.
- In June 2016, a former employee of subsidiary AFS filed a suit in the United State Court Eastern District of Kentucky alleging racial and gender discrimination. On June 13, 2016 the court granted AFS motion to dismiss for the plaintiff’s failure to state a claim.
- In January 2015, the Pennsylvania Department of Revenue (DOR) cancelled a 2015 online tax system modernization project with Accenture as there were significant problems and the project was behind schedule. Accenture has advised that the referenced contract was not cancelled by the DOR and it continues to provide services under the same contract. The DOE reached out to DOR and they indicated Accenture is currently providing services under this contract, which ends in 2019.
- In November 2015, H.B Fuller Co. won \$12.8 million in damages in an arbitration dispute against Accenture, for blaming the vendor for costly delays in the rollout of new management software. Accenture advised that they are unable to comment on this matter due to contractual and client confidentiality restrictions.
- In 2013, ScanSource Inc. filed a federal lawsuit in the U.S District Court in Atlanta against subsidiary Avanade alleging fraud, and “bait-and-switch” sales technique which induced ScanSource to hire Avanade. The suit alleges that Avande did not have the ability or intention to assign such personnel for the project. Avanade believes the allegations are without merit.

- In 2013, the U.S. Postal Service Inspector General's Office reported that Accenture had "demonstrated an absence of business ethics" and said that the agency should consider terminating the firm's more than \$200 million in contracts. The report relied heavily on the DOJ's whistleblower suit, above. However, the U.S. Postal Service rejected the recommendation from its inspector general, indicating that neither suspension nor debarment of the company from future contracts is warranted as no other federal agency had blocked Accenture from government work because of the \$63 million settlement (reference above in the caution), that Accenture had corrected problems with its cost estimating system and "provided assurances to Postal Service Management of operating with transparency, integrity and openness in their business dealing."
- News reports indicate several contract terminations by government agencies; however, to our knowledge none of the matters involved a contract default.

These matters have been resolved with all amounts due paid or are pending and relate to issues of performance on contracts for work substantially different from that provided to the DOE. As the nature and number of matters reported is not unusual for a company the size of Accenture, which employs approximately 500,000 employees globally and generated \$43.2 billion in 2019, the DOE determines the vendor to be responsible.



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

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of a contract with Accenture LLP (“Accenture”), dated as of March 20, 2020 is necessary for the implementation of a necessary service for the general welfare of Department students. This emergency declaration shall be effective as of March 20, 2020 for a period of 8 weeks, or as necessary to respond to the COVID-19 public health crisis. The Department will submit the contract to the Panel for Education Policy (the “Panel”) for approval within sixty days of this declaration.

DOE leadership requires immediate assistance with short-term and long-term project management demands in response to the COVID-19 public health crisis, to ensure the health, welfare and safety of public school children during this crisis. Accordingly, the Executive Director of the Division of Contracts and Purchasing declared an emergency procurement to enter into a management consulting contract with Accenture. The estimated cost for this contract is **\$1,200,000.00**, as detailed in Exhibit 1.

Recognizing that emergency circumstances will sometimes require the DOE 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 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 contract identified herein prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contract referenced herein prior to registration by the New York City Comptroller.

Dated: 3/19/20

/s/Richard A. Carranza

Request for Authorization to Enter into an Emergency Contract with IBM for iPad Staging Services

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: Up to \$40,525,000.00

Funding Source: Capital & Tax Levy

Contract Retroactive? Yes

Contract Term: 3/20/2020 – 6/30/2020

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 8668

Vendor Name: International Business Machines Corp

Vendor Address: 1 New Orchard Road, Armonk, NY 10504

Contract Manager: Keli McCain John, Sr. Analyst, Division of Instructional and Information Technology

Lead Contracting Officer: Nadia Molinari, Director, Division of Instructional and Information Technology

Division of Contracts and Purchasing Contact: TaRel Hardy, IT Procurement Manager, Technology Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization to enter into an emergency contract with International Business Machines Corp (“IBM”), on the behalf of the Division of Instructional and Information Technology (“DIIT”), for the provision of iPad staging services needed to support the distribution of 300,000 iPads to NYC public school students for remote distance learning during the COVID-19 related school closures.

Discussion

The sudden onset and extreme urgency of the COVID-19 health crisis in New York has led to a critical need to close all New York City schools and offer remote learning opportunities for students. As a result, DOE required immediate assistance for the staging services needed for iPad deliveries for the remote learning efforts to ensure the health, general welfare, and safety of students during the COVID-19 health crisis.

Through the distribution of the required LTE enabled iPads and the services provided by IBM, students would be able to access the remote learning tools needed for successful education during this COVID-19 emergency.

IBM will be responsible for the following services:

- Unboxing iPads, SIM cards and iPad cases
- Installing SIM cards into the iPads

- Downloading applications required by DOE
- Installing the iPad case onto the iPad
- Simulating the end user set-up experience
- Asset tagging the iPad
- Packaging the iPads for shipment to the DOE specified locations and tracking the shipments

Pricing:

Staging Services Fee for up to 300,000 iPads - \$36,675,000.00

Shipping Fee Estimate for up to 300,000 iPads - \$3,850,000.00

Expense	Tax Levy	Capital
Staging	\$3,667,500	\$33,007,500
Shipping	\$3,850,000	N/A
Totals:	\$7,517,500	\$33,007,500

Additional consulting services may be provided by IBM between 6/30/2020 and 9/5/2020 at no additional cost to the DOE however, paid iPad staging services will be completed by 6/30/2020.

The City’s Department of Information Technology and Telecommunications (“DoITT”) identified IBM as the best vendor to handle this scale and complexity of work on an immediate basis with guaranteed quality targets met. DoITT has an existing contract with IBM for similar services, and negotiated pricing with IBM on the DOE’s behalf. The average price under this DOE engagement is approximately 20% higher than the DoITT contract for similar work; however, under the exigent circumstances, and to stand up an operation capable of completing all staging steps for up to approximately 25,000 to 50,000 iPads per week with minimal lead time, IBM had to utilize four simultaneous staging facilities. Therefore, the pricing for this emergency engagement has been determined to be fair and reasonable.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

A review of International Business Machines Corp.’s (IBM) PASSPort submission revealed the following cautions:

From 2011 to 2018, IBM was investigated by various government agencies including the United State Securities and Exchange Commission (SEC), the United States Department of Justice (U.S. DOJ) and the Polish Central Anti-Corruption Bureau (PCACB):

- In August 2015, IBM was investigated by the SEC regarding revenue recognition relating to transactions in the United States, United Kingdom and Ireland. The matter was closed on May 21, 2018 with no enforcement actions against IBM.
- In May 2013, IBM was investigated by the SEC in regards to how IBM reports cloud revenue. The matter was closed on May 30, 2014, and the vendor advised that there were no recommendations.

- In January 2012, IBM was investigated by the SEC, the U.S. DOJ, and the PCACB related to an allegation of illegal activity by a former IBM Poland employee. IBM advised that it cooperated with the investigation, and the matter was closed on June 30, 2017 with no enforcement actions against IBM.
- In March 2011, IBM settled a civil enforcement action with SEC relating to violations of the Foreign Corrupt Practices Act of 1977 (FCPA). IBM was required to report to SEC regarding its compliance with FCPA for a two-year period. The matter is now closed.

IBM was found in violation of administrative and statutory provisions by the United States Occupational Safety and Health Administration(OSHA) and the State of Indiana:

- In 2015, IBM received an OSHA violation relating to technical record keeping. The vendor advised that they entered into a stipulation agreement that included a \$2,000 penalty and the matter is now closed.
- On May 13, 2010, IBM and the State of Indiana (acting on behalf of the Indiana Family and Social Services Administration) both filed a suit relating to a 2006 contract regarding the modernization of social service program processing in Indiana. In 2017, after the Indiana Superior Court made judgments resulting in \$78 million, plus interest, due to the State, subsequent appeals have resulted in the matter now pending before the Indiana Supreme Court.

As the matters above either resolved or pending, and in light of the size of the company which has approximately 380,000 employees worldwide and \$77 billion in revenue for 2019, the DOE determines the vendor to be responsible.



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

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of a contract with IBM Corporation is necessary for the implementation of a necessary service for the general welfare of Department students. This emergency declaration shall be effective as of March 20, 2020 for a period of 4 weeks, or as necessary to respond to the need to transition to remote learning due to the COVID-19 public health crisis and the emergency closure of public schools. The Department will submit the contract to the Panel for Education Policy (the “Panel”) for approval within sixty days of this declaration.

DOE requires immediate assistance with staging services for iPad devices to deliver to students for remote learning to ensure the health, welfare and safety of public-school children during this health crisis. Accordingly, the Executive Director of the Division of Contracts and Purchasing declared an emergency procurement to enter into a contract with IBM Corporation. The estimated cost for the initial 25,000 devices is \$4,025,000.00. The price for staging iPad devices above this number will be negotiated over the next week to effectuate a lower per-device charge for high volume (up to 275,000 additional devices).

Recognizing that emergency circumstances will sometimes require the DOE 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 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 contract identified herein prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contract referenced herein prior to registration by the New York City Comptroller.

Dated: 3/20/20

/s/ Richard A. Carranza

Request for Authorization for Emergency Contracts with Vendors Providing Transportation Services for School Bus Pupil Transportation for Legacy and Non-Legacy (B2192)

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$135,972,066

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/1/2020 – 3/31/2020

Options: One Month

Options Amount: \$114,534,893

Contract Type: Requirements

RA Number: 7509

Vendor Name: See List Below

Contract Manager: Everett Parker, Contracts Administrator, Office of Pupil Transportation

Lead Contracting Officer: Lisa D’Amato, Director, Office of Pupil Transportation

Division of Contracts and Purchasing Contact: Ahmed Moharam, Procurement Analyst, Transportation, Food, and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Pupil Transportation (“OPT”) to contract with the vendors listed below in accordance with the DOE Procurement Policy and Procedures, Section 3-09, to provide transportation services to pupils who receive general busing and to pupils with disabilities who require special busing during the regular school year.

Discussion

OPT is responsible for providing and coordinating transportation services to and from school for eligible students in both public and non-public schools. Transportation services include stop-to-stop and door-to-door busing.

Certain contracts and extensions for the provision of the regular school year (non-summer) bus service expired on February 29, 2020 and such bus service is required starting March 1, 2020 on an emergency basis to ensure continued operation for this school year. This emergency has arisen as a result of a delay in registration of the finalized five-year extension contracts for bus services with contractors. These transportation services are necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division for Contracts and Purchasing and the Chancellor, respectively, were made (see attached).

The estimated contract amounts are to cover one month of transportation services, and the automatic extension option will cover an additional one month of transportation services. All terms and

conditions including pricing will remain the same. Accordingly, pricing is determined to be fair and reasonable.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below are the estimated amounts for services; March 2020 estimated amount and April 2020 estimated amounts.

Vendor Name & Address	March 2020 Legacy Contracts Estimated Amounts for Special Education (Including Attendant, if Applicable)	March 2020 Legacy Contracts Estimated Amounts for General Education	March 2020 Non-Legacy (B2192) Contracts Estimated Amounts	April 2020 Legacy Contracts Estimated Amounts for Special Education	April 2020 Legacy Contracts Estimated Amounts for General Education	April 2020 Non-Legacy (B2192) Contracts Estimated Amounts
Allied Transit Corp. PO Box 70801 148 Snediker Avenue Brooklyn NY 11207	\$1,264,177	\$783,892		\$989,356	\$613,481	
All American School Bus Corp. 11-12 30TH Ave Long Island City, NY 11102	\$3,513,985	\$1,493,682		\$2,747,621	\$1,168,969	
Bobby's Bus Company Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416		\$1,853,364			\$1,450,459	
Boro Transit, Inc. 50 Snediker Avenue Brooklyn, NY 11207	\$10,771,559	\$2,853,256		\$8,416,805	\$2,232,983	
B & F Skilled, Inc. 3100 Cropsey Avenue Brooklyn, NY 11224			\$983,276			\$769,520
Careful Bus Service, Inc. 5015 Bay Parkway Brooklyn, NY 11230	\$1,945,173		\$188,960	\$1,522,309		\$147,881
Consolidated Bus Transit, Inc. 50 Snediker Avenue Brooklyn, NY 11207	\$3,372,638			\$2,633,915		
Empire Charter Service, Inc. P.O. Box 70801 148 Snediker Avenue Brooklyn, NY 11207	\$1,446,666			\$1,132,174		

Vendor Name & Address	March 2020 Legacy Contracts Estimated Amounts for Special Education (Including Attendant, if Applicable)	March 2020 Legacy Contracts Estimated Amounts for General Education	March 2020 Non-Legacy (B2192) Contracts Estimated Amounts	April 2020 Legacy Contracts Estimated Amounts for Special Education	April 2020 Legacy Contracts Estimated Amounts for General Education	April 2020 Non-Legacy (B2192) Contracts Estimated Amounts
Empire State Bus Corp. P.O. Box 70801 148 Snediker Avenue Brooklyn, NY 11207	\$289,291	\$170,274		\$226,402	\$133,258	
First Steps Trans, Inc. 2859 W 37th Street Brooklyn, NY 11224			\$560,772			\$438,865
Grandpas Bus Company, Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416		\$3,611,246			\$2,826,192	
GVC LTD 450 Zerega Avenue Bronx, NY 10473			\$2,402,501			\$1,880,218
Hoyt Transportation Corp. 2620 West 13th Street Brooklyn, NY 11223	\$7,055,656			\$5,516,011		
IC Bus, Inc. 380 Chelsea Road Staten Island, NY 10314	\$2,849,286			\$2,218,599		
Jofaz Transportation, Inc. 1 Coffey Street New York, NY 11231	\$2,916,357	\$2,801,731		\$2,282,366	\$2,192,658	
Leesel Transportation Corp. 939 Garrison Avenue Bronx, NY 10474			\$8,966,307			\$7,019,284
Little Linda Bus, Co. Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416	\$225,774			\$176,566		
Little Lisa Bus Co. Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416	\$2,211,950			\$1,727,363		
Little Richie Bus Service, Inc.	\$8,513,602			\$6,659,950		

Vendor Name & Address	March 2020 Legacy Contracts Estimated Amounts for Special Education (Including Attendant, if Applicable)	March 2020 Legacy Contracts Estimated Amounts for General Education	March 2020 Non-Legacy (B2192) Contracts Estimated Amounts	April 2020 Legacy Contracts Estimated Amounts for Special Education	April 2020 Legacy Contracts Estimated Amounts for General Education	April 2020 Non-Legacy (B2192) Contracts Estimated Amounts
97-14 Atlantic Avenue Ozone Park, NY 11416						
Logan Bus Co., Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416	\$5,683,094	\$559,901		\$4,447,439	\$438,183	
Logan Transportation Systems, Inc. 9714 Atlantic Ave Ozone Park, NY 11416		\$416,340			\$325,831	
Lorissa Bus Service, Inc. 97-14 Atlantic Avenue Ozone Park, NY 11416		\$1,935,072			\$1,514,404	
Lorinda Enterprises Ltd 97-14 Atlantic Avenue Ozone Park, NY 11416	\$5,040,425			\$3,938,675		
L&M Bus Corp 3167 Atlantic Avenue Brooklyn, NY 11208	\$3,791,870			\$2,965,976		
Mar-Can Transportation Company, Inc. 318 East Third Street Mount Vernon, NY 10553			\$4,679,379			\$3,662,123
Pioneer Transportation Corp. 2890 Arthur Kill Road Staten Island, NY 10309	\$4,554,329	\$7,634,416		\$3,559,540	\$5,974,760	
Phillip Bus Corp. 146 Wolcott Street Brooklyn, NY 11231			\$730,851			\$571,970
Pride Transportation Services, Inc. 231 Malta Street Brooklyn, NY 11207	\$8,296,954	\$268,406		\$6,493,268	\$210,056	
Quality Transportation Corp. 3167 Atlantic Avenue		\$4,118,302			\$3,223,019	

Vendor Name & Address	March 2020 Legacy Contracts Estimated Amounts for Special Education (Including Attendant, if Applicable)	March 2020 Legacy Contracts Estimated Amounts for General Education	March 2020 Non-Legacy (B2192) Contracts Estimated Amounts	April 2020 Legacy Contracts Estimated Amounts for Special Education	April 2020 Legacy Contracts Estimated Amounts for General Education	April 2020 Non-Legacy (B2192) Contracts Estimated Amounts
Brooklyn, NY 11208						
SNT Bus, Inc. 50 Snediker Avenue Brooklyn, NY 11207		\$7,627,947			\$5,969,698	
3RD Avenue Transit, Inc. 1 Coffey Street Brooklyn, NY 11231	\$425,060			\$332,656		
Thomas Buses, Inc. 2859 West 37th Street Brooklyn, NY 11224			\$217,017			\$169,840
Van Trans, LLC. 75 Commercial Street Plainview, NY 11803			\$2,586,999			\$2,026,782
Y & M Transit Corp. 1 Coffey Street Brooklyn, NY 11231			\$4,360,329			\$3,412,431
TOTAL	\$74,167,844	\$36,127,829	\$25,676,391	\$57,986,989	\$28,273,951	\$20,098,914

Vendor Responsibility

Background checks were conducted on the subject vendors of this award as well as their affiliated and related entities and have been determined to be responsible. Noteworthy findings regarding any of these entities are reportable below.

A December 2019 news article revealed that the Office of the Special Commissioner of Investigation (SCI) conducted an investigation into the DOE school bus vendors who operated buses at dangerously warm temperatures. OPT advised that all special education routes are required to be air conditioned or the bus company is held financially accountable. The DOE inspects buses year-round, and this school year made several changes that will improve its ability to monitor performance. Additional improvements include hiring additional inspectors, better control of the call center and enhanced technology. Further, the new contract requires dual air conditioners on all IEP mandated special education buses. The DOE is actively reviewing the recommendations made by SCI and intends to implement most, as appropriate.

Allied Transit Corp.

The DOE is aware of the following news articles:

- A news report revealed that in September 2018, an Allied Transit Corp. (Allied) bus driver served two years in prison for burglary in 2006. The vendor advised that the driver was

employed from 2012-2014 and is no longer an active driver for Allied. Additionally, the Office of Pupil Transportation (OPT) advised that the bus driver is not currently active in the DOE system.

- A news article erroneously reported that in 2016, a bus driver for entity of interest Empire Charter Service was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

In the light of the resolution of the matter above and the vendor's overall satisfactory performance on prior DOE work, the vendor is determined to be responsible.

All American School Bus Corporation

A news report revealed that in February 2019, a six-year-old student was left on an All American Corporation's (All American) school bus. The Office of Pupil Transportation (OPT) advised that the bus driver was terminated.

In 2007, All American's affiliate Rainbow Transit was among a number of bus companies investigated by the U.S. Attorney's Office (U.S. AG). The investigation resulted in the conviction of several former DOE bus inspectors on bribery, extortion, and conspiracy charges based on the inspectors having taken cash from several bus companies. Rainbow entered into a Monitoring Agreement which includes the hiring of an Independent Private Sector Inspector General (IPSIG) to monitor the business integrity of the companies. The monitoring agreements have now ended with the IPSIG having reported no signs of corruption, criminality, or unethical behavior.

As the matter above has been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

Bobby's Bus Company, Inc., Grandpa's Bus Company, Inc., Little Linda Bus, Co., Little Lisa Bus Co., Inc., Little Richie Bus Service, Inc., Logan Bus Co., Inc., Logan Transportation Systems, Inc., Lorissa Bus Service, Inc., and Lorinda Enterprises LTD.

An investigation of New York City Department of Education (DOE) bus inspectors conducted by the US Attorney's Office for the Southern District of NY that resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges for taking cash payments from a number of bus companies. As a result of this investigation, the following companies, which are being considered as related to Lorinda Enterprises, LTD for the purposes of this background check, Bobby's Bus Company, Lorissa Bus Service, Grandpa's Bus Co, Little Linda Bus, Lorinda Enterprises, Little Richie Bus/Little Richie Matron and Logan Bus Company (Logan Bus), while not charged with an offense, were required to sign a monitoring agreement requiring them to retain an Independent Private Sector Inspector General (IPSIG) to oversee operations and compliance with their city contracts. The terms and conditions of the monitoring agreement have been met and it has expired.

The DOE is aware of the following matters from news reports and other sources:

- The New York City Office of Pupil Transportation (OPT) bus Customer Service Hotline received 76,223 calls in the first five days of school compared to 57,757 calls last year, many complaints from District 30 in Queens whose routes are assigned to Grandpa's Bus Co. (Grandpa's Bus). Parents have complained to the vendor and the New York City Department of Education (DOE) about buses being late to pick up students, not showing up at all and

getting lost on routes, resulting in students being stranded for hours. The DOE reassigned four of Grandpa's Bus routes to another company and OPT is working with the Logan group of bus companies, of which Grandpa's Bus is a part, to establish a Corrective Action Plan in order to address these issues. This includes action by Grandpa's Bus to add more experienced staff to monitor routes, work with drivers and create tools that will make it easier to follow routes, establish a telephone hotline for parent inquiries, and review of safety procedures.

- In 2019, a dozen mini school buses parked in the Logan Bus' lot caught fire and were damaged. Logan Bus advised that cause of the fire was electrical, however, the final determination of the cause is still pending.
- In 2019, Logan bus dropped off a five-year-old student at the wrong school. OPT advised that Logan bus was given a violation and the driver was reprimanded. The incident was closed by OPT on September 19, 2019.
- In 2018, a 58-year-old woman was struck and killed by a mini school bus owned by Logan Bus. Logan Bus advised that the investigation is closed and the charges against the driver have been dropped.
- In 2017, a Little Richie Bus sideswiped three parked cars. The driver operating the school bus was disciplined in a formalized union hearing. This matter is being handled by the insurance carrier and Little Richie Bus has no further knowledge about the progress of the claim.
- In 2017, a negligence suit for injuries was brought against Little Richie Bus. Little Richie Bus was granted summary judgment and found not liable.
- In 2017, a driver evacuated six occupants with developmental disabilities on a smoking Guardian Bus before it burst into flames. Affiliate Guardian Bus indicated no one was harmed.

As the matters above have either been resolved or are pending, and the vendors have received satisfactory evaluation ratings on prior DOE work, the DOE determines the vendors to be responsible.

[Boro Transit, Inc. Consolidated Bus Transit, Inc., SNT Bus, Inc.](#)

A review of the PASSPort filings of SNT Bus, Boro Transit and Consolidated Bus Transit (Consolidated Bus) revealed the following information regarding the affiliate Professional Charter Service:

- In 2013, the DOE found Professional Charter in default and terminated one of its contracts due to performance issues. The DOE and Professional Charter reached a settlement in July 2014, in which the DOE agreed that Professional Charter would be eligible for future awards, it would pay the DOE \$250,000 (which was fully satisfied in 2016) and its affiliates remained in good standing.

The DOE is also aware of the following information:

- In November 2019, a news article reported that a Boro Transit bus dropped off a student at the wrong school. OPT advised that after the student exited the bus, the student returned at the request of DOE staff.
- In March 2019, a news report revealed a lawsuit against Consolidated Bus regarding a student being bullied. The DOE will continue to follow the progress of this lawsuit and take appropriate follow-up action.
- In 2012, a news article revealed that bus route issues for Consolidated Bus. OPT advised that Consolidated Bus successfully completed 79 routes in 2012. Given the number of routes completed by the vendor, the nature of the issues reported are not unusual during the course of day to day business.

As the matters above have either been resolved or pending, and in the light of the overall satisfactory performance of SNT Bus, Boro Transit, and Consolidated Bus on prior DOE contracts, the vendors are determined to be responsible.

Careful Bus Service, Inc.

In 2006, the U.S. Attorney's Office investigated several New York City Department of Education (DOE) bus inspectors for bribery and extortion that resulted in a 2009 conviction of former DOE inspectors, along with additional conspiracy charges for having taken cash payments from a number of bus companies. As a result of the investigation, Careful Bus Service (Careful Bus) was one of the vendors deemed not to have been directly involved in the matters and was therefore not assigned an Independent Private Sector Inspector General (IPSIG).

In July 2014, a driver won a \$14 million verdict from Careful Bus after one of its mini-buses smashed into the driver's vehicle injuring him. After appeal, the parties agreed to a settlement of \$4.3 million. Careful advised that there were no students on the bus when the accident occurred and there were no summons or citations issued to the driver.

As Careful Bus was not found to be directly involved in the U.S. Attorney's Office investigation and was not assigned an IPSIG, and the matter above has been resolved, the DOE determines that Careful Bus and Addie's Transportation are responsible.

Empire Charter Service, Inc. & Empire State Bus Corp.

The DOE is aware of the following news articles:

- A news report revealed that in September 2018, an Allied Transit Corp. (Allied) bus driver, which is an entity of interest of Empire State Bus Corp. (Empire State Bus) due to shared space, served two years in prison for burglary in 2006. The vendor advised that the driver was employed from 2012-2014 and is no longer an active driver for Allied. Additionally, the Office of Pupil Transportation (OPT) advised that the bus driver is not currently active in the DOE system.
- A news article erroneously reported that in 2016, a bus driver for affiliate Empire Charter was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

In the light of the resolution of the matter above and the vendors' overall satisfactory performance on prior DOE work, the DOE determines the vendors to be responsible.

First Steps Trans, Inc. and Thomas Buses, Inc.

A news article in November 2019 revealed that an 83-year-old man was struck and killed by a school bus owned by First Steps Transportation (First Steps). At the time of the incident there were no students on the bus, and the driver was immediately suspended pending the outcome of the investigation.

In November 2019, three relatives of the owners of First Steps and Thomas Buses, Inc. plead guilty to conspiracy to commit bank fraud, conspiracy to defraud the United States, and tax fraud in connection with over \$14 million in bank loans made to bus companies controlled by those relatives and \$10 million in payroll taxes. Following the indictments which led to the guilty pleas, on October 29, 2015, representatives from the NYC Department of Education met with the principal owners of the

prime vendors to discuss the nature of any business relationships with the individuals being charged. The DOE received attestations from the owners of the respective vendors confirming that from October 29, 2015 to the date of the attestation they have not received consulting advice or provided compensation to the individuals charged, have ensured that those charged will not be permitted on or near their business premises and agreed not to discuss business on or off the business premises with any of the charged individuals.

As the matters above are either pending or have been resolved, and the vendors' satisfactory performance on prior DOE contracts, the DOE determines the vendors to be responsible.

GVC LTD

A news article erroneously revealed that in 2016, a bus driver for Empire Charter Service was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

As the individual is no longer employed by GVC, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

Hoyt Transportation Corporation

A news report revealed that in 2017 employees of Hoyt Transportation were seeking to recover unpaid overtime compensation and damages pursuant to the Fair Labor Standards Act (FLSA), the New York Labor Law, and the New York State Wage Theft Prevention Act. The vendor advised that the matter was resolved through a confidential settlement agreement.

As the matter above has been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

IC Bus, Inc.

PASSPort reveals a dismissed criminal charge from the State of New Jersey against an IC Bus principal officer. The matter pertains to possession of a controlled substance and due to the quantity, the charge was conditionally discharged under the state's conditional discharge program. There is no conviction attached to the disposition and the matter was dismissed on November 26, 2018. PASSPort further reveals administrative charges issued by a number of government agencies that either have been resolved or are pending resolution.

The DOE also is aware of the following:

In 2006, the U.S. Attorney's Office investigated several New York City Department of Education (DOE) bus inspectors for bribery and extortion that resulted in a 2009 conviction of former DOE inspectors, along with additional conspiracy charges for having taken cash payments from a number of bus companies. As a result of the investigation, IC Bus and affiliate, Gotham Transportation Corp., signed a monitoring agreement, which provided for an Independent Private Sector Inspector General (IPSIG) selected by the NYC Special Commissioner of Investigation to among other things, oversee compliance with NYC contracts, monitor employee conduct, audit payroll and expenditures and oversee operations and training. The monitoring agreement has now ended with no adverse information being reported by the monitor to SCI or the DOE.

A news report revealed that a special needs student was molested on a bus between September 2012 to April 2013. The parents of the boy filed a lawsuit against IC Bus, Inc., IC Escorts, and IC Coachways in the Supreme Court of the State of New York County of Richmond in September 2017. The lawsuit was settled for the amount of \$247,500 and in accordance with a payment plan, IC Bus made its first payment on December 31, 2018.

As the monitoring agreement did not result in the reporting of any adverse information, the other matters have been resolved and in light of the vendor's satisfactory performance on its current DOE contract, the vendor is determined to be responsible.

[Jofaz Transportation, Inc.](#), [3rd Avenue Transit, Inc.](#), and [Y & M Transit Corp.](#)

An investigation of DOE bus inspectors conducted by the US Attorney's Office for the Southern District of NY resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges based on their having taken cash payments from a number of bus companies. As a result of this investigation, Jofaz Transportation, Inc. (Jofaz) signed a Monitoring Agreement that included retaining an IPSIG. Criminal charges were filed against Joseph A. Fazzia, Sr., who is no longer a principal of Jofaz and later dismissed on April 23, 2008. All monitoring agreements have now ended with the IPSIG reporting no adverse information.

A news report from March 18, 2018 revealed that a driver operating a mini bus operated by Y&M and the bus attendant were arrested for endangering the welfare of a 10 year old autistic child who was left on the bus for three hours after it was parked and locked. Y & M suspended both pending the outcome of the case.

A news report from April 2017 revealed that a mother has filed suit against a charter school claiming that her daughter was sexually assaulted on a school bus and the school tried to destroy the evidence. Jofaz indicated the matter is still pending in the Supreme Court and the bus driver had no knowledge of the incident.

As the matters above have either been resolved or are pending, and all three vendors' performance on prior DOE work have been satisfactory, the vendors are determined to be responsible.

[Leesel Transportation Corporation](#)

The DOE is aware of the following news articles:

- In October 2018, a bus attendant of Leesel Transportation Corporation (Leesel) was caught on video shaking and jostling a disabled student and the parents of the student intend to sue. The vendor advised that the bus attendant was terminated on 11/02/2018 and no lawsuit has been served on Leesel. Additionally, the Office of Special Investigations (OSI) advised that this matter is closed, and the former bus attendant was the sole subject of the investigation.
- In September 2018, a Leesel bus driver had five arrests in 2014 for harassment and ignoring an order of protection involving a former partner. The vendor advised that the driver was terminated and never drove a bus while employed. Additionally, OPT advised that the bus driver is currently not active in the DOE system.

As the matter above has been resolved and the investigation is pending and in light of the vendor's satisfactory performance on prior DOE work, the vendor is determined responsible.

L&M Bus Corp., Pride Transportation, and Quality Transportation Corp.

A review of L&M Bus Corp.'s (L&M) and Quality Transportation Corp.'s (Quality Transportation) PASSPort submissions identified the following self-reported caution:

- In 2017, a complaint was filed against affiliate Brooklyn Transportation Corp., in the United States District Court for the Eastern District of New York, for alleged discrimination practices based on gender. In 2018, the complaint was resolved, and L&M Bus advises that a settlement offer, containing a confidentiality clause, has been accepted and the matter is closed.
- In July 2016, a complaint was filed against L&M with the New York State Division of Human Rights alleging unlawful discriminatory practices related to employment because of creed, race and color. The case was dismissed on the grounds of untimeliness and the plaintiff's request for reconsideration was dismissed.

The DOE is also aware of the following matters from news reports:

- In February 2020, two children were struck by a Quality Transportation bus, resulting in one fatality. The driver was arrested and charged with failure to yield to pedestrians and exercise due care. Additionally, OPT advised that the driver tested negative for drugs and alcohol and has been suspended pending the outcome of the investigation.
- In 2018, two separate class action suits were filed against Pride Transportation (Pride), and affiliate Bella Bus Corp. (Bella Bus), for failure to pay unpaid wages and overtime. Pride advised that the case against it is still pending and Bella Bus advised that it had settled.
- In 2014, a bus driver for Pride pleaded guilty for illegally videotaping his daughter's friend and received three years of probation. Pride advises that the individual is currently not employed. Additionally, the Office of Pupil Transportation (OPT) has confirmed that the individual is not active in the DOE's system.

As the matters above have either been resolved or are still pending, and in light of the satisfactory performance of the vendors on prior DOE contracts, the vendors are determined to be responsible.

Mar-Can Transportation Co. Inc.

A review of Mar-Can Transportation Co. Inc.'s (Mar-Can) PASSPort submission revealed the following caution:

An investigation of DOE bus inspectors conducted by the US Attorney's Office for the Southern District of NY which resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges for taking cash payments from a number of bus companies. Mar-Can was one of nine companies investigated and though not charged with an offense, was required to sign a Monitoring Agreement that included retaining an Independent Private Sector Inspector General (IPSIG) to oversee its operations and compliance with City contracts. The agreement has expired with the IPSIG reporting no adverse information.

In light of vendor's overall satisfactory resolution of the above matters, and the vendor's satisfactory performance on prior DOE contracts, the DOE has determined that the vendor is responsible.

Pioneer Transportation Corp.

The DOE is aware of the following news reports:

- In 2019, Pioneer Transportation Corp. (Pioneer Transportation) was involved in a minor incident in Staten Island which caused about twenty students to be transportation to a local

hospital as a precaution. The incident report received from the Office of the Pupil Transportation (OPT) revealed that the incident was a result of the bus hitting the curb.

- In 2019, a bus driver and bus aide evacuated seven intermediate students from a Pioneer Transportation school bus before it burst into flames. The bus was removed and a new bus assigned to that route. OPT indicated that the cause of the fire was due to an electrical issue, which often go undetected during routine inspections. Additionally, OPT advised that all manufacturers of school buses now offer extended training on multiplex wiring (electrical harness on the chassis).
- In 2018, a Pioneer Transportation bus driver left a student at the wrong bus stop. While OPT advised that no procedures appear to have been violated by Pioneer, the driver, who had no prior infractions, was given a verbal reprimand and was re-trained. OPT further indicated that the incident occurred on a route where students share a stop and schools may implement a system for their students whereby drivers receive daily ridership rosters.
- In 2017, police were investigating a suspected arson incident after a student set a fire on the rear end of a Pioneer Transportation bus. Pioneer Transportation indicated that the police and fire department responded to the incident.

As the matters above have been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

Van Trans LLC

A news article revealed that in September 2018, a boy with autism was attacked by his assigned paraprofessional on a Van Trans LLC (Van Trans) bus. The paraprofessional was an employee of United Staffing Solutions and was removed from working on buses. Vans Trans fully cooperated with the Westchester County Police Department and has since provided additional staff training regarding the protocol for handling such situations.

Due to the individual not being a Van Trans employee, and in light of the resolution of the matter and the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency extension contracts set forth in Appendix A, for school bus pupil transportation services for school-aged pupils who receive general busing and school-aged pupils with disabilities who require special busing, is necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 1, 2020, and remain in effect for one month with an automatic renewal for an additional month as may be required by the DOE.

An emergency has arisen as a result of registration of the finalized five-year extension contracts of bus service with contractors. Certain contracts and extensions that include the provision of school year bus service are set to expire, or will have expired, on February 29, 2020 and such bus service is required for continued use in the 2019–2020 school year.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition to provide for the procurement of contracts with contractors for the purposes of ensuring bus service at an estimated value of \$99,844,235 for a period of one month with an automatic renewal for an additional month as may be required by the DOE.

Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the contracts identified in Appendix A must be implemented immediately to ensure the continued provision of school bus service to students, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole.

Dated: 3/6/20

/s/ Richard A. Carranza

Request for Authorization for an Emergency Procurement with Vendors Providing Transportation Services of Pupils Residing in Temporary Housing (STH)

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$9,761,400

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/5/2020 – 4/4/2020

Options: One Month

Options Amount: \$6,655,500

Contract Type: Requirements

RA Number: 7541

Vendor Name: See List Below

Contract Manager: Everett Parker, Contracts Administrator, Office of Pupil Transportation

Lead Contracting Officer: Lisa D’Amato, Director, Office of Pupil Transportation

Division of Contracts and Purchasing Contact: Ahmed Moharam, Procurement Analyst, Transportation, Food, and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Pupil Transportation (“OPT”) to contract with vendors listed below in accordance with the DOE Procurement Policy and Procedures, section 3-09, to provide transportation services to pupils who reside in temporary housing during the regular school year.

Discussion

OPT is responsible for providing and coordinating bus transportation services to and from school for eligible students in both public and non-public schools. Transportation services include stop-to-stop and door-to-door busing.

An emergency has arisen, and as a result vendors were awarded contracts on an emergency basis for school bus transportation services for pupils who reside in temporary housing commencing March 5, 2020 in order to ensure continued operation of school year 2019-2020 bus services. These transportation services are necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division for Contracts and Purchasing and the Chancellor, respectively, were made.

The estimated contract amounts are to cover one month of bus transportation services, and the automatic extension option will cover an additional one month of transportation services. Services provided will be on the same basis as the previous bus service agreements, with the addition of any new negotiated terms for the new specified routes.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below are the estimated amounts for these services. Note, the first column for each vendor represents the March 2020 estimated amount and the second represents the April 2020 estimated amounts.

Vendor Name & Address	March Fiscal Year 2020 Estimated Amount	April Fiscal Year 2020 Estimated Amount
All American School Bus Corp. (Legacy) 11-08 30 th Avenue Long Island City, NY 11102	\$269,280	\$183,600
Allied Transit Corp. (Legacy) PO Box 70801 148 Snediker Avenue Brooklyn NY 11207	\$33,660	\$22,950
Bobby's Bus Co., Inc. (Legacy) 9714 Atlantic Avenue Ozone Park, NY 11416	\$740,520	\$504,900
Boro Transit, Inc. (Legacy) 50 Snediker Avenue Brooklyn, NY 11207	\$168,300	\$114,750
Empire State Bus Corp. (Legacy) PO Box 70801 148 Snediker Avenue Brooklyn, NY 11207	\$235,620	\$160,650
Grandpa's Bus Co., Inc. (Legacy) 97-14 Atlantic Avenue Ozone Park, NY 11416	\$403,920	\$275,400
Hoyt Transportation Corp. (Legacy) 2620 West 13th Street Brooklyn, NY 11223	\$134,640	\$91,800
Jofaz Transportation Inc. (Legacy) 1 Coffey Street New York, NY 11231	\$673,200	\$459,000
Leesel Transp Corp (B2192) Non-Legacy 939 Garrison Avenue Bronx, NY 10474	\$33,660	\$22,950
Logan Bus Co., Inc. (Legacy) 97-14 Atlantic Avenue Ozone Park, NY 11416	\$807,840	\$550,800
Logan Transportation Systems, Inc. (Legacy) 9714 Atlantic Ave Ozone Park, NY 11416	\$370,260	\$252,450

Vendor Name & Address	March Fiscal Year 2020 Estimated Amount	April Fiscal Year 2020 Estimated Amount
Lorissa Bus Service Inc. (Legacy) 97-14 Atlantic Avenue Ozone Park, NY 11416	\$100,980	\$68,850
Mar-Can Transportation Company, Inc (B2192) Non-Legacy 318 East Third Street Mount Vernon, NY 10553	\$403,920	\$275,400
Phillip Bus Corp. (B2192) Non- Legacy 146 Wolcott Street Brooklyn, NY 11231	\$33,660	\$22,950
Pioneer Transportation Corp. (Legacy) 2890 Arthur Kill Road Staten Island, NY 10309	\$2,659,140	\$1,813,050
Pride Transportation Services, Inc. (School Age / B2321) 231 Malta Street Brooklyn, NY 11207	\$100,980	\$68,850
Quality Transportation Corp. 3167 Atlantic Avenue Brooklyn, NY 11208	\$1,683,000	\$1,147,500
Reliant Transportation Inc. (School Age / B2321) 2711 N. Haskell Avenue, Suite 1500 Dallas, Texas 75204	\$67,320	\$45,900
SNT Bus, Inc. (Legacy) 50 Snediker Avenue Brooklyn, NY 11207	\$605,880	\$413,100
Van Trans, LLC. (B2192) Non-Legacy 75 Commercial Street Plainview, NY 11803	\$201,960	\$137,700
Vinny's Bus Services, Inc. (School Age / B2321) 1040 Rockaway Avenue Brooklyn, NY 11236	\$33,660	\$22,950
TOTAL	\$9,761,400	\$6,655,500

Vendor Responsibility

Background checks were conducted on the subject vendors of this award as well as their affiliated and related entities and have been determined to be responsible. Noteworthy findings regarding any of these entities are reportable below.

A December 2019 news article revealed that the Office of the Special Commissioner of Investigation (SCI) conducted an investigation into the DOE school bus vendors who operated buses at

dangerously warm temperatures. OPT advised that all special education routes are required to be air conditioned or the bus company is held financially accountable. The DOE inspects buses year-round, and this school year made several changes that will improve its ability to monitor performance. Additional improvements include hiring additional inspectors, better control of the call center and enhanced technology. Further, the new contract requires dual air conditioners on all IEP mandated special education buses. The DOE is actively reviewing the recommendations made by SCI and intends to implement most, as appropriate.

All American School Bus Corporation

A news report revealed that in February 2019, a six-year-old student was left on an All American Corporation's (All American) school bus. The Office of Pupil Transportation (OPT) advised that the bus driver was terminated.

In 2007, All American's affiliate Rainbow Transit was among a number of bus companies investigated by the U.S. Attorney's Office (U.S. AG). The investigation resulted in the conviction of several former DOE bus inspectors on bribery, extortion, and conspiracy charges based on the inspectors having taken cash from several bus companies. Rainbow entered into a Monitoring Agreement which includes the hiring of an Independent Private Sector Inspector General (IPSIG) to monitor the business integrity of the companies. The monitoring agreements have now ended with the IPSIG having reported no signs of corruption, criminality, or unethical behavior.

As the matter above has been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

Allied Transit Corp.

The DOE is aware of the following news articles:

- A news report revealed that in September 2018, an Allied Transit Corp. (Allied) bus driver served two years in prison for burglary in 2006. The vendor advised that the driver was employed from 2012-2014 and is no longer an active driver for Allied. Additionally, the Office of Pupil Transportation (OPT) advised that the bus driver is not currently active in the DOE system.
- A news article erroneously reported that in 2016, a bus driver for entity of interest Empire Charter Service was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

In the light of the resolution of the matter above and the vendor's overall satisfactory performance on prior DOE work, the vendor is determined to be responsible.

Bobby's Bus Company, Inc., Grandpa's Bus Company, Inc., Logan Bus Co., Inc., Logan Transportation Systems, Inc., and Lorissa Bus Service, Inc.

An investigation of New York City Department of Education (DOE) bus inspectors conducted by the US Attorney's Office for the Southern District of NY that resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges for taking cash payments from a number of bus companies. As a result of this investigation, the following companies, which are being considered as related to Lorinda Enterprises, LTD for the purposes of this background check, Bobby's Bus Company, Lorissa Bus Service, Grandpa's Bus Co, Little Linda Bus, Lorinda

Enterprises, Little Richie Bus/Little Richie Matron and Logan Bus Company (Logan Bus), while not charged with an offense, were required to sign a monitoring agreement requiring them to retain an Independent Private Sector Inspector General (IPSIG) to oversee operations and compliance with their city contracts. The terms and conditions of the monitoring agreement have been met and it has expired.

The DOE is aware of the following matters from news reports and other sources:

- The New York City Office of Pupil Transportation (OPT) bus Customer Service Hotline received 76,223 calls in the first five days of school compared to 57,757 calls last year, many complaints from District 30 in Queens whose routes are assigned to Grandpa's Bus Co. (Grandpa's Bus). Parents have complained to the vendor and the New York City Department of Education (DOE) about buses being late to pick up students, not showing up at all and getting lost on routes, resulting in students being stranded for hours. The DOE reassigned four of Grandpa's Bus routes to another company and OPT is working with the Logan group of bus companies, of which Grandpa's Bus is a part, to establish a Corrective Action Plan in order to address these issues. This includes action by Grandpa's Bus to add more experienced staff to monitor routes, work with drivers and create tools that will make it easier to follow routes, establish a telephone hotline for parent inquiries, and review of safety procedures.
- In 2019, a dozen mini school buses parked in the Logan Bus' lot caught fire and were damaged. Logan Bus advised that cause of the fire was electrical, however, the final determination of the cause is still pending.
- In 2019, Logan bus dropped off a five-year-old student at the wrong school. OPT advised that Logan bus was given a violation and the driver was reprimanded. The incident was closed by OPT on September 19, 2019.
- In 2018, a 58-year-old woman was struck and killed by a mini school bus owned by Logan Bus. Logan Bus advised that the investigation is closed and the charges against the driver have been dropped.
- In 2017, a Little Richie Bus sideswiped three parked cars. The driver operating the school bus was disciplined in a formalized union hearing. This matter is being handled by the insurance carrier and Little Richie Bus has no further knowledge about the progress of the claim.
- In 2017, a negligence suit for injuries was brought against Little Richie Bus. Little Richie Bus was granted summary judgment and found not liable.
- In 2017, a driver evacuated six occupants with developmental disabilities on a smoking Guardian Bus before it burst into flames. Affiliate Guardian Bus indicated no one was harmed.

As the matters above have either been resolved or are pending, and the vendors have received satisfactory evaluation ratings on prior DOE work, the DOE determines the vendors to be responsible.

[Boro Transit, Inc. and SNT Bus, Inc.](#)

A review of the PASSPort filings of SNT Bus, Boro Transit and Consolidated Bus Transit (Consolidated Bus) revealed the following information regarding the affiliate Professional Charter Service:

- In 2013, the DOE found Professional Charter in default and terminated one of its contracts due to performance issues. The DOE and Professional Charter reached a settlement in July 2014, in which the DOE agreed that Professional Charter would be eligible for future awards, it would pay the DOE \$250,000 (which was fully satisfied in 2016) and its affiliates remained in good standing.

The DOE is also aware of the following information:

- In November 2019, a news article reported that a Boro Transit bus dropped off a student at the wrong school. OPT advised that after the student exited the bus, the student returned at the request of DOE staff.
- In March 2019, a news report revealed a lawsuit against Consolidated Bus regarding a student being bullied. The DOE will continue to follow the progress of this lawsuit and take appropriate follow-up action.
- In 2012, a news article revealed that bus route issues for Consolidated Bus. OPT advised that Consolidated Bus successfully completed 79 routes in 2012. Given the number of routes completed by the vendor, the nature of the issues reported are not unusual during the course of day to day business.

As the matters above have either been resolved or pending, and in the light of the overall satisfactory performance of SNT Bus and Boro Transit, on prior DOE contracts, the vendors are determined to be responsible.

Empire State Bus Corp.

The DOE is aware of the following news articles:

- A news report revealed that in September 2018, an Allied Transit Corp. (Allied) bus driver, which is an entity of interest of Empire State Bus Corp. (Empire State Bus) due to shared space, served two years in prison for burglary in 2006. The vendor advised that the driver was employed from 2012-2014 and is no longer an active driver for Allied. Additionally, the Office of Pupil Transportation (OPT) advised that the bus driver is not currently active in the DOE system.
- A news article erroneously reported that in 2016, a bus driver for affiliate Empire Charter was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

In the light of the resolution of the matter above and the vendors' overall satisfactory performance on prior DOE work, the DOE determines the vendors to be responsible.

Hoyt Transportation Corporation

A news report revealed that in 2017 employees of Hoyt Transportation were seeking to recover unpaid overtime compensation and damages pursuant to the Fair Labor Standards Act (FLSA), the New York Labor Law, and the New York State Wage Theft Prevention Act. The vendor advised that the matter was resolved through a confidential settlement agreement.

As the matter above has been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

Jofaz Transportation, Inc.

An investigation of DOE bus inspectors conducted by the US Attorney's Office for the Southern District of NY resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges based on their having taken cash payments from a number of bus companies. As a result of this investigation, Jofaz Transportation, Inc. (Jofaz) signed a Monitoring Agreement that included retaining an IPSIG. Criminal charges were filed against Joseph A. Fazzia,

Sr., who is no longer a principal of Jofaz and later dismissed on April 23, 2008. All monitoring agreements have now ended with the IPSIG reporting no adverse information.

A news report from March 18, 2018 revealed that a driver operating a mini bus operated by Y&M and the bus attendant were arrested for endangering the welfare of a 10 year old autistic child who was left on the bus for three hours after it was parked and locked. Y & M suspended both pending the outcome of the case.

A news report from April 2017 revealed that a mother has filed suit against a charter school claiming that her daughter was sexually assaulted on a school bus and the school tried to destroy the evidence. Jofaz indicated the matter is still pending in the Supreme Court and the bus driver had no knowledge of the incident.

As the matters above have either been resolved or are pending, and the vendors' performance on prior DOE work have been satisfactory, the vendors are determined to be responsible.

Leesel Transportation Corporation

The DOE is aware of the following news articles:

- In October 2018, a bus attendant of Leesel Transportation Corporation (Leesel) was caught on video shaking and jostling a disabled student and the parents of the student intend to sue. The vendor advised that the bus attendant was terminated on 11/02/2018 and no lawsuit has been served on Leesel. Additionally, the Office of Special Investigations (OSI) advised that this matter is closed, and the former bus attendant was the sole subject of the investigation.
- In September 2018, a Leesel bus driver had five arrests in 2014 for harassment and ignoring an order of protection involving a former partner. The vendor advised that the driver was terminated and never drove a bus while employed. Additionally, OPT advised that the bus driver is currently not active in the DOE system.

As the matter above has been resolved and the investigation is pending and in light of the vendor's satisfactory performance on prior DOE work, the vendor is determined responsible.

Mar-Can Transportation Co. Inc.

A review of Mar-Can Transportation Co. Inc.'s (Mar-Can) PASSPort submission revealed the following caution:

An investigation of DOE bus inspectors conducted by the US Attorney's Office for the Southern District of NY which resulted in the 2009 conviction of several former bus inspectors on bribery, extortion and conspiracy charges for taking cash payments from a number of bus companies. Mar-Can was one of nine companies investigated and though not charged with an offense, was required to sign a Monitoring Agreement that included retaining an Independent Private Sector Inspector General (IPSIG) to oversee its operations and compliance with City contracts. The agreement has expired with the IPSIG reporting no adverse information.

In light of vendor's overall satisfactory resolution of the above matters, and the vendor's satisfactory performance on prior DOE contracts, the DOE has determined that the vendor is responsible.

Pioneer Transportation Corp.

The DOE is aware of the following news reports:

- In 2019, Pioneer Transportation Corp. (Pioneer Transportation) was involved in a minor incident in Staten Island which caused about twenty students to be transported to a local hospital as a precaution. The incident report received from the Office of the Pupil Transportation (OPT) revealed that the incident was a result of the bus hitting the curb.
- In 2019, a bus driver and bus aide evacuated seven intermediate students from a Pioneer Transportation school bus before it burst into flames. The bus was removed and a new bus assigned to that route. OPT indicated that the cause of the fire was due to an electrical issue, which often go undetected during routine inspections. Additionally, OPT advised that all manufacturers of school buses now offer extended training on multiplex wiring (electrical harness on the chassis).
- In 2018, a Pioneer Transportation bus driver left a student at the wrong bus stop. While OPT advised that no procedures appear to have been violated by Pioneer, the driver, who had no prior infractions, was given a verbal reprimand and was re-trained. OPT further indicated that the incident occurred on a route where students share a stop and schools may implement a system for their students whereby drivers receive daily ridership rosters.
- In 2017, police were investigating a suspected arson incident after a student set a fire on the rear end of a Pioneer Transportation bus. Pioneer Transportation indicated that the police and fire department responded to the incident.

As the matters above have been resolved, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

[Pride Transportation, and Quality Transportation Corp.](#)

A review of L&M Bus Corp.'s (L&M) and Quality Transportation Corp.'s (Quality Transportation) PASSPort submissions identified the following self-reported caution:

- In 2017, a complaint was filed against affiliate Brooklyn Transportation Corp., in the United States District Court for the Eastern District of New York, for alleged discrimination practices based on gender. In 2018, the complaint was resolved, and L&M Bus advises that a settlement offer, containing a confidentiality clause, has been accepted and the matter is closed.
- In July 2016, a complaint was filed against L&M with the New York State Division of Human Rights alleging unlawful discriminatory practices related to employment because of creed, race and color. The case was dismissed on the grounds of untimeliness and the plaintiff's request for reconsideration was dismissed.

The DOE is also aware of the following matters from news reports:

- In February 2020, two children were struck by a Quality Transportation bus, resulting in one fatality. The driver was arrested and charged with failure to yield to pedestrians and exercise due care. Additionally, OPT advised that the driver tested negative for drugs and alcohol and has been suspended pending the outcome of the investigation.
- In 2018, two separate class action suits were filed against Pride Transportation (Pride), and affiliate Bella Bus Corp. (Bella Bus), for failure to pay unpaid wages and overtime. Pride advised that the case against it is still pending and Bella Bus advised that it had settled.
- In 2014, a bus driver for Pride pleaded guilty for illegally videotaping his daughter's friend and received three years of probation. Pride advises that the individual is currently not employed. Additionally, the Office of Pupil Transportation (OPT) has confirmed that the individual is not active in the DOE's system.

As the matters above have either been resolved or are still pending, and in light of the satisfactory performance of the vendors on prior DOE contracts, the vendors are determined to be responsible.

Reliant Transportation, Inc.

A review of prime Reliant Transportation's (Reliant) and parent MV Transportation's (MV) PASSPort submissions reported the following cautions:

- In December 2015, the Federal Election Commission investigated MV and its former CEO and CFO. During the investigation, MV determined that the company reimbursed its former CEO for certain political contributions that was voluntarily disclosed to the FEC. On October 26, 2016, MV and the CEO reached a conciliation agreement with FEC.
- In December 2015, MV's former CFO was charged with five counts of wire fraud in connection with paying unauthorized bonuses and using company funds for personal expenses. On March 31, 2017, the former CFO was convicted by the United States Department of Justice and was sentenced to 48 months of imprisonment.

In September 2019, an article in the Daily News stated that MV/Reliant provided poor service and charged a comparatively high price. DOE's expenditures on MV/Reliant, as well as MV/Reliant's performance, are commensurate with the scope and scale of their operation.

From 2014 to 2017, the United States Department of Labor Occupational Safety and Health Administration (OSHA) website disclosed that MV had 20 complaints, which have all been closed with penalties ranging from \$0 - \$3,000.

News articles reported that from 2004 to 2015, six of MV/Reliant's contracts were terminated early or not renewed due to performance issues; however, our information shows that none of the matters resulted in a finding of material breach of contract, nor were any of the contracts terminated for cause.

Multiple media reports revealed a number of matters alleging employment discrimination, failure to pay required wages, unwarranted termination, negligent bus operators, assaults, accidents, and investigations into potential manipulation of trip records and billing. MV and Reliant advised that the matters either have been resolved or are pending.

In light of the industry, MV's position as a national transportation provider and its volume of business, which includes 230 active contracts with an annual valued of approximately \$1.2 billion for 2018, the DOE believes the number and nature of the matters cited are not unusual. Accordingly, MV's responsiveness in addressing such matters and their successful assumption of additional DOE bus routes supports a determination that Reliant is responsible.

Van Trans LLC

A news article revealed that in September 2018, a boy with autism was attacked by his assigned paraprofessional on a Van Trans LLC (Van Trans) bus. The paraprofessional was an employee of United Staffing Solutions and was removed from working on buses. Vans Trans fully cooperated with the Westchester County Police Department and has since provided additional staff training regarding the protocol for handling such situations.

Due to the individual not being a Van Trans employee, and in light of the resolution of the matter and the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education ("DOE"), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency contracts with the vendors set forth in Appendix A, for school bus pupil transportation services for students in temporary housing, is necessary for the preservation of health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 5, 2020, and remain in effect for one month with an automatic renewal for an additional month as may be required by the DOE.

An emergency has arisen as a result of the inability to cover certain bus routes, serving students in temporary housing, that are not required to be filled under contracts with existing vendors.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition and together with the Office of Pupil Transportation negotiated terms to provide for the procurement of contracts with contractors for the purposes of ensuring bus service for these routes at an estimated value of \$9,317,700 for a period of one month with an automatic renewal for an additional month as may be required by the DOE. Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create "a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller." Furthermore, Section 2590-h(36)(e) provides that "[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable." In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the emergency contracts with the vendors identified in Appendix A must be implemented immediately to ensure the continued and complete provision of school bus service to students, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole

Dated: 3/6/20

/s/ Richard A. Carranza

Request for Authorization for Emergency Amendments to Contracts with Vendors Providing On-Site Nursing Staff Services (R1146)

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$7,308,000

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/9/2020 – 06/30/2020

Options: One - 2 Month

Options Amount: \$3,654,000

Contract Type: Requirements

RA Number: 8684

Vendor Name: See List Below

Contract Manager: Bahram Fathi, Contract Manager, Office of School Health

Lead Contracting Officer: Michael Van Biema, Executive Director, Office of Special Education – Related Services

Division of Contracts and Purchasing Contact: Denesia Stroom-Blair, Director, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of School Health (“OSH”) to contract with the vendors listed below in accordance with the DOE Procurement Policy and Procedures, Section 3-09, to provide new on-site nursing staff coverage during the regular school year.

Discussion

OSH is responsible for providing and coordinating on-site nursing staff coverage in schools that are not required by federal, state, or local law to maintain on-site nursing staff and to ensure nursing coverage in the event of unexpected on-site nursing staff absences. The inclusion of this additional on-site nursing staff is not required to be filled under existing vendors’ contracts.

OSH already manages contracts for the provision of the regular nursing and nursing transportation staffing and these contracts that expire in 2021 with two one-year options to renew. This emergency will amend the contracts with some of the vendors to fill the shortage of on-site nurses that has arisen as a result of the COVID-19 public health emergency, which resulted in insufficient capacity under existing contracts. Only nurses who have not worked with the DOE since January 1, 2020, are eligible for recruitment by the vendors listed below. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division for Contracts and Purchasing and the Chancellor, respectively, were made.

The rate of \$90 per hour for a 35-hour work week was used to calculate the cost per month. The estimated contract amounts are to cover four months of nursing services, and the automatic extension option will cover two additional months of nursing services during the summer of 2020. As

the rate is consistent with or below those offered by other agencies during this public health crisis, pricing is determined to be fair and reasonable.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below is the estimated number of new nurses each agency has committed during this period of time.

Vendor Name & Address	Estimated Number of New Nurses	Estimated Monthly Amount
Horizon Health Care Staffing Corp. 20 Jerusalem Avenue, 3 rd Floor Hicksville, NY 11801	78	\$982,800
NPORT Registered Nursing, Physical and Occupational Therapy and Speech Language Services, PLLC. 2275 Coleman Street, Ste. 4 Brooklyn, NY 11234	9	\$113,400
RCM Technologies USA, Inc. dba RCM Healthcare Services 575 8 th Avenue, 6 th Floor New York, NY 10018	14	\$176,400
TheraCare Nurses Registry, LLC 888 Veterans Memorial Highway, Ste. 310 Hauppauge, NY 11788	2	\$25,200
United Staffing Solutions, Inc. 1385 Broadway, 10 th Floor New York, NY 10018	42	\$529,200
TOTAL	145	\$1,827,000

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Horizon Health Care Staffing Corp.

A review of Horizon Health Care Staffing Corp.'s (Horizon) PASSPort reveals a self-reported caution regarding two investigations conducted by the Special Commissioner of Investigation for the New York City School District (SCI):

- A 2016 SCI investigation substantiated that a nurse employed by Horizon hit a 4-year-old student. Horizon confirmed that the nurse's employment was terminated after they were made aware of the incident in May 2016.
- A 2016 SCI investigation substantiated that a paraprofessional employed by Horizon behaved in an aggressive manner toward a 4-year-old student she was assigned to as a one-to-one crisis intervention paraprofessional. After the mother contacted Horizon, the student's

paraprofessional was removed from her assignment to the child and later ceased using her services.

In light of the resolution of the matters above, and its satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.

RCM Technologies USA, Inc.

A review of RCM Technologies USA, Inc. dba RCM Care Services' (RCM) PASSPort submission revealed the following caution:

- From 2013 to 2016, RCM was the subject of a number of investigations by the New York City Department of Investigation (DOI) and Special Commissioner of Investigation for the New York City School District (SCI):
 - In 2016, an employee simultaneously worked for RCM and the New York City Department of Education (DOE) providing the same services to a student during the same hours. RCM never billed the DOE for these services and terminated the employee upon notice of this conduct.
 - In 2014, a DOE principal reported that an RCM physical therapist assigned to the school never signed in at the school and never signed any student out of class, but claimed to have serviced children. The DOE was never billed for the employee's services and RCM terminated the employee.
 - In November 2013, an independent speech provider for RCM failed to provide services to her assigned students, submitted forged documents containing the principal's signature, and billed the DOE. RCM cooperated in identifying the fraud, immediately removed the individual from her assignment and reimbursed the DOE in the amount of \$10,420. RCM implemented a corrective action plan (CAP) which included a revised therapist orientation, random audits, email verifications sent to DOE schools regarding therapist attendance, and a commitment to immediately contact SCI regarding any suspicion of fraud or wrongdoing.

Given the number of SCI reports, RCM created a general CAP addressing the staff issues reflected by SCI's findings which required:

- Creating an anonymous fraud reporting hotline and corresponding flier,
- Hiring of a security and fraud prevention consultant,
- Creating an ethics training video; and
- Creating a billing and employment certification form for completion by schools in order to avoid double-billing.

Additionally, PASSPort revealed the following information from the Department of Corrections' (DOC) responsibility determination (RD):

- A news article revealed an unpaid overtime class action lawsuit filed against RCM by two former employees. DOC advised that the matter was settled.

The DOE found RCM's CAP and corrective actions satisfactory and in light of vendor's satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.

Theracare Nurses Registry, LLC

A review of Theracare Nurses Registry LLC (TNR), parent Theracare of New York, Inc. (TNY) and affiliate Theracare Preschool Services, Inc.'s (TPS) PASSPort submission revealed the following caution:

- For the evaluation period ending December 2016, TNR received one unsatisfactory evaluation for its Temporary Nursing Services Program from the New York City Department of Health and Mental Hygiene's (DOHMH) Bureau of Immunization due to improper screening of nurses, and problems with submission of invoices and timesheets. A Corrective Action Plan (CAP) was implemented and accepted by DOHMH with the requirement that all nurses attend a DOHMH orientation and training before being placed. Subsequent to TNR receiving the unsatisfactory evaluation, DOHMH indicated that TNR has made significant improvements.

Additionally, the DOE is aware of the following:

- In April 2014 the New York State Comptroller's (NYS Comptroller) office issued an audit of TNR's affiliate, TPS, which found that TPS claimed \$876,898 in ineligible expenses for reimbursement over a three year fiscal period ending June 30, 2011. The NYS Comptroller recommended that the New York State Education Department (NYSED) review the audit's recommended disallowances, recoup the money through adjustments to TPS's reimbursement rates and work with the vendor to ensure its compliance with the requirements for documenting program-related allowance expenses as governed by NYSED's Reimbursable Cost Manual. NYSED completed its review and determined that TPS was required to repay \$247,835 and the DOE's office of Non School Payables confirmed that the total amount has been in full.

In light of the resolution of the above matters and TNS' overall satisfactory performance on prior DOE work, the vendor is determined to be responsible.

United Staffing Solutions, Inc.

A November 2018 news article revealed that a student with autism was allegedly attacked on a school bus by an assigned paraprofessional employed by United Staffing Solutions, Inc. (USS). USS advised that it took immediate action by notifying the DOE and conducting a thorough investigation into the incident. Additional training materials were added to USS' crisis prevention training handbook and the vendor has added a director of recruitment and training for paraprofessionals who oversee the onboarding of all paraprofessionals assigned to the DOE. The student continues to receive services from USS.

In light of the resolution of the matter above and USS' satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency contract amendments with the vendors set forth in Appendix A for providing on-site nursing staff coverage is necessary for the preservation of health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 9, 2020 and shall remain in effect as required by the DOE.

An emergency has arisen as a result of a desire to provide on-site nursing staff coverage in schools that are not required by federal, state, or local law to maintain on-site nursing staff and to ensure nursing coverage in the event of unexpected on-site nursing staff absences. The inclusion of this additional on-site nursing staff is not required to be filled under existing vendors’ contracts.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition and together with the Office of School Health negotiated terms to provide for the implementation of contract amendments with current vendors for the purpose of ensuring on-site nursing staff coverage at an estimated value of \$10,857,000 per month. Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the emergency contracts with the vendors identified in Appendix A must be implemented immediately to ensure on-site nursing staff coverage, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole

Dated: 3/6/20

/s/Richard A. Carranza

Request for Authorization for Emergency Amendments to Contracts with Vendors Providing On-Site Nursing Staff Services (R0884)

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$10,432,800

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/9/2020 – 06/30/2020

Options: One - 2 Month

Options Amount: \$5,216,400

Contract Type: Requirements

RA Number: 8691

Vendor Name: See List Below

Contract Manager: Bahram Fathi, Contract Manager, Office of School Health

Lead Contracting Officer: Christopher Groll, Senior Advisor, Division of School Climate and Wellness

Division of Contracts and Purchasing Contact: Denesia Stroom-Blair, Director, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of School Health (“OSH”) to contract with the vendors listed below in accordance with the DOE Procurement Policy and Procedures, Section 3-09, to provide new long term temporary school nursing staff coverage.

Discussion

OSH is responsible for providing and coordinating on-site nursing staff coverage in schools that are not required by federal, state, or local law to maintain on-site nursing staff and to ensure nursing coverage in the event of unexpected on-site nursing staff absences. The inclusion of this additional on-site nursing staff is not required to be filled under existing vendors’ contracts.

OSH already manages contracts for the provision of the long term temporary school nurses and these contracts expire in the summer of 2020. The DOE plans to extend these contracts for another year whilst finalizing the release of a new solicitation. This emergency will amend the contracts with some of the vendors to fill the shortage of on-site nurses that has arisen as a result of the COVID-19 public health emergency, which resulted in insufficient capacity under existing contracts. Only nurses who have not worked with the DOE since January 1, 2020, are eligible for recruitment by the vendors listed below. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division for Contracts and Purchasing and the Chancellor, respectively, were made.

The rate of \$90 per hour for a 35-hour work week was used to calculate the cost per month. The estimated contract amounts are to cover four months of nursing services, and the automatic

extension option will cover two additional months of nursing services during the summer of 2020. As the rate is consistent with or below those offered by other agencies during this public health crisis, pricing is determined to be fair and reasonable.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below is the estimated number of new nurses each agency has committed during this period of time.

Vendor Name & Address	Estimated Number of New Nurses	Estimated Monthly Amount
Comprehensive Resources, Inc. 1663 East 17 th Street Brooklyn, NY 11229	13	\$163,800
Gotham Per Diem, Inc. 75 Maiden Lane, 7 th Floor New York, NY 10038	52	\$655,200
The Execu-Search Holdings LLC dba The Execu-Search Group, LLC 675 Third Avenue New York, NY 10017	142	\$1,789,200
TOTAL	207	\$2,608,200

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Comprehensive Resources, Inc.

A 2010 SCI investigation of a social worker employed by Binet, an affiliate of the prime vendor, which found that the social worker failed to immediately report her suspicion of child abuse to the New York State Central Register for Child Abuse and Maltreatment as required by the DOE under Chancellor's regulation A-750 or to the Commissioner of the Office of Children and Family Services as the DOE believes she was required to do as a mandated reporter. The social worker waited until 3 days after making her observations to report the matter which she did only when she was advised to do so after informing one of the assistant principals. Binet has provided the DOE with a satisfactory corrective action plan addressing the mandated reporting responsibilities of staff, distributed the Chancellor's regulation to all its consultants and individually counseled the social worker on how to appropriately act in such situations in the future.

While this matter involved an affiliate of the prime vendors, all affiliates are owned by the same principal. The prime vendor, along with its affiliates, generated \$16.2 million in revenues in fiscal year 2019 and in light of its volume of business, the corrective actions taken in response to this matter, the vendor and principal's cooperation and the vendor's satisfactory performance under prior contracts, the DOE determines the vendor to be responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency contract amendments with the vendors set forth in Appendix A for providing on-site nursing staff coverage is necessary for the preservation of health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 9, 2020 and shall remain in effect as required by the DOE.

An emergency has arisen as a result of a desire to provide on-site nursing staff coverage in schools that are not required by federal, state, or local law to maintain on-site nursing staff and to ensure nursing coverage in the event of unexpected on-site nursing staff absences. The inclusion of this additional on-site nursing staff is not required to be filled under existing vendors’ contracts.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition and together with the Office of School Health negotiated terms to provide for the implementation of contract amendments with current vendors for the purpose of ensuring on-site nursing staff coverage at an estimated value of \$10,857,000 per month. Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the emergency contracts with the vendors identified in Appendix A must be implemented immediately to ensure on-site nursing staff coverage, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole

Dated: 3/6/20

/s/Richard A. Carranza

Request for Authorization to have Emergency Extension Contracts with Vendors
Providing Transportation Service for School Age Education Pupils and Pupils with
Disabilities – B2321

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$21,409,865

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/2/2020 – 3/31/2020

Options: One Month

Options Amount: \$16,771,850

Contract Type: Requirements

RA Number: 7507

Vendor Name: See List Below

Contract Manager: Everett Parker, Contracts Administrator, Office of Pupil Transportation

Lead Contracting Officer: Lisa D'Amato, Director, Office of Pupil Transportation

Division of Contracts and Purchasing Contact: Ahmed Moharam, Procurement Analyst, Transportation, Food, and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Pupil Transportation (“OPT”) to contract with vendors listed below in accordance with the DOE Procurement Policy and Procedures, section 3-09, to provide transportation services to pupils who receive general busing and to pupils with disabilities who require special busing during the regular school year.

Discussion

OPT is responsible for providing and coordinating bus transportation services to and from school for eligible students in both public and non-public schools. Transportation services include stop-to-stop and door-to-door busing.

Certain contracts and extensions for the provision of the regular school year bus service expired on March 1, 2020 and such bus service is required starting March 2, 2020. This emergency has risen as a result of continued negotiations to finalize extensions of bus services with incumbent vendors. These transportation services are necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division of Contracts and Purchasing and the Chancellor, respectively, were made (see attached).

The estimated contract amounts are to cover one month of transportation services, and the automatic extension option will cover an additional one month of transportation services. All terms and conditions including pricing will remain the same. Accordingly, pricing is determined to be fair and reasonable.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below are the estimated amounts for these services. Note, the first column for each vendor represents the March 2020 estimated amount and the second represents the March 2020 estimated amounts.

Vendor Name & Address	March Estimated Amount	April Estimated Amount
All County Bus LLC 70 Fernbrook Street Yonkers, NY 10705	\$492,563	\$385,484
Children's Trans Inc. 1465 Bronx River Avenue Bronx, NY 10472	\$144,433	\$113,035
Don Thomas Buses, Inc. 960 Close Avenue Bronx, NY 10473	\$1,470,087	\$1,150,503
New Dawn Transit, LLC 2352 E. 69 th Street Brooklyn, NY 11234	\$2,215,113	\$1,733,566
Reliant Transportation Inc. 2711 N. Haskell Avenue, Suite 1500 Dallas, Texas 75204	\$15,406,791	\$12,057,488
Thomas Buses, Inc. 2859 West 37 th Street Brooklyn, NY 11224	\$738,474	\$577,936
Vinny's Bus Services, Inc. 1040 Rockaway Avenue Brooklyn, NY 11236	\$942,404	\$753,838
TOTAL	\$21,409,865	\$16,771,850

Vendor Responsibility

Background checks were conducted on the subject vendors of this award as well as their affiliated and related entities and have been determined to be responsible. Noteworthy findings regarding any of these entities are reportable below.

A December 2019 news article revealed that the Office of the Special Commissioner of Investigation (SCI) conducted an investigation into the DOE school bus vendors who operated buses at dangerously warm temperatures. OPT advised that all special education routes are required to be air conditioned or the bus company is held financially accountable. The DOE inspects buses year-round, and this school year made several changes that will improve its ability to monitor performance. Additional improvements include hiring additional inspectors, better control of the call center and enhanced technology. Further, the new contract requires dual air conditioners on all IEP mandated special education buses. The DOE is actively reviewing the recommendations made by SCI and intends to implement most, as appropriate.

All County Bus LLC

A March 2017 news report revealed that a minibus from All County Bus LLC (ACB) caught on fire in Yonkers. The Office of the Pupil Transportation (OPT) advised that at the time of the incident there were no students on the bus and the bus was not on a DOE route. OPT indicated that the cause of the fire was due to an electrical issue with the manufacturer. The bus was inspected by the New York State Department of Transportation (NYS DOT) and was put permanently out of service on March 8, 2017. OPT advised that the NYS DOT did not inspect the rest of ACB's fleet of buses as this was an isolated incident.

As the matter above was an isolated incident, and the bus was taken out of service after the NYS DOT inspection, and in light of the vendor's satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.

Children's Trans Inc., Don Thomas Buses, Inc. and Thomas Buses, Inc.

A news article in November 2019 revealed that an 83 year old man was struck and killed by a school bus owned by First Steps Transportation (First Steps). At the time of the incident there were no students on the bus, and the driver was immediately suspended pending the outcome of the investigation.

In October 2015, indictments for bank fraud, conspiracy to commit bank fraud, and payroll tax fraud conspiracy were issued against relatives of the owners of First Steps Trans Inc. and Thomas Buses, Inc. in connection with over \$14 million in bank loans made to bus companies controlled by those relatives and \$10 million in payroll taxes. On October 29, 2015, the principal owners of the prime vendors had a meeting with representatives of the NYC Department of Education to discuss the nature of any business relationships with the individuals being charged. The DOE received attestations from the owners of the respective vendors confirming that from October 29, 2015 to date of the attestation they have not received consulting advice or provided compensation to the individuals charged, have ensured that those charged will not be permitted on or near their business premises and agreed not to discuss business on or off the business premises with any of the charged individuals.

As the matters above are either pending or have been resolved, and the vendors' satisfactory performance on prior DOE contracts, the DOE determines the vendors to be responsible.

New Dawn Transit LLC

A review of New Dawn Transit, LLC (New Dawn) PASSPort submission revealed the following caution:

- From 2015 – 2018 affiliates, Septran, Inc. (Septran) and White Plains Bus Co (White Plains) were investigated by the United States Department of Transportation (USDOT) and Illinois Attorney General's Office (IL AG):
 - In December 2018, USDOT conducted a regulatory compliance review of driver and monitor files for Septran and White Plains. The vendor advised that the companies provided the requested information and the matter is closed.
 - In December 2015, IL AG conducted an investigation regarding a complaint against Septran for insufficient handicap accessible parking at its Customer Service Center. The vendor advised that Septran made modifications to comply with the state and federal standards, which were accepted by the IL AG and the matter was closed on 12/16/2016.

Additionally, PASSPort revealed the following information:

- Affiliate, National Express Transit Corporation is named in multiple liens filed by the State of Ohio Department of Revenue ranging from \$138 to \$830. The vendor advised that all liens have been fully paid.

A review of parent, National Express, LLC's (National Express) PASSPort submission revealed the following caution:

- From 2014 to present affiliate, Durham School Services, L.P. (Durham School) and Durham D&M, LLC (Durham) was investigated by the Massachusetts Attorney General's Office (MA AG), United States Department of Transportation (USDOT), Illinois Department of Labor, Wage and Hour Division (Illinois DOL), Occupational Safety and Health Administration (OSHA), National Transportation Safety Board (NTSB), United States Department of Labor, Wage and Hour Division (US DOL), and Illinois Attorney General's Office (IL AG):
 - In November 2017, the MA AG office notified Durham School of a complaint regarding meal break policies. This matter is ongoing.
 - In April 2017, the USDOT initiated a federal regulatory compliance review of Durham School operating authority. The review is ongoing.
 - In April 2017, the IL DOL conducted a wage audit of Durham's Red Bud, IL location. The vendor advised that it provided the requested documentation and the matter is closed.
 - In March 2017, OSHA conducted an investigation of Durham School due to allegations relating to faulty exhaust system and malfunctioning equipment. The vendor advised that matter was closed in September 2017.
 - In November 2016, the USDOT and NTSB are conducting an investigation of Durham School as a result of a bus accident in Tennessee. The matter is ongoing.
 - In August 2016, the US DOL conducted an audit of Durham School's Customer Service Center in Colorado. The audit revealed that 16 employees were underpaid and Durham School owed these employees a total of \$5,483.21. The vendor advised that the amount was fully paid and to its knowledge no further action was required. In October 2014, IL AG conducted an investigation regarding a complaint against Durham School's for insufficient handicap accessible parking at its Customer Service Center in Mount Vernon, IL. The vendor advised that Durham School made modifications to comply with the state and federal standards, which were accepted by the IL AG the matter was closed on 12/16/2016.

Multiple media reports regarding New Dawn, parent National Express and its' affiliates revealed a number of matters alleging employment discrimination, failure to pay required wages, unwarranted termination, negligent bus operators, assaults, accidents, and investigations into potential manipulation of trip records and billing. New Dawn advised that the matters either have been resolved or are pending.

As the matters above have either been resolved or are still pending, and in light of the satisfactory performance of New Dawn on prior DOE contracts, the vendor are determined to be responsible.

Reliant Transportation, Inc.

A review of prime Reliant Transportation's (Reliant) and parent MV Transportation's (MV) PASSPort submissions reported the following cautions:

- In December 2015, the Federal Election Commission investigated MV and its former CEO and CFO. During the investigation, MV determined that the company reimbursed its former CEO for certain political contributions that was voluntarily disclosed to the FEC. On October 26, 2016, MV and the CEO reached a conciliation agreement with FEC.
- In December 2015, MV's former CFO was charged with five counts of wire fraud in connection with paying unauthorized bonuses and using company funds for personal expenses. On March 31, 2017,

the former CFO was convicted by the United States Department of Justice and was sentenced to 48 months of imprisonment.

In September 2019, an article in the Daily News stated that MV/Reliant provided poor service and charged a comparatively high price. DOE's expenditures on MV/Reliant, as well as MV/Reliant's performance, are commensurate with the scope and scale of their operation.

From 2014 to 2017, the United States Department of Labor Occupational Safety and Health Administration (OSHA) website disclosed that MV had 20 complaints, which have all been closed with penalties ranging from \$0 - \$3,000.

News articles reported that from 2004 to 2015, six of MV/Reliant's contracts were terminated early or not renewed due to performance issues; however, our information shows that none of the matters resulted in a finding of material breach of contract, nor were any of the contracts terminated for cause.

Multiple media reports revealed a number of matters alleging employment discrimination, failure to pay required wages, unwarranted termination, negligent bus operators, assaults, accidents, and investigations into potential manipulation of trip records and billing. MV and Reliant advised that the matters either have been resolved or are pending.

In light of the industry, MV's position as a national transportation provider and its volume of business, which includes 230 active contracts with an annual valued of approximately \$1.2 billion for 2018, the DOE believes the number and nature of the matters cited are not unusual. Accordingly, MV's responsiveness in addressing such matters and their successful assumption of additional DOE bus routes supports a determination that Reliant is responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency extension contracts set forth in Appendix A, for school bus pupil transportation services for school-aged pupils who receive general busing and school-aged pupils with disabilities who require special busing, is necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 1, 2020, and remain in effect for one month with an automatic renewal for an additional month as may be required by the DOE.

An emergency has arisen as a result of continued negotiations to finalize one-year extension contracts of bus service with contractors. Certain contracts for the provision of school year bus service will have expired prior to the conclusion of negotiations and registration of the executed extension contracts and such bus service is required for continued use in the 2019-2020 school year.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition to provide for the procurement of contracts with contractors for the purposes of ensuring bus service at an estimated value of \$21,409,865 for a period of one month with an automatic renewal for an additional month as may be required by the DOE.

Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the contracts identified in Appendix A must be implemented immediately to ensure the continued provision of school bus service to students, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole.

Dated: 3/6/20

/s/ Richard A. Carranza

Request for Authorization for Emergency Extension Contracts with Vendors
Providing Transportation Services for Pre-Kindergarten and Early Intervention
Participants – B2026

Procurement Method: Emergency Contract per DOE Procurement Policy and Procedures, Section 3-09

Estimated Contract Amount: \$13,131,761

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 3/1/2020 – 3/31/2020

Options: One Month

Options Amount: \$13,131,761

Contract Type: Requirements

RA Number: 7510

Vendor Name: See List Below

Contract Manager: Everett Parker, Contracts Administrator, Office of Pupil Transportation

Lead Contracting Officer: Lisa D’Amato, Director, Office of Pupil Transportation

Division of Contracts and Purchasing Contact: Ahmed Moharam, Procurement Analyst, Transportation, Food, and Facilities Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Pupil Transportation (“OPT”) to contract with vendors listed below to provide transportation services to Pre-Kindergarten (“Pre-K”) pupils and pupils with disabilities who require special busing during the school year.

Discussion

OPT is responsible for providing and coordinating bus transportation services necessary for New York City students attending Pre-K and Early Intervention Programs.

Certain contracts and extensions for the provision of the regular school year bus service expired on February 29, 2020 and such bus service is required starting March 1, 2020. This emergency has risen as a result of continued negotiations to finalize extensions of bus services with incumbent vendors. These transportation services are necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. As such, declarations of Emergency Procurement and Emergency Implementation of contracts by the Senior Executive Director for the Division of Contracts and Purchasing and the Chancellor, respectively, were made (see attached).

The estimated contract amounts are to cover one month of transportation services, and the automatic extension option will cover an additional one month of transportation services. All terms and conditions including pricing will remain the same. Accordingly, pricing is determined to be fair and reasonable.

These contracts are retroactive because they are emergencies and as such were implemented prior to approval by the Panel for Educational Policy.

Below are the estimated amounts for these services. Note, the first column for each vendor represents the March 2020 estimated amount and the second represents the April 2020 estimated amounts.

Number	Vendor Name & Address	March Fiscal Year 2020 Estimated Amount	April Fiscal Year 2020 Estimated Amount
1.	Alina Services Corp. 245-37 60th Avenue Douglaston, NY 11362	\$1,393,331	\$1,393,331
2.	Another Ride, Inc. 960 Close Avenue Bronx, NY 10473	\$97,727	\$97,727
3.	Don Thomas Buses, Inc. (B20265A) 960 Close Avenue Bronx, NY 10473	\$177,206	\$177,206
4.	Don Thomas Buses, Inc. (B20260A) 960 Close Avenue Bronx, NY 10473	\$214,133	\$214,133
5.	First Steps Trans Inc. (B202655) 2859 West 37th Street Brooklyn, NY 11224	\$528,227	\$528,227
6.	First Steps Trans Inc. (B202608) 2859 West 37th Street Brooklyn, NY 11224	\$105,036	\$105,036
7.	Fortuna Bus Company, Inc. 1329 36th Street Brooklyn, NY 11218	\$537,786	\$537,786
8.	GVC Ltd. 450 Zerega Avenue Bronx, NY 10473	\$1,560,903	\$1,560,903
9.	Happy Day Transit, Inc. 144 Pilling Street Brooklyn, NY 11207	\$935,759	\$935,759
10.	I&Y Transit Corp. 245-37 60th Avenue Douglaston, NY 11362	\$648,015	648,015
11.	IC Bus, Inc. 380 Chelsea Road Staten Island, NY 10314	\$508,612	\$508,612
12.	L&M Bus Corp. 3167 Atlantic Avenue Brooklyn, NY 11208	\$3,536,802	\$3,536,802
13.	Penny Transportation Inc. 3100 Cropsey Avenue Brooklyn, NY 11224	\$200,275	\$200,275

14.	Phillip Bus Service Inc. 146 Wolcott Street Brooklyn, NY 11231	\$748,835	\$748,835
15.	Royal Express Line Corp. 95-08 Queens Blvd. Rego Park, NY 11374	\$300,010	\$300,010
16.	Selby Transportation Corp. 3900 Webster Avenue Bronx, NY 10470	\$617,885	\$617,885
17.	Smart Pick, Inc. (B202662) 3100 Cropsey Avenue Brooklyn, NY 11224	\$181,313	\$181,313
18.	Smart Pick, Inc. (B202631) 3100 Cropsey Avenue Brooklyn, NY 11224	\$839,906	\$839,906
	TOTAL	\$13,131,761	\$13,131,761

Vendor Responsibility

Background checks were conducted on the subject vendors of this award as well as their affiliated and related entities and have been determined to be responsible. Noteworthy findings regarding any of these entities are reportable below.

A December 2019 news article revealed that the Office of the Special Commissioner of Investigation (SCI) conducted an investigation into the DOE school bus vendors who operated buses at dangerously warm temperatures. OPT advised that all special education routes are required to be air conditioned or the bus company is held financially accountable. The DOE inspects buses year-round, and this school year made several changes that will improve its ability to monitor performance. Additional improvements include hiring additional inspectors, better control of the call center and enhanced technology. Further, the new contract requires dual air conditioners on all IEP mandated special education buses. The DOE is actively reviewing the recommendations made by SCI and intends to implement most, as appropriate.

Alina Services Corp. and I&Y Transit Corp.

In May 2016, news sources reported that during a transfer of students from a disabled Alina Services bus to one that was operational, an escort allowed a 4-year-old autistic boy to wander away unattended. The child was found by a school aide shortly thereafter and the escort was suspended by Alina Service Corp. for six months. Since the incident, Alina Services Corp. implemented a new policy that requires an additional escort to accompany the driver of the replacement bus, to ensure that all the children are safely transferred into the replacement bus.

In January 2014, an employee of Iridium Services filed a class action civil lawsuit against Iridium Services Corp and the principal owner, alleging that he was not paid overtime wages. The lawsuit was settled as of June 2014, and the plaintiff was paid \$7,500.

As all matters have been addressed and resolved satisfactorily, the DOE determines that I & Y Transit Corp and Alina Services Corp are responsible.

Another Ride, Inc., Don Thomas Buses, Inc., and First Steps Trans, Inc.

A news article in November 2019 revealed that an 83-year-old man was struck and killed by a school bus owned by First Steps Transportation (First Steps). At the time of the incident there were no students on the bus, and the driver was immediately suspended pending the outcome of the investigation.

In November 2019, three relatives of the owners of First Steps and Thomas Buses, Inc. plead guilty to conspiracy to commit bank fraud, conspiracy to defraud the United States, and tax fraud in connection with over \$14 million in bank loans made to bus companies controlled by those relatives and \$10 million in payroll taxes. Following the indictments which led to the guilty pleas, on October 29, 2015, representatives from the NYC Department of Education met with the principal owners of the prime vendors to discuss the nature of any business relationships with the individuals being charged. The DOE received attestations from the owners of the respective vendors confirming that from October 29, 2015 to the date of the attestation they have not received consulting advice or provided compensation to the individuals charged, have ensured that those charged will not be permitted on or near their business premises and agreed not to discuss business on or off the business premises with any of the charged individuals.

As the matters above are either pending or have been resolved, and the vendors' satisfactory performance on prior DOE contracts, the DOE determines the vendors to be responsible.

GVC LTD

A news article erroneously revealed that in 2016, a bus driver for Empire Charter Service was convicted in 2009 for punching a hole in the kitchen door of his grandmother's house and spent 15 days in jail. However, OPT confirmed that the driver was employed by GVC Ltd. (GVC). GVC advises that the bus driver is no longer with the company. Additionally, OPT confirmed that the individual is not active in its system.

As the individual is no longer employed by GVC, and in light of the vendor's satisfactory performance on prior DOE work, the DOE determines the vendor to be responsible.

IC Bus, Inc.

PASSPort reveals a dismissed criminal charge from the State of New Jersey against an IC Bus principal officer. The matter pertains to possession of a controlled substance and due to the quantity, the charge was conditionally discharged under the state's conditional discharge program. There is no conviction attached to the disposition and the matter was dismissed on November 26, 2018. PASSPort further reveals administrative charges issued by a number of government agencies that either have been resolved or are pending resolution.

The DOE also is aware of the following:

In 2006, the U.S. Attorney's Office investigated several New York City Department of Education (DOE) bus inspectors for bribery and extortion that resulted in a 2009 conviction of former DOE inspectors, along with additional conspiracy charges for having taken cash payments from a number of bus companies. As a result of the investigation, IC Bus and affiliate, Gotham Transportation Corp., signed a monitoring agreement, which provided for an Independent Private Sector Inspector General (IPSIG) selected by the NYC Special Commissioner of Investigation to among other things, oversee compliance with NYC contracts, monitor employee conduct, audit payroll and expenditures and

oversee operations and training. The monitoring agreement has now ended with no adverse information being reported by the monitor to SCI or the DOE.

A news report revealed that a special needs student was molested on a bus between September 2012 to April 2013. The parents of the boy filed a lawsuit against IC Bus, Inc., IC Escorts, and IC Coachways in the Supreme Court of the State of New York County of Richmond in September 2017. The lawsuit was settled for the amount of \$247,500 and in accordance with a payment plan, IC Bus made its first payment on December 31, 2018.

As the monitoring agreement did not result in the reporting of any adverse information, the other matters have been resolved and in light of the vendor's satisfactory performance on its current DOE contract, the vendor is determined to be responsible.

L&M Bus Corp.

A review of L&M Bus Corp.'s (L&M) and Quality Transportation Corp.'s (Quality Transportation) PASSPort submissions identified the following self-reported caution:

- In 2017, a complaint was filed against affiliate Brooklyn Transportation Corp., in the United States District Court for the Eastern District of New York, for alleged discrimination practices based on gender. In 2018, the complaint was resolved, and L&M Bus advises that a settlement offer, containing a confidentiality clause, has been accepted and the matter is closed.
- In July 2016, a complaint was filed against L&M with the New York State Division of Human Rights alleging unlawful discriminatory practices related to employment because of creed, race and color. The case was dismissed on the grounds of untimeliness and the plaintiff's request for reconsideration was dismissed.

The DOE is also aware of the following matters from news reports:

- In February 2020, two children were struck by a Quality Transportation bus, resulting in one fatality. The driver was arrested and charged with failure to yield to pedestrians and exercise due care. Additionally, OPT advised that the driver tested negative for drugs and alcohol and has been suspended pending the outcome of the investigation.
- In 2018, two separate class action suits were filed against Pride Transportation (Pride), and affiliate Bella Bus Corp. (Bella Bus), for failure to pay unpaid wages and overtime. Pride advised that the case against it is still pending and Bella Bus advised that it had settled.
- In 2014, a bus driver for Pride pleaded guilty for illegally videotaping his daughter's friend and received three years of probation. Pride advises that the individual is currently not employed. Additionally, the Office of Pupil Transportation (OPT) has confirmed that the individual is not active in the DOE's system.

As the matters above have either been resolved or are still pending, and in light of the satisfactory performance of the vendors on prior DOE contracts, the vendor is determined to be responsible.

Selby Transportation Corp.

The DOE is aware of the following news articles:

- In October 2018, a bus attendant of Leesel Transportation Corporation (Leesel) was caught on video shaking and jostling a disabled student and the parents of the student intend to sue. The vendor advised that the bus attendant was terminated on 11/02/2018 and no lawsuit has been

served on Leesel. Additionally, the Office of Special Investigations (OSI) advised that this matter is closed, and the former bus attendant was the sole subject of the investigation.

- In September 2018, a Leesel bus driver had five arrests in 2014 for harassment and ignoring an order of protection involving a former partner. The vendor advised that the driver was terminated and never drove a bus while employed. Additionally, OPT advised that the bus driver is currently not active in the DOE system.

As the matter above has been resolved and the investigation is pending and in light of the vendor's satisfactory performance on prior DOE work, the vendor is determined responsible.



DECLARATION PURSUANT TO EDUCATION LAW §§ 2590-g(9) and 2590-h(36)

I, Richard Carranza, Chancellor of the New York City Department of Education (“DOE”), pursuant to Section 2590-g(9) and Section 2590-h(36) of the New York State Education Law, do hereby determine that immediate implementation of emergency extension contracts set forth in Appendix A, for school bus pupil transportation services for Pre-K pupils with disabilities who require special busing, is necessary for the preservation of the health, safety, and general welfare of students and the school system as a whole. This emergency declaration shall be effective as of March 1, 2020, and remain in effect for one month with an automatic renewal for an additional month as may be required by the DOE.

An emergency has arisen as a result of continued negotiations to finalize extension contracts of bus service with contractors. Certain contracts and extensions that include the provision of school year session bus service are set to expire, or will have expired, on February 29, 2020 and such bus service is required for continued use in the 2019-2020 school year.

Accordingly, the Executive Director for the Division for Contracts and Purchasing declared an emergency condition to provide for the procurement of contracts with contractors for the purposes of ensuring bus service at an estimated value of \$13,131,761 for a period of one month with an automatic renewal for an additional month as may be required by the DOE.

Recognizing that emergency circumstances will sometimes require the DOE 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 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 contracts described in Appendix A prior to Panel approval.

Also recognizing that emergency circumstances will sometimes require the DOE to act before there has been enough time to file a contract(s) with the Comptroller of the City of New York and for the said Comptroller to register the contract(s), Section 2590-h(36)(a)(x) of the Education Law authorizes me to create “a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller.” Furthermore, Section 2590-h(36)(e) provides that “[t]he requirements of paragraphs (c) and (d) of this subdivision [requiring registration of contracts by the Comptroller of the City of New York] shall not apply to an emergency contract awarded pursuant to subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.” In accordance with these provisions, I have determined that it is necessary to implement the contracts described in Appendix A prior to registration by the New York City Comptroller.

Pursuant to Section 2590-g(9) and Section 2590-h(36)(a)(x) and (e) of the Education Law, I hereby determine that the contracts identified in Appendix A must be implemented immediately to ensure the continued provision of school bus service to students, and thus to ensure the provision of a necessary service and to preserve the health, safety, and general welfare of the students and school system as a whole.

Dated: 3/6/20

/s/ Richard A. Carranza

Request for Authorization to Contract with The Committee for Hispanic Children and Families, Inc. to provide the College and Career Readiness Programs

Procurement Method: City Council Allocation per DOE Procurement Policy and Procedures, Section 1-03(c)

Estimated Highest Annual Amount: \$55,000

Estimated Total Amount: \$55,000

Funding Source: City Council Discretionary Funding

Contract Retroactive? Yes

Contract Term: 7/1/19 – 6/30/20

Options: Two 1-Year

Options Amount: \$110,000

Contract Type: Full Value

RA Number: 8569

Vendor Name: The Committee for Hispanic Children and Families, Inc.

Vendor Address: 110 Williams Street, Suite 1802, New York, NY 10038

Contract Manager: Tom Pendleton, Senior Advisor, Office of Postsecondary Readiness

Lead Contracting Officer: Michael Feliciano, Deputy Chief Operating Officer, Office of the Chief Academic Officer

Division of Contracts and Purchasing Contact: Kate Park, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Postsecondary Readiness (“OPSR”) to contract with The Committee for Hispanic Children and Families, Inc. (“CHCF”) to provide college and career readiness programs at the Bronx High School of Business.

Discussion

In June 2019, the Council of the City of New York (the “Council”) adopted the expense budget for Fiscal Year (“FY”) 2020 with various programs and initiatives. For Fiscal 2020, the Dropout Prevention and Intervention initiative and Child Mind Institute initiative are restructured to better reflect the services and goals of programs funded. Two new initiatives have been created, College and Career Readiness, and Social and Emotional Support for Students, which will support providers previously funded through the Child Mind Institute and Dropout Prevention and Intervention initiatives.

CHCF provides the peer education program centers’ youth voices and uses them to lift their community through service and outreach. This program aims to target issues of physical health and mental health in the Bronx on multiple levels, while empowering 10 students who are interested in pursuing health careers to explore their passions. Hiring and training this group as peer educators, they will conduct outreach within the Bronx High School of Business, Taft-Campus, and in the South Bronx community. In partnership with Planned Parenthood of NYC, peer educators will be trained on:

Be Proud Be Responsible – A Multi-component curriculum which tackles:

- Module 1: Introduction to HIV and AIDS
- Module 2: Building Knowledge About HIV
- Module 3: Understanding Vulnerability to HIV Infection
- Module 4: Attitudes and Beliefs About HIV, AIDS, and Safer Sex
- Module 5: Building Condom Use Skills
- Module 6: Building Negotiation and Refusal Skills

Additionally, they will be a part of Planned Parenthood of New York City (“PPNYC”)’s “Now U Know” program – A multi-component program which tackles the following topics related to youth:

- Safe Sex
- Gender
- Media + Sexuality

PPNYC is also providing facilitation training for peer educators wherein they will learn how to communicate effectively in a way that their peers can readily hear and understand. Furthermore, the PPNYC Youth Health Promoters would serve as mentors for the 10 Bronx High School of Business peer educators who will be hosting rights & access workshops and pop up events for the program.

The rights & access workshop and pop up event are an essential part of the program because they give peer educators the opportunity to engage with their community on their own. Students in this program are expected to plan this workshop with the guidance of the program coordinator.

This contract is retroactive because it is a Council discretionary contract for FY20 with a term beginning July 1, 2019, following a June 18, 2019, enacted budget.

A competitive sealed bid was not done since this was a City Council discretionary grant naming the vendor and allocating a specific amount to be paid for these services. The DOE has sole discretion to renew this contract each year and renewal will be contingent on future City Council Discretionary awards.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Williamsbridge NAACP E.C.E.C., Inc. for Early Childhood Programs

Procurement Method: City Council Allocation per DOE Procurement Policy and Procedures, Section 1-03(c)

Estimated Highest Annual Amount: \$1,158,786

Estimated Total Amount: \$1,158,786

Funding Source: City Council Discretionary Funding

Contract Retroactive? Yes

Contract Term: 7/1/19 – 6/30/20

Options: Two 1-Year

Options Amount: \$2,317,572

Contract Type: Full Value

RA Number: 8648

Vendor Name: See List Below

Contract Manager: Amar Rajwani, Deputy Executive Director - Finance/Operations, Division of Early Childhood Education

Lead Contracting Officer: Lucas Koehler, Senior Executive Director - Finance/Operations, Division of Early Childhood Education

Division of Contracts and Purchasing Contact: Kate Park, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Early Childhood Education (“DECE”) to contract with vendors listed in the chart below for the Discretionary Child Care Program to promote Early Childhood Development and Childcare services.

Discussion

The Council of the City of New York (“Council”) adopted the expense budget for the fiscal year 2020 with the Discretionary Child Care Program. This allocation supports childcare programs and adds additional childcare slots for new enrollments with vendors listed in the chart below. City Discretionary Funds will provide the resources needed to support a safe and nurturing environment that fosters children's total growth and development.

The program for pre-school age children is based upon the developmental needs and abilities which are designed to enhance self-esteem and the physical, emotional, social, and intellectual development of the children entrusted in their care. The curriculum is to provide planned learning activities appropriate to children's age and development in emerging literacy, mathematics, science, social studies, the arts, technology, and processing skills.

The Discretionary Child Care program to be provided pursuant to contracts via the Council funding support:

- Early childhood education childcare services
- Afterschool care
- Curriculum workshops
- Professional development
- Family engagement
- Community involvement

This contract is retroactive because it is a Council discretionary contract for FY20 with a term beginning July 1, 2019 following a June 19, 2019 enacted budget.

A competitive sealed bid was not done since this was a City Council discretionary grant naming the vendor and allocating a specific amount to be paid for these services. The DOE has sole discretion to renew this contract each year and renewal will be contingent on future City Council Discretionary awards.

Vendor Name & Address	DOE District	FY20 Budgeted Enrollments	Annual Contract Amount
Williamsbridge NAACP E.C.E.C. Inc. 680 E 219 th Street Bronx, NY 10467	11	127	\$1,158,786

[Vendor Responsibility](#)

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Research Foundation of City University of New York to Provide Social and Emotional Supports

Procurement Method: City Council Allocation per DOE Procurement Policy and Procedures, Section 1-03(c)

Estimated Highest Annual Amount: \$267,500

Estimated Total Amount: \$267,500

Funding Source: City Council Discretionary Funding

Contract Retroactive? Yes

Contract Term: 7/1/19 – 6/30/20

Options: Two 1-Year

Options Amount: \$267,500/\$535,000

Contract Type: Full Value

RA Number: 7500

Vendor Name: Research Foundation of the City University of New York – CUNY Creative Arts Team

Vendor Address: 230 West 41st Street New York, NY 10036-7207

Contract Manager: Angie Guo, Senior Operations Manager, Office of Safety & Youth Development

Lead Contracting Officer: Robert Weiner, Chief Operating Officer, Office of Safety & Youth Development

Division of Contracts and Purchasing Contact: Kate Park, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Safety and Youth Development (“OSYD”), to contract with the Research Foundation of the City University of New York – CUNY Creative Arts Team (“CAT”) to provide student workshops and PD for school staff as part of the Social and Emotional Supports for Students Initiative.

Discussion

Research Foundation of the City University of New York – CUNY Creative Arts Team will provide in-school and afterschool drama-based workshops to students, using an active learning model to enhance social-emotional skills. It will also provide conflict resolution professional development to teachers and other school staff. It will provide 150 days of in-school workshops to the school (3 classrooms per service day for a total of 15-102 students per day), 20 days of afterschool service (5-20 students per day), and 5 days of PD (5-40 school staff per day).

CAT Actor Teachers will bring theatre into the classroom to engage young people in scenarios relevant to the young people’s lives. Central to the workshops are:

- Questions that help young people navigate change: How can we best communicate our needs as things change? How can we maintain healthy relationships even as things are shifting?
- Questions that can help young people to achieve their goals: What systems exist for us to be successful? How can we best take advantage of what is out there for us? At the same time, what

systems exist that undermine our success? How can we navigate their pitfalls?

Through discussions about the choices made by the characters in the dramas, young people will articulate their own values, glean best practices for their own lives, and try out different approaches to challenging interpersonal situations.

CAT concludes each residency with an evaluation form that is given to the middle school and high students and their teachers to gauge the impact of the program. The evaluations include a Likert scale addressing the key program goals, as well as optional demographic and narrative portions. Using this evaluative feedback and narrative reports from CAT staff on-site at the schools, CAT will provide a year-end report and other reports as requested by the NYCDOE and the NYC Council for Social Emotional Support programming.

This contract is retroactive because it is a Council discretionary contract for FY20 with a term beginning July 1, 2019 following a June 19, 2019 enacted budget.

A competitive sealed bid was not done since this was a City Council discretionary grant naming the vendor and allocating a specific amount to be paid for these services. The DOE has sole discretion to renew this contract each year and renewal will be contingent on future City Council Discretionary awards.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible. Noteworthy information was found for the following vendor(s):

Research Foundation of the City University of New York

A news article from July 2018 indicated that an advertising firm filed a suit against the City University of New York (CUNY), claiming that CUNY and its research foundation did not pay them \$172,000 during CUNY's rebranding campaign. A news report in April 2018 reported that the New York State Inspector General is investigating why CUNY bypassed procurement rules and authorized the sole-source contract through the CUNY Research Foundation (RF CUNY). CUNY's counsel and the Assistant Attorney General representing CUNY advised that the litigation is still pending.

Since 2016, news reports reveal that federal prosecutors conducted an investigation into the use of college funds to pay personal and other expenses of the president of the City College of New York (CCNY), Lisa S. Coico, who resigned unexpectedly last October. Ms. Coico was already under scrutiny regarding the improper use of federal research money and the accounting of her personal expenses from City College's 21st Century Foundation. The investigation, which coincides with a state investigation into broader university practices, included a review of how the 21st Century Foundation covered some of Ms. Coico's personal expenses when she took office in 2010 and then was reimbursed for more than \$150,000 by the RF CUNY. RF CUNY advises that CCNY's interim president welcomes the efforts and, in February 2017, CUNY instituted new procedures for payments to faculty and staff beyond their regular salaries, from sources such as the Research Foundation. RF CUNY advised that it acts as fiscal agent for grant funds for the colleges of CUNY, of which CCNY is one. In response to an inquiry by the DOE, the U.S. Attorney's Office for the Eastern District of New York advised that it could not comment on pending investigations.

As the litigation is pending and RF CUNY already has taken corrective actions in response to the ongoing federal investigations and in light of the vendor's satisfactory or better performance on prior DOE work, the DOE determines the RF CUNY to be a responsible vendor.

Request for Authorization to Contract with The Urban Assembly, Inc. to provide Dropout Prevention and Intervention Services

Procurement Method: City Council Allocation per DOE Procurement Policy and Procedures, Section 1-03(c)

Estimated Highest Annual Amount: \$200,000

Estimated Total Amount: \$200,000

Funding Source: City Council Discretionary Funding

Contract Retroactive? Yes

Contract Term: 7/1/18 – 6/30/19

Options: Two 1-Year

Options Amount: \$400,000

Contract Type: Full Value

RA Number: 7526

Vendor Name: The Urban Assembly, Inc.

Vendor Address: 90 Broad Street, Suite 2101 New York, NY 10004

Contract Manager: Angie Guo, Senior Operations Manager, Office of Safety & Youth Development

Lead Contracting Officer: Robert Weiner, Chief Operating Officer, Office of Safety & Youth Development

Division of Contracts and Purchasing Contact: Kate Park, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Safety and Youth Development to contract with The Urban Assembly, Inc. (“UA”) to provide dropout prevention and intervention services to the schools located throughout the Bronx, Manhattan, Brooklyn and Governor’s Island.

Discussion

The Urban Assembly, Inc. (“UA”) central team currently supports a network of 22 public middle and high schools in New York City with programming, coaching, data analysis, and professional learning in the community. UA works across five core pillars that are central to moving schools forward: Leadership, Academics (math and literacy), Social-Emotional Learning, College Access & Postsecondary Success, and Career Readiness.

The UA has seen the benefits of intensive coaching, professional development, and targeted programming based on school needs surfaced through data analysis:

- The graduation rates have risen from 78% to 82% across the network in the past two years.
- In the past year, the ELA college readiness rates increased from 78% to 85%.
- In the past year, the math college readiness rates increased 22 percentage points, to 66%.
- 85% of all UA graduates have enrolled in college; 77% of the class of 2018 enrolled in college within six months of graduation, with additional matriculate expected next semester.

- An analysis of the 2018 cohort showed that every UA school dramatically increased student proficiency in math and ELA from 8th grade to 12th grade - on average, a 62% increase in ELA proficiency, and a 46% increase in math.

The program is designed to 1) develop students' literacy skills, and 2) connect the content of their high school education to career readiness. Both literacy and content relevance is essential to preventing students from dropping out of high school. UA is targeting these services specifically to schools in the network, which need support to implement strong 9th-grade literacy practices, and to those schools that need support building career readiness programming. Both of these activities are projected to increase the schools' graduation rates and prevent students from dropping out.

This contract is retroactive because it is a City Council discretionary contract for Fiscal Year 2019, with a term beginning July 1, 2018, following a June 14, 2018, enacted budget.

A competitive sealed bid was not done since this was a City Council discretionary grant naming the vendor and allocating a specific amount to be paid for these services.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.

Request for Authorization to Contract with Logik System, Inc. to Provide Document Management Services to the Office of the General Counsel

Procurement Method: Purchases Through Governmental Contracts per DOE Procurement Policy and Procedures, Section 3-11

Estimated Highest Annual Amount: \$60,000

Estimated Total Amount: \$120,000

Funding Source: Tax Levy

Contract Retroactive? Yes

Contract Term: 01/01/2020 – 12/31/2021

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 8582

Vendor Name: Logik Systems, Inc.

Vendor Address: 330 Townsend Street, San Francisco, CA 94107

Contract Manager: Gregory Noisette, Operations Manager, Office of Labor Relations

Lead Contracting Officer: Richard Ross, Director of Operations, Office of the General Counsel

Division of Contracts and Purchasing Contact: Natasha Worthen, Procurement Analyst, Central Office Procurement

Note: Any document referenced in this RA will be provided to PEP members upon request.

Purpose

Authorization is requested on behalf of the Office of the General Counsel (“OGC”) to use a New York City Law Department (“NYCLD”) document management solution contract for the provision of services, including the organization, review, and storage of electronic files. NYCLD recently contracted with Logik Systems, Inc. (“Logik”) via a Negotiated Acquisition for the service in a hosted application model, made available to licensed clients remotely.

Discussion

The Freedom of Information Law (“FOIL”) unit of the OGC will utilize this service provider to manage, organize, and conduct the review and redaction of electronic records responsive to FOIL requests made to the New York City Department of Education (“DOE”).

The FOIL unit has lacked sophisticated digital “e-discovery” tools to organize, review, and redact records responsive to FOIL requests. The lack of such tools has impeded the unit’s ability to respond to certain FOIL requests as quickly and efficiently as is otherwise possible with such implements. . This is particularly the case for requests for voluminous email correspondence and other electronic documents. Review of such documents has been conducted in a non-automated, labor-intensive manner—for example, by printing individual emails, organizing them chronologically, removing duplicate or subsumed emails, and then re-scanning them for redaction.

The use of this service will enable the FOIL unit to significantly improve their effectiveness and efficiency in responding to digital record requests by streamlining the document review and organization process. The unit anticipates that the efficiencies gained will enable them to respond

more quickly to large FOIL requests, and thus re-allocate resources to process more documents while reducing the overall cycle time of the unit.

Logik is the proprietary owner of the Logikcull hosted e-Discovery and document management solution for online storage, sharing, and processing of files, documents, materials, images, videos, or other content, including all updates, modifications, and enhancements thereto, as made generally available by Logik to licensed clients.

Office of Legal Services' Privacy Records Access Unit chose to contract with Logik primarily due to the vendor's past satisfactory performance evaluations.

A Request for Bids was not done because the required specialized services are available through this contract per Section 3.11 of the DOE Procurement Policy and Procedures. It is not in the best interest of the DOE to bid these contracts separately, as the DOE benefits from lower costs through aggregate purchases made possible by the NYCLD contract.

For the Negotiated Acquisition, the NYCLD compared the prices being offered by the contractor to the prices normally paid for the same or similar services and determined that the prices being offered are fair and reasonable and within the range of prices normally paid by the NYCLD for the same or similar services. Based on the fact that the NYCLD found said prices fair and reasonable for spending of \$470,000, the DOE find there is sufficient evidence that pricing is fair, reasonable, and below prevailing market rate for the \$120,000 estimated amount in DOE spend.

Vendor Responsibility

The vendor(s) recommended for award and the principal owners and officers were subject to a background check, and have been determined to be responsible.