

## QUESTIONS AND ANSWERS SUMMARY

### **RFP 21-009: Continuation of the Development of the Grades 3-8 English Language Arts and Mathematics Tests, computer-based and paper-based, and Provision of a Computer-based Testing Platform for the Grades 5 & 8 Science Tests**

#### **PLEASE NOTE:**

- The time allotted for the mandatory demonstration of the bidder's online test delivery system is being changed. The time allotted has been increased from one hour (which includes a 15 minute question and answer period) to 90 minutes (which includes a 30 minute question and answer period).
- A corrected Cost Proposal Worksheet is being posted with this Q&A. Bidders should use this Cost Proposal Worksheet when submitting cost proposals for this RFP. Please see Questions 2 and 49 for an explanation of the corrections that have made to the Cost Proposal Worksheet.
- Updated "Appendix R Data Privacy Agreement" forms are being posted with this Q&A. The single Appendix R file contains all the necessary forms for submission, although they have been renamed. DPA Exhibit 1 replaces the CPO-2-2d, and DPA Exhibit 2 replaces CPO-1-2d and CPO-1Supp-2d. Bidders are encouraged to use the new versions, but submissions using the previously posted forms are acceptable.

#### **PROGRAM QUESTIONS**

1. Pg. 129 - The language in two requirement sections appears incomplete. Can you please clarify the following requirements?
  - a. 4.6: plan to produce and make available all CBT operational forms and all grades for ELA, Math, and Science, for the participating schools, a secure access and encrypted test content, between 7 a.m. and 6 p.m. Eastern Time
  - b. 5.7: plan to produce and make available stand-alone field test (SAFT) forms for ELA, Math, and Science, for the participating schools, a secure access and encrypted test content, between 7 a.m. and 6 p.m. Eastern Time on the dates specified by NYSED

**Answer:** As indicated on page 129, complete descriptions of what will be required in the contract resulting from this RFP with respect to requirements 4.6 and 5.7 may be found in RFP sections "[Component 1b: Computer-Based Testing and Scoring for Grades 3--8 ELA and Math](#)" and "[Component 2: Hosting Computer-Based Testing and Scoring for NYSED-Developed Grades 5 and 8 Science Written Tests.](#)"

2. Pg. 3 - Contract End Date Please confirm the end date of this program as stated on page 3 is November 30, 2026 as opposed to the end date of December 31, 2026 on the year 5 cost proposal worksheet.

**Answer:** We confirm that the contract end date is November 30, 2026.

3. Pg. 2 - New York State's Transition from Paper-based Tests (PBT) to Computer-based Tests (CBT) NYSED states that 25% of NYS schools participated in computer-based testing in 2019. What percentage of students, or how many students, participated in computer-based testing that year?

**Answer:** In Spring 2019, more than 194,800 students in over 1,100 schools participated in the Grades 3-8 tests with CBT.

4. Pg. 48 - Educator Committees: How does NYSED anticipate that the educator committee meetings will be handled during the COVID-19 pandemic? How should contractors address this in their technical response and cost proposals?

**Answer:** NYSED will closely monitor the situation and determine if an in-person meeting is safe. All meetings will be conducted virtually until such time as it is safe to resume in-person meetings. For the cost proposal, contractors should provide costs for in-person meetings. For their technical proposals vendor should include descriptions of how they propose to conduct the meetings virtually and in-person.

5. Pg. 50 - Field Testing for ELA and Mathematics: How many variants, or forms, were administered during the spring 2019 standalone field test? Will a similar number of variants be required in spring 2021 and beyond?

**Answer:** In 2019, five stand-alone field test forms were administered for each grade and content area. Based on item bank needs, the number of stand-alone field test forms that need to be created may increase or decrease somewhat.

6. Attachment L - Standalone Field Test Print Materials (SAFTs) Please provide, if available, a document like Attachment L that applies to the stand-alone field tests.

**Answer:** Page 52 of the RFP provides some details regarding printed SAFT materials. Nearly every school administering operational tests is tasked with one grade and subject for stand-alone field testing. The vendor must, "Collect a minimum of 1,500 usable field test student responses per SAFT item. The contractor must oversample in order to achieve the target of 1,500."

7. Pgs. 59, 98 - Item Banking for the Grades 3–8 ELA and Math Tests/ Science Items: About how many items will be received in QTI format? About how many items will be received as InDesign files?

**Answer:** For the Grades 3-8 ELA and Math Tests, the development of operational and stand-alone field tests for spring 2021 is not yet complete. Therefore, we are not able to provide definitive counts at this time. The new contractor will need to accept and transfer all of the items that were included in operational testing in 2013-2020 which were not released following the operational test administration as well as items that were field tested in spring 2018 and spring 2019 but were not included in operational tests in subsequent years. In sum, the new contractor will be transferring between 100 and 300 items for each grade/subject. Items are QTI item packages, which contain xml and csv files. Some files may also be in InDesign, exact counts are not yet determined.

For the Science Tests, for each year of the contract, approximately 180 items will need to be transferred to the contractor for each of the Grade 5 and 8 Science field testing (for a total of 360 items). The operational test designs have not yet been established, but the current designs for the elementary- and intermediate-level operational science tests include 45 and 85 items, respectively. Including the probable insertion of a cluster of 4-5 embedded field test items in each of the operational test forms, the new test in grade 5 is unlikely to have more than 60 items and the new test in grade 8 is unlikely to have more than 85 items. Items will be transferred as untagged text (i.e., Microsoft Word docx) files.

8. Pg. 72 - Component 1b: Computer-Based Testing and Scoring for Grades 3–8 ELA and Math: How many variants, or forms, were administered using computer-based testing during the spring 2019 operational administration? Will a similar number of variants be required in spring 2021 and beyond?

**Answer:** As explained on page 50 of the RFP, for the 2019 administration, there were 22 embedded field test variants (discrete test forms) for each grade level of the operational ELA tests and 14 embedded field test variants (discrete test forms) for each grade level of the operational Math tests. The same number of forms were administered in PBT as in CBT. For each new year of the new contract the contractor must submit to NYSED for its approval a plan to develop sufficient numbers of discrete operational test forms as are needed to replenish and grow the item banks for this assessment program. This plan must at a minimum propose to develop at least as many operational test forms for both PBT and CBT as were developed for 2019.

9. Pg. 87 - Training and Technical Support: The RFP states: “Telephone support must be available each business day from 7 am–7 pm EST during critical periods.” Please define “critical periods”.

**Answer:** Critical periods are during practice testing/simulations, field testing, operational testing, and online local scoring of constructed-response questions.

10. Pg. 110 - Staffing Requirements for the Grades 3–8 ELA and Mathematics Test Development: For some positions listed in this section, NYSED states that the

assigned staff must be fulltime employees of the entity. What does entity mean in this context?

**Answer:** Entity refers to the organization that is bidding. This definition does not include subcontractors.

11.Pg. 111 - Technical Writer Requirements: Is the role of the Technical Writer primarily a manager/coordinator or a writer? The description of the position on page 111 includes verbs like “manage” and “oversee,” without stating that this person will be directly responsible for writing. If the Technical Writer is a manager/coordinator role, what would NYSED like to see for a writing sample from the staff proposed for the position? For example, is it sufficient to provide a manual that was written by a team under the coordination/supervision of the Technical Writer?

**Answer:** As the person responsible for overseeing and managing the contractor’s publications team, the technical writer is expected to demonstrate strong written and communications skills. As stated on page 110, the technical writer is expected to have “demonstrated technical writing ability.” Any writing sample submitted should be written by the technical writer and reflect the technical writer’s ability to produce clear, concise administrative materials.

12.Pg. 49 - Attachment B Steps 6, 7, 9, 10: On page 49 of the RFP, the table describes external consultants as participants in step 6 (Item Review) and step 10 (External Quality Control) of the item development process. In Attachment B, external consultants are not listed in step 7 (Internal Item Review Meeting) but they are included in step 9 (External Quality Control). Please clarify the item review process steps that should involve external consultants.

**Answer:** Thank you for calling to our attention inconsistencies that existed between this section of the RFP (pages 49 and 50) and Attachment B. To address these inconsistencies a revised text and a revised chart have been provided. Note that Steps 2, 6, 9, 32, and 33 have been removed from the chart, and Steps 9, 11, and 21 have been added. Please see below:

**External Staffing Requirement for Development of Grades 3–8 ELA and Math (Revised)**

Additionally, the contractor is responsible for procuring external content experts who are not employees of the contractor and who do not write items for the contractor. For each event in the test development process requiring external capacity, the contractor will facilitate identification and approval with enough time to ensure that the event can occur as planned. Those events requiring external content capacity are described in the test development process in the “Overview of Grades 3–8 ELA and Math Test Development Process” section of this RFP as well as in Attachment A: Field Test Development Process Steps and in Attachment B: Operational Forms Development Process Steps.

The list of development steps/events for which external staffing is required is provided below.

**External Staffing Requirements for Test Development Process (Revised)**

Test Development Process Step Number	Test Development Event	External Staffing Requirement
9	External Quality Control	NYSED approved ELA consultants – three NYSED approved math consultants – three
10	Educator Item Review Meeting	NYSED approved ELA consultants – six NYSED approved math consultants – six
11	Reconciliation	NYSED approved ELA consultants – six NYSED approved math consultants – six
20	Content Review/Risk Assessment	NYSED approved ELA consultants – two NYSED approved math consultants – two
21	Forms Construction Review Meeting	NYSED approved ELA consultants – six NYSED approved math consultants – six

13. Pg. 50 - Attachment B Steps 29, 32, 33: On page 50 of the RFP, the table describes external consultants as participants in the released item process (steps 32 and 33). However, the test development process described in Attachment B describes the released item process in step 29 but doesn't reference the external consultants' participation in that process. Should the contractor plan for external consultant participation during the released item review process?

**Answer:** Thank you for calling to our attention to additional inconsistencies that existed between this section of the RFP (pages 49 and 50) and Attachment B. Please see the information provided in the answer to Question 12 above. The external consultants will not be participating in a released item review process.

14. Pg. 49 - "External Staffing Requirement for Development of Grades 3–8 ELA and Math" Please confirm reference to "...Step 9: External Quality Control in Attachment D" should instead read "Attachment A."

**Answer:** We confirm that Step 9: External Quality Control in Attachment D" should instead read "Step 9: External Quality Control in Attachment A."

15. Pg. 91–93 - Attachment—rfp-21-009-attachment-I (2) NY “Printing of Regular English, Large Type and Translated Editions of Operational Tests “Program Please confirm included Excel document labeled “Attachment L” should be “Attachment D.”

**Answer:** We confirm included Excel document labeled “Attachment L” should be “Attachment D.”

Additionally, please confirm that the references to “Attachment L” on pages 91–93 should instead read “Attachment D: Print Quantities” per the Table of Contents and other references throughout the RFP.

**Answer:** We confirm that the references to “Attachment L” on pages 91–93 should instead read “Attachment D: Print Quantities” per the Table of Contents and other references throughout the RFP.

16. Pg. 127–128 - “9. Qualifications and Letters of Reference” Please explain whether letters of reference should be embedded in the technical proposal following requirement “9. Qualifications and Letters of Reference” or if letters should be included as an appendix. Similarly, please confirm that letters can be included by vendor unsealed.

**Answer:** The letters of reference may be included either embedded in the technical proposal or as an appendix.

17. Pg. 114–115 - “Data Security, Data Privacy, and Appropriate Use” & “Security Guidelines for the New York State Assessment Program”, #9: Under the “Data Privacy, Data Security, and Appropriate Use” section, it states that the Contractor shall retain all signed NDAs for the duration of the contract term and for five years thereafter. However, #9 under the Security Guidelines for the New York State Assessment Program states they should be retained for one year beyond the end of the contract. Can NYSED please clarify how long Contractor shall retain staff/subcontractor signed NDAs for?

**Answer:** The contractor shall retain all signed NDAs for the duration of the contract term and for one year beyond the end of the contract.

18. Please provide the estimated number of items by grade for ELA and math to be transferred into the contractor’s item bank at the start of the contract.

**Answer:** Please refer to the answer provided for Question 7.

19. Please clarify the requirements around use of the Android operating system (table on page 74), given that Android is no longer supported by Google.

**Answer:** Upon investigation, NYSED has determined that tablets with Android operating systems are not generally used in schools across NYS for computer-

based testing. Consequently, we are deleting the row featuring tablets with Android operating systems from the chart provided on page 74 of the RFP.

<b>OS Specific System Requirements (Revised)</b>			
<b>Operating System</b>	<b>OS Version</b>	<b>Processor</b>	<b>Screen Size Resolution</b>
Windows	10+ (Home Education Pro, Pro Education Enterprise)	Intel Core 2 Duo 1.6 GHz equivalent or higher performing CPU	Minimum 10"–11.6+ screen size Minimum 1024–768 screen resolution Recommended 11.6 or larger screen size
Mac	Mac OS X 10.14x Need to be able to support mass installations	Intel Core 2 Duo 1.6 GHz equivalent or higher performing CPU	Minimum 10: screen size Minimum 1024 X 768 screen resolution Recommended 11.6 or larger screen size
Apple iOS iPad 4 or newer	12.3-12.45 13x	1.0 GHz dual core equivalent or higher	Minimum 9.7 screen size Minimum 1024 X 768 screen resolution
Chrome	V74 +	1.6 GHz dual core equivalent or higher	Minimum 10" screen size Minimum 1024 X 768 screen resolution
Windows Tablets	10x+	1.0 GHz dual core equivalent or higher	Minimum 9.7 screen size Minimum 1024 X 768 screen resolution
Linux		Intel Core 2 Duo 1.6 GHz equivalent or higher performing CPU	Minimum 10inch--11.6+ screen size Minimum 1024 X 768 screen resolution Recommended 11.6 or larger screen size

20. Could NYSED confirm that all item development is completed by teachers at item writing workshops and that the vendor only coordinates and leads the workshops?

**Answer:** The vendor is responsible for all aspects of the item writing workshops. This includes facilitating, having content members further reviewing, and proposing edits to NYSED, as well as all formatting of items per NYSED guidelines. All items used in this testing program must be written by teachers at these workshops.

21. We understand that the SIRS aggregate all data from the individual RICs and will send one file to the vendor. Can NYSED clarify if the SIRS will send data in a manner that corresponds to the vendor API for receiving data or must the vendor receive data in an existing layout?

**Answer:** NYSED will work with the vendor to transfer data in a mutually agreed upon file layout. APIs are not used at this time.

22. Do all RICs use the same scanning systems (machines and software), or does the vendor need to coordinate individually with the RIC to configure and QC individual scanning systems?

**Answer:** All RICs do not use the same scanning systems. The vendor does not need to configure or QC the scanning systems.

23. Is there a common scanning and scoring specification document shared by the RICs such that a standardized process is in place?

**Answer:** Yes.

24. Is the vendor responsible for producing the answer documents and the RICs print them? Or do the individual RICs prepare and print the answer documents? That is, what degree of standardized process is in place for the production of the answer documents?

**Answer:** The vendor is not responsible for producing answer documents for the operational tests. The RICs produce them. There is a standardized process in place. NYSED works with the RICs on the development of the answer documents.

25. The answer documents are prepared by the RICs and the test booklets are printed by the vendor. How do the RICs ensure the answer documents correspond to the test booklet administered to students when there are different test forms?

**Answer:** For the operational tests, the format for all forms within a grade and subject are uniform. NYSED works with the RICs to ensure that the layout of the answer documents accurately reflect the layout of the test. When testing with PBT, the student darkens circles to identify the specific form (variant) that the student is using.

26. Pg. 2, NY State's Transition from PBT to CBT: The first paragraph indicates a 25% CBT participation rate while the paragraph titled "Grades 3-8 ELA and Math" cites a 35% CBT participation rate. Which of these percentages is correct?

**Answer:** Both statements are correct. The 25% rate refers only to operational tests, 35% refers to operational tests and stand-alone field tests.

27. Pg. 49, External Staffing Requirements: Will NYSED assist in the recruitment of External Staff (in particular, NYS educators)?

**Answer:** NYSED will not be assisting the contractor in the recruitment of the external ELA and math consultants (“NYSED approved ELA/math consultants” or “external third-party contractors”) procured by the contractor, but will assist in the recruitment of the NYS ELA and math educators. NYSED will be approving the external ELA and Math consultants procured by the contractor.

a. Pg. 49, External Staffing Requirements: Can the same external staff be used for different steps in the item development process?

**Answer:** Yes

28. Pg. 63: Will the contractor need to provide a constructed response scoring solution for operational constructed response items?

**Answer:** The same constructed-response items are used in the computer-based tests as are used in the paper-based tests. Therefore, the same scoring materials are provided by the contractor for the scoring of the PBTs and CBTs. In selecting exemplar responses to include in the scoring materials, the contractor should include student responses from both computer-based and paper-based field tests.

29. Pg. 63: Will the contractor’s constructed response scoring solution be used for paper-based tests or only computer-based tests?

**Answer:** The same constructed-response items are used in the computer-based tests as are used in the paper-based tests. Therefore, the same scoring materials are provided by the contractor for the scoring of the PBTs and CBTs. In selecting exemplar responses to include in the scoring materials, the contractor should include student responses from both computer-based and paper-based field tests.

30. Pg. 63: For operational scoring, will the contractor need to receive images of scanned responses?

**Answer:** For operational tests administered to students in printed test booklets, the contractor will not be receiving images of the student responses to constructed-response questions, only the locally determined scores for those responses. For operational tests administered to students on computer, the contractor will be storing the student responses to constructed-response questions in its computer-based testing system.

31.Pg. 63: For each operational test administration, what is the approximate hand scoring window where the contractor's constructed response scoring solution would need to be used for hand scoring activities?

**Answer:** Please see the [2021 exam schedule](#) for the scoring window.

32.Pg. 63: How many raters should the contractor expect to be using that system for their hand scoring activities?

**Answer:** The contractor is not responsible for providing all of the copies of the scoring materials that local scorers use to hand score student responses in printed test booklets. The contractor need only provide scoring materials on CDs, flash drives or in another vehicle proposed by the contractor in the quantities indicated on page 63 of the RFP.

33.Pg. 63: Are any of the embedded FT items constructed response items?

**Answer:** In the current test designs for operational tests only multiple-choice FT items are embedded. However, NYSED may want to include embedded constructed-response FT items in the operational tests in the later years of the contract term if CBT becomes the predominant mode of testing.

34.Pg. 83, 1.c: Should this information be displayed to the rater while scoring in real time? Does this information need to be displayed in score data files? Or reports?

**Answer:** Requirement 1.c. (Able to display scoring consortia data required by NYSED: At a minimum, the scoring platform must display the BEDS code associated with the Scoring Consortia, scoring consortia leader's name and email address, names and the BEDS codes of the schools whose student-constructed responses are being scored by the consortia) is an administration requirement. This information needs to be displayed in score data files and reports but not to the rater.

35.Pg. 83, 1.e: What information needs to be included on the scoring dashboard?

**Answer:** The scoring dashboard must provide local scoring consortia coordinators/directors with all needed information to monitor and manage scoring, including but not limited to scoring progress, read times, read behinds, alerts, etc. Information included in the dashboard should be in support of all requirements for scoring outlined in the [Scoring Leader Handbook](#).

36.Pg. 84, 2.b: How will the contractor be informed of which school the scorer should not receive responses to score for?

**Answer:** At the present time, each scoring consortia coordinator inputs into the contractor's computer-based scoring platform the names of the raters and of the schools with which the raters are affiliated. Contractors may propose to NYSED

alternative approaches to ensuring that responses from the rater's school are not submitted to the rater for scoring.

**37.** Pg. 92 Test Booklets- Shrink Wrapping: What kind of shrink wrapping is required?

**Answer:** NYSED does not define the kind of shrink wrapping in this RFP. NYSED defers to the expertise of the contractor in this matter. The requirements stated in the RFP in regard to shrink wrapping include the following requirements: Regular edition test booklets will be shrink-wrapped in packages of 10 and 25 booklets.

**38.** Pg. 93 Shipping: How much time is there to print test booklets, i.e. when are forms ready to print and when are they due in schools?

**Answer:** The months during which the contractor is expected to perform these activities is delineated in the cost proposal. Information concerning the time periods during which printed test materials must typically be delivered to schools may be found in the [School Administrator's Manual](#).

**39.** Pg. 93 Shipping: UPS is identified as the parcel carrier for this project. Is UPS the only acceptable carrier? If not, is FedEx an acceptable alternative?

**Answer:** The contractor may arrange to use a parcel carrier of their choosing, such as UPS or FedEx, to deliver the secure test materials to the schools.

## **FISCAL QUESTIONS**

**40.** Attachment C: Educator Committees - In Attachment C, two rows in the ELA section (Regional Item Writer Workshops and ELA Final Eyes) have an asterisk in the column related to honoraria to teacher participants. Also, two rows in the math section (Regional Item Writer Workshops and Math Performance Level Descriptions) have an asterisk in the column related to honoraria to teacher participants. In both cases, the footnote following the table refers only to an additional honorarium for participants in the item writer workshops.

How many teacher participants in the Item Writer Workshops should we budget to receive this additional \$125 for ELA and Math? To what other committee activities does the additional honorarium apply? For each additional activity, how many participants will receive the extra honorarium?

**Answer:** There are two mistakes on pages 192 and 193/194 in Attachment C in that the asterisk was included in error for two of the Educator Committee Activities listed in the chart. The footnote for this chart does not apply to "ELA Final Eyes" and the "Math Performance Level Descriptions Grade 3-4, 5-6, 7-8" activities. All teacher participants in the four Item Writer Workshops are required to complete the prerequisite training activities prior to the start of the Item Writer Workshop in which

they are to attend. It is only for the prerequisite training activity associated with the item writer workshops that teacher participants are to receive an additional \$125 honorarium. There are no other committee activities to which this additional honorarium applies.

Contractors should budget for a maximum of 175 teacher participants in total for the four ELA Item Writer Workshops and a maximum of 175 teacher participants for the four Math Item Writer Workshops that the contractor will conduct for each contract year. Please note that the contractor may choose to conduct the ELA Item Writer Workshops concurrently and at the same locations as the Math Item Writer Workshops.

41. Cost Proposal - Please clarify the dates for this task in 1B as they appear to extend beyond the annual end date as well as the contract end date in year 5:

Provide Secure Platform for Schools... 2022 ELA & Math Operational Tests	Jun 2022-May 2024
Provide Secure Platform for Schools ...2023 ELA & Math Operational Tests	Jun 2023-May 2025
Provide Secure Platform for Schools ...2024 ELA & Math Operational Tests	Jun 2024-May 2026
Provide Secure Platform for Schools ...2025 ELA & Math Operational Tests	Jun 2025-May 2027
Provide Secure Platform for Schools ...2026 ELA & Math Operational Tests	Jun 2026-May 2028

**Answer:** As stated on page 80 of the RFP, the contractor must continue to provide school leaders with access to the scored student constructed responses on the contractor's CBT platform for two full school years after the date of operational test administration. This means the contractor will continue to provide such access through May 2028 for the last operational tests administered during the contract term. The contractor's secure platform need only be available to school leaders for this purpose beyond the end date of the contract term.

42. Pg. 87 - Training and Technical Support: About how many people attend each of the six regional Fall training sessions? About how many people attend each of the six Winter training sessions? About how many people attend each of the four in-person scoring training sessions?

**Answer:** The contractor should expect that between 50 and 150 people will attend each of these training sessions in person and similar numbers of people may also participate in these training sessions remotely, including once the COVID-19 pandemic has abated. These training sessions are generally conducted in collaboration with a BOCES or large city school district administration at a BOCES or large city school district facility.

43. Pg. 90 - Printing of Regular English, Large Type and Translated Editions of Operational Tests NYSED developed a pricing scheme for the anticipated decrease in printing volume due to the transition to computer-based testing: "for every 1% reduction in the total print volume page count, as compared to the baseline in Attachment D: Print Quantities, the cost will be reduced by .9%, up to a maximum reduction in printing, distribution, and collection costs by 54%".

Does NYSED have a similar pricing scheme for the anticipated increase in CBT testing volume? If not, may Respondents propose a scheme to account for the anticipated increase in CBT testing volume?

**Answer:** No. Respondents may not propose a scheme to account for the anticipated increase in CBT testing volume.

44. Please confirm that all bidders should use the quantities in Attachment D (L) for printing costs for all contract years, and that bidders should NOT reduce their costs for printing, distribution and collection based on any assumptions they make about the increase in online testing during the contract.

**Answer:** That is confirmed. The anticipated increase in online testing during the contract is accounted for in the pricing scheme described on pg. 90.

45. On page 50 of the RFP, it states *“If in any contract year, CBT becomes the predominant mode (65% or more of the test takers) of testing for a grade and content area, the contractor will begin printing only one form for that grade and content area beginning with the next contract year.”* Please confirm that bidders should not include this assumption in their pricing, and that pricing for bidding purposes should include multiple forms for printing for all contract years.

**Answer:** This is confirmed.

46. Can NYSED please provide an assumption for costing purposes for the percentage of online testing for each contract year? This will ensure that all bidders are providing pricing that can be evaluated fairly (i.e. “apples to apples”) and that the assumptions align with NYSED’s expectations regarding the increase in online testing during the contract.

**Answer:** Bidders should not make any assumptions about the percentage of students who will be testing with CBT. The costs proposed by the bidder for activities in Component 1B of the RFP will be the entire compensation the bidder will receive regardless of the percentage of students testing with CBT.

47. Please confirm that all of the meetings listed in Attachment C should be bid as in-person meetings for costing purposes, and that bidders should NOT reduce their meeting costs by bidding virtual meetings, unless directed by NYSED.

**Answer:** That is confirmed.

48. Please clarify the reference to 2028 in the following line item from the cost proposal workbook. Should this really be 2027? And is support for this platform expected to continue after the end of the contract in November 2026?

1B Provide Secure Platform for Schools to View Their Students' CR Responses for the 2026 ELA & Math Operational Tests Jun 2026-May 2028

**Answer:** Please see the answer provided for question 41.

49. Should the following line item from the cost proposal workbook Year 5 actually say 2026?

1A Conduct Educator Passages/Item Review Meeting for 2027 ELA & Math Field Tests

**Answer:** Yes. There is an error in the description of the activity in row 246 of the cost proposal. It should say "Conduct Educator Passages/Item Review Meeting for 2026 ELA & Math Field Tests."

Please note: We are providing a corrected Cost Proposal Worksheet along with the answers to these questions.

Note that there is also the same line item with a different date later in the workbook, also for Year 5 (as shown below).

1A Conduct Educator Passages/Item Review Meeting for 2027 ELA & Math Field Tests

**Answer:** This description of the activity provided in row 282 of the cost proposal is correct.

50. Please note that we could not find a line item for: "Conduct Educator Passages/Item Review Meeting for 2024 ELA & Math Field Test Items" in the cost proposal workbook.

**Answer:** "Conduct Educator Passages/Item Review Meeting for 2024 ELA & Math Field Test Items" is located on line 126 Component 1A of the cost proposal workbook.

## M/WBE QUESTIONS

51. The RFP outlines three ways for achieving compliance with the 30% M/WBE participation goal pursuant to Article 15-A of the New York Executive Law: full participation; a partial waiver; or a full waiver of M/WBE participation. Will NYSED consider a full or partial waiver under this RFP?

**Answer:** We do not expect to consider a full or partial waiver under this RFP. We believe there are sufficient opportunities for purchasing and subcontracting, and there are certified M/WBE firms that provide the services and products required;

therefore, the 30% goal should be achieved or exceeded. Bidders must document their Good Faith Efforts toward full M/WBE participation to support any waiver request and we cannot envision a scenario in which that documentation would be sufficient under this RFP. NYSED reserves the right to reject any bid for failure to document Good Faith Efforts to comply with the M/WBE goal. Please keep in mind that M/WBE subcontractors/suppliers must be New York State certified; if they have M/WBE certification pending with Empire State Development, they will not count toward the 30% goal. If you are considering a waiver request, please contact [MWBE@nysed.gov](mailto:MWBE@nysed.gov) as soon as possible, prior to submitting your bid. NYSED will work with you to identify firms and to achieve full participation.

## SUBMISSION QUESTIONS

52. Pg. 121 - With concerns related to physically producing documents during the coronavirus pandemic, will we need to produce physical copies of the proposals, or will electronic submissions suffice?

**Answer:** For this solicitation, NYSED requires hard-copy proposals as outlined in the RFP.

53. Page 122 of the RFP requires submission of hard copies of proposal documents to NYSED. The NYSED website states that the COVID-19 Public Health Emergency “continues to significantly impact normal business activities,” “access to all State Education Department buildings will be restricted to visitors until further notice,” and “Building access will be limited to state employees who have official duties within the buildings.”

- a. Would NYSED consider electronic submissions of proposals since building restrictions may impact proposal deliveries? If electronic submissions are allowed, please provide instructions of how vendors should submit electronic proposals.
- b. If NYSED maintains the hard copy requirement for shipping or hand delivery, will staff be on-site to receive packages, and will access to the NYSED building be granted to visitors?

**Answer:** For this solicitation, NYSED requires hard-copy proposals as outlined in the RFP. NYSED remains open and able to receive proposal submissions. It is preferred that packages be mailed/shipped. However, if a bidder has a need to hand-deliver, arrangements can be made for delivery and acceptance. We request that you notify us of your intent to hand-deliver bids in advance with your best estimate of when that will be. Please email those details to Jessica Hartjen at [jessica.hartjen@nysed.gov](mailto:jessica.hartjen@nysed.gov).

54. Pg. 121 - With concerns related to the logistics of obtaining original signatures on all documents during the COVID-19 pandemic, will electronic signatures suffice?

**Answer:** Yes, electronic signatures are allowed. The following forms of e-signatures are acceptable:

- handwritten signatures on faxed or scanned documents
- e-signatures that have been authenticated by a third-party digital software, such as DocuSign and Adobe Sign
- stored copies of the images of signatures that are placed on a document by copying and pasting or otherwise inserting them into the documents

Unacceptable forms of e-signatures include:

- a typed name, including a signature created by selecting a script or calligraphy font for the typed name of the person “signing”

To identify the signer and indicate that the signer understood and intended to agree to the terms of the signed documents, the signer will sign beside or provide by email the following attestation: "I agree, and it is my intent, to sign this document by [describe the signature solution used] and by electronically submitting this document to the New York State Education Department. I understand that signing and submitting this document is the legal equivalent of having placed my handwritten signature on the submitted document and this attestation. I understand and agree that by electronically signing and submitting this document I am affirming to the truth of the information contained therein."

NYSED reserves the right to request original signatures on the proposal forms at a later date.

**55.** Given the remote nature of work currently due to COVID-19, would formal, executive-level electronic signatures using DocuSign or similar be acceptable to bind the various proposal elements (Submission documents, technical, cost, M/WBE)?

**Answer:** Yes, electronic signatures are acceptable as described above.

**56.** Per the Electronic Signatures and Records Act section 304 which states "The use of an electronic signature shall have the same validity and effect as the use of a signature affixed by hand," please confirm NYSED will accept electronic signatures where the RFP mentions "original signature."

**Answer:** Yes, electronic signatures are acceptable as described above.

**57.** Pg.116 and 133 - “Requirements of Education Law § 2-d” “9. System Management/Monitoring and Security” – Please confirm references to “Appendix R—Data Privacy Agreement” in these two sections refers to reviewing and completing the provided CPO1-2d, CPO1Supp-2d, and CPO2-2d documents. If Appendix R—Data Privacy Agreement is to be referenced in response to “9. System Management/Monitoring and Security” beyond what is provided in CPO1-2d, CPO1Supp-2d, and CPO2-2d, please provide Appendix R.

**Answer:** The contract Appendix R will consist of the CPO1-2d, CPO1Supp-2d, and CPO2-2d (renamed DPA Exhibits 1 and 2), as well as the additional provisions in the Data Privacy Appendix posted with this Q&A. *Please note that the Appendix R that is being posted with the Q&A contains updated forms. Bidders are encouraged to use the new versions, but submissions using the previously posted forms are acceptable.*

58. N/A, pg. 123, & pg. 127 - Attachment—rfp-21-009-form-cpo-1-2d NY/rfp-21-009-form-cpo-2-2d NY – Technical Proposal - “8. Data Privacy Protection” - Technical proposal instructions read “3. Bidders should complete the CPO1Supp-2d and CPO2-2d forms and return them with their technical proposal.” Please confirm that CPO1-2d should also be included here.

Similarly, confirm whether placement of CPO1-2d, CPO1Supp-2d, and CPO2-2d should come after the “Work Plan” (in order of appearance in the instructions on pg. 123) or under requirement “8. Data Privacy Protection” (pg. 127).

**Answer:** The CPO1-2d (Bill of Rights) is included as part of the data privacy documents. CPO1-2d, CPO1Supp-2d, and CPO2-2d, or the update version now posted (DPA Exhibits 1 and 2), should be included under “8. Data Privacy Protection” in the technical proposal.

59. Pg. 123 Technical Proposal, #3- Form CPO-2-2d: The Form CPO-2-2d states that the Contractor must complete the following template or provide a plan that materially addresses its requirements. However, #3 under the Technical Proposal section on pg. 123 states that bidders should complete the CPO2-2d form and return them with bidder’s technical proposal. Can you please confirm that bidders can provide a data privacy and security plan that materially addresses the requirements of Education Law §2-d and Section 121.6 instead of completing the template provided?

**Answer:** Bidders are to provide a data security and privacy plan with their technical proposal, which will be included in any resulting contract. Bidders may use the template provided in CPO-2-2d/DPA Exhibit 1 or another format that materially addresses its requirements, including alignment with the NIST Cybersecurity Framework.

60. In the submission requirements, the RFP notes that vendors must complete and submit the CP01Supp-2d and CPO2-2d forms with their proposals. Under “Requirements of Education Law” on page 115, it says that vendors must complete these forms “...or provide a plan that materially addresses its requirements...” Please confirm that vendors may submit their own security plan in lieu of completing these forms.

**Answer:** As noted above, bidders may use an alternate format to provide the data security and privacy plan in lieu of the template in CPO-2-2d/DPA Exhibit 1.

However, all bidders should complete and submit the CPO-1Supp-2d/DPA Exhibit 2. Note that both documents will be included in any resulting contract, and the winning bidder's CPO-1Supp-2d/DPA Exhibit 2 will also be posted on NYSED's website.

61. NYSED has language on page 123 of the RFP (stated below) indicating that bidders cannot include optional work at additional cost.

“Bidders should specify all details and dates required to evaluate the technical proposal and should limit aspects of the project plan which are to be determined only after the award of a contract. No optional deliverables to be provided only at an additional cost should be included and will not be considered in the evaluation of the technical proposal. Bidder's proposed alternate terms or modifications to the NYSED terms and conditions included in the RFP and contractual terms, conditions and assumptions are inappropriate for inclusion in the proposal. However, pursuant to NYSED's Reservation of Rights, NYSED reserves the right to negotiate with the successful bidder within the scope of the RFP and in the best interests of the State.”

Can bidders propose possible changes to the scope if those changes would result in a cost savings to the state? For example, if a bidder can complete the scope of work, but in a way that slightly differs from the stated requirements but offers a cost savings, can these be included in the proposal?

**Answer:** In addition to its proposal to complete the scope of work as specified in the RFP, a bidder may include a suggested alternate method that completes the scope of work in a slightly different way. Any alternate solution must be at no additional cost, and NYSED reserves the right to accept or reject the implementation of the method proposed by the bidder. The bidder's cost proposal must include the price to complete all deliverables as specified in the RFP, but NYSED reserves the right to negotiate modifications with the winning bidder if it is in the state's interest to do so.

62. The submission checklist includes a new line item for “TAC Certification.” Can NYSED provide more context on what this is?

**Answer:** The TAC Certification was included on the submission checklist in error. Completion and submission of the TAC Certification form is not necessary for this RFP.

63. Will NYSED permit the successful contractor to negotiate an annual cap on the amount of liquidated damages?

**Answer:** No, liquidated damages terms are non-negotiable.