

Contracts Agenda for the Meeting of the Panel for Educational Policy - Wednesday, November 20, 2024

Contract Type	PEP Description	Estimated Highest Annual Spending	Estimated Total Spending	Contract Term	Agenda Item
Request for Proposals	Specialized High Schools Admissions Test (SHSAT) and Associated Services	\$3,799,930.64	\$17,063,349.75	5 Years, 11 Months	1
Multiple Task Award Contract	R1129 - Arts Education Services	\$30,000	\$150,000	5 Years	2
Amendments and Extensions	Allowance Clause Amendment	\$32,313,006.24	\$32,313,006.24	1 Year	3
Amendments and Extensions	FY25 COL Earlylearn Services	\$1,949,210	\$1,949,210	1 Year	4
Amendments and Extensions	FY25 UPK Half Day & UPK Items	\$371,275.20	\$371,275.20	1 Year	5
Amendments and Extensions	Inspection, Maintenance of Standpipe & Sprinkler Systems	\$1,729,160	\$1,729,160	1 Year	6
Amendments and Extensions	Requirements Contract for Asbestos Bulk and Air Sampling, Analysis, and Project Monitoring	\$1,799,879	\$1,799,879	1 Year	7
MWBE PCM	Ceramic Tiles	\$1,006,644.75	\$1,500,000	2 Years	8
MWBE PCM	Cleaning Kitchen Exhaust Duct Systems	\$685,111.23	\$1,500,000	3 Years	9
MWBE PCM	Full Value Contract for Replacement of Glass & Synthetic Lights and Related Work	\$706,575.50	\$1,413,151	2 Years	10
MWBE PCM	IT Supply Market Basket for Electrical Supplies	\$127,803.74	\$127,803.74	1 Year	11
Listing Application	Ticket Purchasing Services RA1	\$30,000	\$90,000	3 Years	12
Sole Source Goods	Apple Products	\$39,171,914	\$117,515,741	3 Years	13

Request for Authorization to Contract With NCS Pearson, Inc. for Specialized High Schools Admissions Tests – R1342

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

Estimated Highest Annual Amount: \$3,799,930.64

Estimated Total Amount: \$17,063,349.75

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 11/01/2024 – 09/30/2030; 5 Years, 11 Months

Options: Two ,1-Year

Options Amount: \$6,449,620.68

Contract Type: Requirements

RA Number: 11764

Vendor Name: NCS Pearson, Inc.

Vendor Address: 5601 Green Valley Drive Bloomington, MN 55437

Contract Manager: David Fields, Director of Special Projects, Office of Assessment

Lead Contracting Officer: Jonathan Winstone, Director of Operations, Office of Policy and Evaluation (OPE)

Division of Contracts & Purchasing Contact: Sophia Hargraves, Director of Central Office Procurement

Purpose

Authorization is requested on behalf of the Office of Assessment to contract with NCS Pearson, Inc. (“Pearson”) to provide a standardized testing program designed to select students for admission to the City’s specialized public high schools.

Discussion

The New York City Department of Education (“DOE”) complies with New York State’s Hecht-Calandra Act by administering a single exam, the Specialized High School Admissions Test (“SHSAT”), to students in grades 8 and 9 for the purpose of determining admission to NYC’s eight Specialized High Schools (“SHS”). Per the Act, admission to the DOE’s SHS must be determined “solely and exclusively by taking a competitive, objective, and scholastic achievement examination.” Students must be rank ordered based on their performance for each of SHS’s available seats. The students who take this examination are among the highest-achieving students in grades 8 and 9; approximately 30,000 eighth graders and 5,000 ninth graders take the SHSAT annually. The assessment covers mathematics and English Language Arts (“ELA”) skills at the highest level of performance for students who have completed seventh and eighth grades and is aligned with New York State Next Generation Learning Standards. These include critical thinking and problem-solving skills. Students test either during their school day at their home schools or on one of two weekends, both Saturday and Sunday, with separate morning and afternoon testing sessions

The DOE released a Request for Proposals (“RFP”) in the fall of 2023 seeking vendors to provide an admission testing program that enables students to be rank ordered based on their performance on the exam. Historically, few vendors have shown the capacity to offer these services; the predecessor RFP received only three proposals. This most recent RFP yielded two submissions: NCS Pearson and Educational Testing Services. While the exam has been administered and completed on paper to date, the DOE sought proposers to develop and administer a computer-adaptive test (“CAT”). The digital exam will align practice with other high stakes tests (e.g., SAT, PSAT, NYS Grade 3-8 Math & ELA exams) and will also introduce a suite of accessibility features integrated into the testing platform to

improve the experience of students with disabilities. The vendor will also provide translation glossaries in the DOE's standard supported languages to increase access for students who speak home languages other than English.

The evaluation and advisory committee included representatives from the Office of Assessment; Office of Policy and Evaluation; Office of Student Enrollment; Office of Curriculum, Instruction & Professional Learning; and Division of Teaching and Learning. Committee members had expertise in assessment design and evaluation, test administration, psychometrics, enrollment program management, program access and accommodations for students with special needs and English Language Learners, and alignment between test items and the Common Core Curriculum. The voting members included representatives from the Office of Student Enrollment, the Office of Assessment, and the DREAM Specialized High School Institute. In addition to several members of the Office of Assessment, the advisory committee included members of DIIT, NYC Literacy Collaborative, the Division of Curriculum and Instruction, and OPE Operations.

The committee scored proposals based on the following evaluation criteria: organizational capacity (35 points), program plan (35 points), price (15 points), and demonstrated effectiveness (15 points). Both Educational Testing Services and NCS Pearson were invited to present and to address the committee's questions regarding their proposals.

During negotiations with both vendors, and as part of the re-assessment of the SHSAT program, they were asked to include and/or elaborate on the exam content, Test Construction, paper-based exams, translations for bilingual glossaries, platform set-up and computer-adaptive testing.

The evaluation committee determined that Pearson's proposal contained a strong plan for the development and implementation of the computer-based test, including all the evaluation's criteria for test design, scoring and accessibility. Pearson showed a superior organizational capacity and demonstrated a smooth, intuitive, and innovative test platform. Additionally, Pearson offered the lowest price while proposing superior services. Hence, Pearson received the higher overall score based on the evaluation criteria and was recommended for a contract award.

Pearson proposed a contract amount of \$23,021,967.00 to provide five test cycles and \$7,296,381.99 for two optional test cycles, resulting in a total contract amount of \$30,318,348.99. However, the DOE requested that Pearson remove annual escalation factors because the solicitation required pricing to be the same for the base term covering five test cycles and unlike the prior contract, it allows price adjustments at designated timeframes (fourth and optional sixth test cycles). The DOE also requested that Pearson carefully review its program plan for cost reduction opportunities including negotiating lower pricing with its subcontractors. This led Pearson to reduce the contract amount for the five test cycles by \$5,958,617.25 (25.9%) from \$23,021,967.00 to \$17,063,349.75 and by \$846,761.31 (11.6%) for the two optional test cycles from \$7,296,381.99 to \$6,449,620.68. The total contract amount including (seven test cycles was reduced by \$6,805,378.56 (22.4%), resulting in a final amount of \$23,512,970.43.

After allowing for the Employment Cost Index, Pearson's weighted average hourly labor rate is 30% and 16% lower than Educational Testing Services and Pearson's existing contract, respectively. Additionally, Pearson provided documentation to support its subcontractors' overall budget/ MWBE goals. Staff labor accounts for 62% of the total contract amount and subcontracting costs including labor and materials account for 30%.

Pricing for the new computer-adaptive digital assessment couldn't be reasonably compared to the current prices under the existing contract for the paper-based assessment. To compare to Educational

Testing Services, the DOE conducted an analysis that normalized pricing based on the findings from negotiations with Pearson, resulting in Pearson's final contract amount being 19% lower than Educational Testing Services.

In light of the 22.4% reduction in the total contract amount and Pearson attesting it will maintain the quality of its program plan/services, as well as provide all students with an equitable assessment, pricing can be determined to be fair and reasonable.

This contract will cover five test cycles over its six-year term with test development anticipated to commence immediately following contract award and the first test administrations scheduled for the fall of 2025.

Based on the nature of these services, the DOE determined this procurement was not a good candidate for unbundling due to the complexity and multiplicity of services involved and the necessity for each of these services to work in full integration and coordination with each other. Additional contributing factors include the stringent timelines for the test administration window, assessment security needs, and high stakes for students and families associated with the SHSAT program.

Pursuant to the DOE's Procurement Policy and Procedures ("PPP"), Section 3-03(i)(6), this RFP provides for a quantitative preference for proposals submitted by Minority- and/or Women-owned Business Enterprises ("M/WBE") that are New York City certified or New York State certified. The quantitative preference was in the form of a ten percent (10%) preference of the total technical points earned in the evaluation of the submitted proposal.

The MWBE subcontracting goals therewith carried an overall 30% MWBE subcontracting goal, with disaggregated goals of 10% Black, 10% Hispanic, and 10% Unspecified. Based on Pearson's Schedule B form, they have agreed to be bound by those requirements.

A contract for these services is necessary because the DOE does not have the expertise, personnel, and resources to meet the program's objectives. An RFP was the preferred method of procurement because of the need to qualitatively evaluate the proposing organizations and services offered.

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):

NCS Pearson Inc.

A review of NCS Pearson, Inc.'s (NCS Pearson) PASSPort submission revealed the following cautions:

- NCS Pearson has been involved in 19 investigations regarding racial, disability, gender, age, national origin discrimination and retaliation against former and current employees, which occurred during the years 2016 to 2023, and were conducted by multiple agencies, including the Equal Employment Opportunity Commission (EEOC), Texas Workforce Commission, Pennsylvania Human Relations Commission, Iowa Civil Rights Commission, Illinois Department of Human Services, California Department of Fair Employment and Housing, Minnesota Department of Human Rights, AZ Attorney General's Office, Massachusetts Commission Against Discrimination, New Jersey Division on Civil Rights (NJDCR), State of Connecticut Commission on Human Rights and Opportunities (CHRO), and the New York State

Division of Human Rights (NYSDHR). The vendor advises that of the 19 investigations, 16 have been closed or dismissed without the imposition of any penalties, fines or damages, or any further action. The remaining 3 investigations are still pending with NYSDHR, NJDCR, and CHRO.

Additionally, the DOE is aware of the following information:

- A July 2024 news article revealed that a lawsuit was filed against the Kentucky Jefferson County Board of Education and NCS Pearson for misapplying copyright and public-records laws by refusing to provide a parent with copies of a mental health survey administered to students. The case is pending.
- A September 2023 news article reported that a lawsuit was filed against NCS Pearson for negligence. In October 2023, the case was dismissed.
- A June 2023 news article revealed that a class action lawsuit was filed against NCS Pearson for unpaid overtime compensation under the Fair Labor Standards Act. In September 2023, the case was dismissed.
- A January 2023 news article reported that a former employee filed a civil lawsuit against NCS Pearson under the False Claims Act's anti-retaliation provision for wrongful termination. The vendor advised that this matter has been resolved via a confidential settlement agreement.

As the matters reported above have either been resolved or remain pending and in light of the vendors satisfactory performance on prior DOE contracts, the DOE determines the vendor to be responsible.

Request for Authorization for Arts Education Services – R1129 (RA40)

Procurement Method: Multiple Task Award Contract per DOE Procurement Policy & Procedures, Section 3-04

Estimated Highest Annual Amount: \$30,000

Estimated Total Amount: \$150,000

Funding Source: Tax Levy & City/State Reimbursable

Contract Retroactive? No

Contract Term: 5 Years

Options: One; 3-Year

Options Amount: \$90,000

Contract Type: Requirements

RA Number: 12031

Vendor Name: See List Below

Vendor Address: See List Below

Awarded Component(s)*: See List Below

Contract Manager: Shifat Jahreen, Director of Arts Education Program Implementation

Lead Contracting Officer: Paul J. Thompson, Executive Director, Office of Arts & Special Projects

Division of Contracts & Purchasing Contact: Peter Lolis, Procurement Analyst, Instructional Service Procurement

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 below-named vendor to provide Arts Education Services. 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. The approved vendors will deliver 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 (“NYSLS”) 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 and Cultural Resources; and (5) Careers and Lifelong Learning. Awarded vendors will deliver culturally responsive services and integrate the guidelines established in the Blueprint while enhancing studies in other disciplines.

The 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 NYSLS for the Arts. All members of the committee 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 where 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.

One hundred and thirteen vendors were recommended for contract awards under previous Requests for Authorization, and one is recommended here.

Arts for Art, Inc. offers direct student services focused on basic musical theory, history, and instrument instruction in order to build improvisation and composition skills as well as basic techniques across an array of diverse cultures. Students will receive said instruction through a variety of small group workshops, rotating interactive performances with professional musicians, and one-on-one mentorship.

Pricing for Arts for Art, Inc. 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 Arts for Art, Inc. is based on the estimated annual contract amount for new vendors with an Arts Educations Services requirements MTAC contract of \$30,000 per awarded service component

A decision was made to contract for these services because it was determined that the DOE does not currently possess the capacity and/or expertise required to meet the objectives of this program in an efficient manner.

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 Names & Addresses	Component(s)	Estimated Annual / Total Amount
Arts for Art, Inc. 107 Suffolk Street #300 New York, NY 10002	2	\$30,000/ \$150,000

***Awarded Components:**

1. Dance – ballet, modern, hip-hop, ballroom, African, Caribbean, dances of other countries & cultures, choreography.
2. Music – hip hop, jazz, classical, instrumental, vocal, choral, composing.
3. Theater – playwriting, storytelling, performing, playmaking, auditions, assemblies.
4. Visual Arts – museum tours, paintings, murals, drawing, architecture, collages.
5. Moving Image, New Media – film making, videography, photography.
6. Parent Engagement – all of the above subjects in concert with direct student 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 Amend Health and Human Services Contracts to Provide Allowances for Future Budgetary Increases

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

Estimated Highest Annual Amount: \$32,313,006.24

Estimated Total Amount: \$32,313,006.24

Funding Source: Tax Levy Fund

Contract Retroactive? Yes

Contract Term: See Below

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 11711

Vendor Name: See List Below

Contract Manager: Monique Scales, Senior Director - Operations, Division of Early Childhood Education

Lead Contracting Officer: Jodina Clanton, Senior Director, Research and Special Projects, Division of Early Childhood Education

Division of Contracts & Purchasing Contact: Ibrahim Rehawi Chief Administrator, Early Childhood Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Office of Community Schools (“OCS”), Office of Student Pathways (“OSP”), Office of Related Services (“ORS”), Office of School Health (“OSH”), and Early Childhood Education (“ECE”) to amend health and human services (“HHS”) contracts listed below to include an allowance clause to provide a contingency for future citywide funding initiatives.

This Request for Authorization (“RA”) seeks approval to amend the contracts for the ECE program. RAs for each of the remaining programs will seek separate approvals.

Discussion

Based on the recommendations of “A Better Contract for New York - A Joint Task Force to Get Nonprofits Paid on Time,” New York City is amending current HHS contracts to include an allowance clause. This allowance clause will eliminate the administrative burden of processing amendments for anticipated budgetary increases such as cost of living increases, changes in indirect cost rates, and other funding increases. By incorporating the allowance clause into HHS contracts, the expectation is that this change will significantly reduce contract delays and create a more efficient contract process.

As a non-mayoral agency, the DOE has opted to align with the City in amending its current eligible HHS contracts, of which the OSP, OCS, ORS, OSH, and ECE programs were among the service areas deemed eligible for the allowance. Adopting the allowance clause to essentially build in contingency amounts eliminates the need to do single transactional amendments (i.e. COLA, ICR, WEI, etc.). Based on analysis, the City determined that 25% contingency is sufficient to provide for budget adjustments for in-scope changes that normally require amendments. Incorporating this clause is less burdensome for future amendments for in-scope changes resulting from citywide funding initiatives.

Early Childhood programs provide high quality early childhood care and education to children from birth to five years old in a variety of different programs including Pre-K for All, 3-K for All, Early learn and Family Child Care. These programs provide opportunities to help children develop language, skills, and knowledge of the world. Children will build on early social and emotional skills, problem solving, imaginative thinking, pre-reading writing, and math skills. Children will also build physical strength and coordination skills through activities such as running and using paint brushes or crayons. Whole group and small group activities, outdoor playtime, naptime, and meals are also included in a typical classroom day. These experiences will help each lay the foundation for a child’s future success in school and life.

These amendments include contracts competitively procured and in effect during FY23 and through the term of the contract. The underlying costs were determined to be fair and reasonable at the time of the procurement processes for each underlying contract. The following table details the 25% allowance amendment amount and term per contract, per vendor.

Service Type	Site ID	Provider Name	Contract Term	Contract Number	Contract Amount	25% Allowance	Revised Contract Amount
EARLYLEARN COL	QAOW /QAPB	All My Children Day Care and Nursery School	7/1/2022-6/30/2024	9050416	\$34,743,471.69	\$8,685,867.92	\$43,429,339.61
EARLYLEARN COL	QAVO	OMEGA PSI PHI FRATERNITY NU OMICRON CHAPTER ECEC, Inc.	7/1/2022-6/30/2023	9050520	\$2,794,263.96	\$698,565.99	\$3,492,829.95
EARLYLEARN COL	XALR	Southeast Bronx Neighborhood Centers, Inc.	7/1/2022-6/30/2023	9050523	\$10,676,676.61	\$2,669,169.15	\$13,345,845.76
EARLYLEARN COL	QAUW	THE IVY ACADEMY DAY CARE CENTER INC.	7/1/2022-6/30/2024	9050334	\$8,188,186.30	\$2,047,046.58	\$10,235,232.88
R1278 Family Child Care Network	Bronx	All My Children Day Care and Nursery School	7/1/2022-6/30/2025	9158830	\$24,079,506.45	\$6,019,876.61	\$30,099,383.06
R1278 Family Child Care Network	Brooklyn	All My Children Day Care and Nursery School	7/1/2022-6/30/2025	9158831	\$35,703,184.25	\$8,925,796.06	\$44,628,980.31
R1278 Family Child Care Network	Queens	All My Children Day Care and Nursery School	7/1/2022-6/30/2025	9158832	\$12,529,599.70	\$3,132,399.93	\$15,661,999.63
Head Start	XAQQ	MID-BRONX CCRP EARLY CHILDHOOD CENTER INC	7/1/2023-6/30/2025	9456505	\$537,136.00	\$134,284.00	\$671,420.00

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):

All My Children Day Care and Nursery School

A review of All My Children’s Day Care and Nursery School’s (AMC) PASSPort submission identified the following agency reported caution:

- On September 11, 2019, the City of New York Department of Investigation (DOI) sent the New York City Department of Education a referral with findings regarding All My Children Daycare and Nursery School, Inc. (AMC) and its contract with the New York City Administration for Children's Services (ACS). The contract was for EarlyLearn services and had been assigned to the New York City Department of Education (DOE) in July 2019. DOI's findings raised issues regarding property ownership, rental costs passed through to ACS and the DOE, conflicts of interest, and PASSPort disclosures. After its review, the DOE determined that AMC's ownership interests in property were acceptable, AMC should reimburse the DOE for an overage exceeding \$800K in rent paid by ACS and approximately \$17K as a result of failing to properly procure a consultant, and that the vendor's PASSPort submission would need to be revised. AMC submitted a corrective action plan (CAP) determined to be satisfactory, in which it agreed to reimburse the DOE for the overage in rent, adjust the rental amounts it passed through to the DOE in the future and revise its PASSPort submission.

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

[Southeast Bronx Neighborhood Centers, Inc.](#)

A review of Southeast Bronx Neighborhood Centers, Inc.'s (Southeast Bronx) PASSPort submission revealed the following information from the most recent responsibility determination (RD) by the New York City Department of Youth and Community Development (DYCD):

- From March 2022 to April 2023, Southeast Bronx disclosed one case of client abuse and neglect. A review by DYCD of the corrective action taken by Southeast Bronx was prudent based on the information provided.

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

[The Ivy Academy Day Care Center Inc.](#)

The Ivy Academy Day Care Center Inc.'s (Ivy Academy), formerly known as Alpha Kappa Alpha Sorority Epsilon Pi Omega Chapter Day Care Center Inc. (Alpha), most recent Responsibility Determination (RD) from the New York City Administration for Children's Services (ACS) revealed the following information:

- The New York City Department of Health and Mental Hygiene's (DOHMH) website reflected two open violations for Ivy Academy while operating as Alpha, for failure to maintain teacher to child ratios in its Group Child Care program and relating to general sanitation and maintenance. Both violations were corrected.

The DOE is also aware of the following information:

- In November 2022, DOHMH issued a Commissioner's Order to Close Ivy Academy due to insufficient staff qualifications and clearances for teaching staff. In January 2023, the program re-opened for operation after entering in a Corrective Action Plan (CAP) with DOHMH, however, in July 2023, DOHMH made the recommendation of "no" on the health and safety review but allowed the vendor to operate without issue since January 2023. On November 10, 2023, the New York City Department of Education (DOE) issued Ivy Academy a letter to show cause requesting information on why it should not be found non-responsible in light of DOHMH's recommendation. Ivy Academy has entered into a CAP with the DOE and is in compliance.

As Ivy Academy is in compliance with its CAP, and the vendor has performed satisfactorily on prior DOE contracts, the DOE determines the vendor to be responsible.

Request for Authorization to Extend Contracts with Early Childhood Providers of Prekindergarten Services

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

Estimated Highest Annual Amount: \$1,949,210.00

Estimated Total Amount: \$1,949,210.00

Funding Source: Various incl. New York State Education Department (NYSED), Head Start, Child Care Development Block Grant and City Tax Levy Funds

Contract Retroactive? Yes

Contract Term: 07/01/2024 - 06/30/2025

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 12095

Vendor Name: See List Below

Contract Manager: Monique Scales, Senior Director - Operations, Division of Early Childhood Education

Lead Contracting Officer: Jodina Clanton, Senior Director, Research and Special Projects, Division of Early Childhood Education

Division of Contracts & Purchasing Contact: Ibrahim Rehawi Chief Administrator, Early Childhood Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Early Childhood Education (“DECE”) to extend its contracts to provide high-quality instructional programming as part of the EarlyLearn programs for one additional year with the vendors listed below. The subject contracts will be funded by DECE through various City, State, and Federal funding streams.

Discussion

In 1997, the New York State Education Department established the Universal Prekindergarten (“UPK”) program, 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. 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. In addition to launching 3-K for All, Mayor de Blasio announced the City’s initiative to transfer into the DOE ACS’s system of contracted early care and education services for children ages 0-5, called EarlyLearn, which transferred from the Administration of Children Services to the DOE in July 2019.

In March 2019, the DOE released Birth-to-Five RFP (R1267) and Head Start/Early Head Start (R1268) RFP, seeking to identify and award eligible high-quality early childhood care and education providers who are willing to collaborate with the DOE’s Division of Early Childhood Education (“DECE”) to implement the Birth-to-Five (B-5) program and Head Start/Early Head Start (“HS/EHS”) as part of the unified Birth-to-Five system. As part of both RFPs, the DOE procured B-5 and HS/EHS services in city

owned and leased buildings as separate competition pools. The deadline for proposals was August 5, 2019. The contract start date was moved from July 1, 2020, to July 1, 2021.

The EarlyLearn contracts for vendors that currently operate in city owned or leased spaces but were not awarded through the B-5 or HS/EHS RFPs (listed below) expired on June 30, 2024. The DOE determined that, in order to ensure continuity of services and avoid disruptions to families and program staff, these vendors were given the option to extend their current Early Learn contracts for school-year 2024-2025 as per section 4-07(b) of the DOE Procurement Policy and Procedures.

The Committee on Contracts approved this contract extension at the meeting held on July 18, 2024.

All provider sites have been evaluated for quality and demand and have otherwise met the DOE’s requirements for a contract extension, including a health and safety assessment by the Department of Health and Mental Hygiene.

The pricing under the subject contracts remains consistent with the base ACS contracts which were assigned from ACS to DOE and registered as Negotiated Services agreements. Since the contracts for these services were originally awarded pursuant to a competitive solicitation, the prices, terms and conditions of the base contracts will remain the same under the proposed extensions. The total amounts of such contracts are reflected in table A below. Therefore, pricing has been determined to be fair and reasonable.

Vendors offering DOE-contracted early childhood education services, including Pre-K and 3-K for all, don’t have the ability to restrict who attends as all contracted vendors are required to follow DOE’s enrollment policies and participate in the DOE’s enrollment system.

Site ID	Vendor Name	FY25 Value
KCKB/KBES	Bushwick United Housing Development Fund Corporation	\$1,949,210.00

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 Extension Agreement for the Provision of Pre-Kindergarten For All And/or 3k For All Services

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

Estimated Highest Annual Amount: \$371,275.20

Estimated Total Amount: \$371,275.20

Funding Source: Various, including Tax Levy, NYS Education Department

Contract Retroactive? Yes

Contract Term: 7/1/2024-6/30/2025

Options: None **Options Amount:** None

Contract Type: Requirements

RA Number: 12094

Vendor Name: See List Below

Contract Manager: Monique Scales, Senior Director - Operations, Division of Early Childhood Education

Lead Contracting Officer: Jodina Clanton, Senior Director, Research and Special Projects, Division of Early Childhood Education

Division of Contracts & Purchasing Contact: Ibrahim Rehawi Chief Administrator, Early Childhood Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of Early Childhood Education (“DECE”) to extend contracts with the vendors listed below for one additional year to provide high-quality instructional programming as part of the Pre-K for All and 3-K for All programs. These contracts will be funded by DECE.

Discussion

In 1997, the New York State Education Department established the Universal Prekindergarten (“UPK”) program, 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. The legislation allows for high-quality UPK programs to be awarded new full-day UPK seats or to convert existing half-day seats to full-day seats.

The vendors listed below were awarded contracts through various solicitations in order for these sites to provide Pre-K for All services. These contracts contained set terms and renewal options which were exhausted, then extended for school years 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, and 2023-2024 and will reach the end of their current contract term in June 2024. In order to avoid service interruption within areas where there is demand for Pre-K for All and 3-K for All services, existing sites with contracts expiring contracts with no further renewal options and whom have exhausted the 4-07(a) and/or 4-07(b) one year extension, were given the option to extend their contracts for one additional year. These contract extensions include full day and half day Pre-K for All, full day 3-K for all, and Pre-K for All in charter schools. These sites have met the Department of Education (“DOE”)’s requirements for a contract extension, but will need to submit a proposal in response to an upcoming RFP for Pre-K and/or 3-K for All services if they want to continue providing services upon the expiration of this extension term.

Since the contracts for these services were awarded pursuant to a competitive solicitation, the prices, terms, and conditions of the base contract will remain the same under the proposed extension. Therefore, pricing has been determined fair and reasonable.

The original contract amounts were based on the number of awarded Pre-K and/or 3-K seats and the negotiated costs per child, as determined collaboratively by the DOE and the vendors. Vendors offering DOE-contracted early childhood education services, including Pre-K and 3-K for all, don't have the ability to restrict who attends as all contracted vendors are required to follow DOE's enrollment policies and participate in the DOE's enrollment system.

The Committee on Contracts approved these contract extensions at the meeting held on July 18, 2024.

Awards for both Pre-K for All and 3-K for All programs

Site ID	Vendor Name	No. of Awarded 3K seats	No. of Awarded 4K seats	3K Cost Per Child	4K Cost Per Child	Pay Parity Year 1	Pay Parity Year 2	Annual Total Contract Amount
KBWW	YOUNG MEN'S AND WOMEN'S HEBREW ASSOCIATION OF WILLIAMSBURG, INC.	-	90	-	\$4,125.28	-	-	\$371,275.20

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.

aggregate classes 4 and 5, resulting in the prices set forth in the Original Contract. Unit prices under the Requested Extension would remain unchanged during the period of the Requested Extension from the prices charged under the Original Contract, except for adjustments, which would be made to such prices in accordance with the annual consumer price index as required by the Original Contract. Accordingly, the prices under the Requested Extension are determined to be fair and reasonable.

DSF has determined that Charles Dimino has performed satisfactorily under their existing contract.

On October 8, 2024, the Committee on Contracts approved the recommended extension with Charles Dimino, Inc.

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 Kam Consultants Corp., for Asbestos Bulk and Air Sampling, Analysis, and Project Monitoring – B2531

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

Estimated Highest Annual Amount: \$1,799,879.00

Estimated Total Amount: \$1,799,879.00

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 01/01/2025 – 12/31/2025

Options: None

Options Amount: None

Contract Type: Requirements

RA Number: 12029

Vendor Name: Kam Consultants Corp.

Vendor Address: 35-40 36th St. Long Island City, NY 11106-1337

Contract Manager: Umran Malik, Director of Contract Administration, Division of School Facilities

Lead Contracting Officer: Diana Ferrer-Schwartz, Chief Administrative Officer, Division of School Facilities

Division of Contracts & Purchasing Contact: Ricardo Bellamy, Procurement Analyst, Transportation, Food and Facilities Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization on behalf of the Division of School Facilities (“DSF”) to extend the contract with Kam Consultants Corp. (“KAM”) for asbestos bulk and air sampling, analysis, and project monitoring in schools and administrative buildings. Funding for the cost of the extension for which authorization is being requested (“Requested Extension”) will be provided by DSF.

Discussion

The Current Contract provides for the labor, materials, and supervision required to inspect for asbestos, monitor asbestos projects, and report on and describe asbestos and their condition. Also, to approximate the quantity of damaged material, analyze thermal and miscellaneous asbestos containing materials, collect bulk/air samples, analyze and prepare reports and forms as requested, signed, and sealed by the New York City Department of Environmental Protection-certified Asbestos investigator in schools and administrative buildings.

The DOE approved the Current Contract under Request for Bid B2531 in January of 2015. The RFB consisted of the following 4 geographically defined Aggregate Classes (each an “AC”, collectively “Acs”): AC 1 - The Bronx, AC 2 - Queens, AC 3 - Manhattan, and AC 4 - North Brooklyn. The DOE exercised its 270-day option to extend the term of the Current Contract as provided thereunder. This contract was then extended once for one year, pursuant to section 4-07(a) of the DOE’s Procurement Policy and Procedures (“PPP”), and additionally extended for two, one-year options, which is pursuant to section 4-07(b) of the DOE’s PPP respectively.

A replacement RFB was released, however, in the best interest of the DOE, no award was made. The RFB will be rebid as a Best Value RFB to include 10% MWBE price preference and 6-129 subcontracting requirements. The replacement solicitation is pending Corporation Counsel approval and is anticipated to be released in November 2024. As a result, an extension of the Current Contract

is required to prevent a lapse in the subject services. Section 4-07(b) of the PPP allows for such an extension. The most recent extension will expire on December 31, 2024.

Aside from the contract term, the Requested Extension requires no changes to the terms of the Current Contract. Prices under the Current Contract were determined to be fair and reasonable because the Current Contract was awarded under a competitive procurement involving four bids. Hence, the prices under the Requested Extension have been determined to be fair and reasonable.

The extension value is calculated based on historical usage. The estimated cost of the Requested Extension is based on the same unit prices as those set forth in the Current Contract, adjusted according to its terms.

DSF has determined that KAM has performed satisfactorily under its prior contract and anticipates that it will continue to do so under this extension.

The Committee on Contracts approved this contract extension with KAM on September 10, 2024.

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 Harry Construction Group Corp. for the Repair and Replacement of Ceramic Tiles – B5909

Procurement Method: MWBE Simplified Procurement per DOE Procurement Policy and Procedures, Section 3-10(c)(2-A)

Estimated Highest Annual Amount: \$1,006,644.75

Estimated Total Amount: \$1,500,000.00

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 2 Years

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 12052

Vendor Name: Harry Construction Group Corp.

Vendor Address: 116-11 101 Ave., Richmond Hill NY 11419

Contract Manager: Umran Malik, Director of Contract Administration, Division of School Facilities

Lead Contracting Officer: Diana Ferrer-Schwartz, Chief Administrative Officer, Division of School Facilities

Division of Contracts & Purchasing Contact: Ricardo Bellamy, Procurement Analyst, Transportation, Food and Facilities Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization to enter into a Minority and Women Owned Business Enterprise (“M/WBE”) Procurement and Contract Method (“PCM”) purchase with Harry Construction Group Corp. (“Harry”), a Minority and Women-Owned Business Enterprise (“M/WBE”), to install and replace ceramic tiles in schools. This contract will replace an expiring contract and will be funded by DSF.

Discussion

The DOE released a scope of work to 47 MWBE vendors that were provided by the Office of Supplier Diversity (“OSD”). The procurement consisted of two (2) Aggregate Classes (“AC”), AC1 included Queens, Manhattan, and Bronx., AC 2 included Brooklyn North, Brooklyn South, and Richmond.

The scope of work under the requirements contract includes the labor, materials, and supervision required and necessary to maintain, repair, replace, make addition to, and/or install ceramic tiles. The base surface will be properly prepared to secure a smooth and safe installation. The work will include the removal of old materials and its proper disposal.

A decision was made to contract for these services because it was determined that the DOE does not currently possess the capacity and/or expertise required to meet the objectives of this program in an efficient manner.

The DOE received five responses to the solicitation, as indicated below:

Aggregate Class 1 - Queens, Manhattan and Bronx

No.	Bidder Name	Annual Contract Value
1	Harry Construction Group Corp	\$508,960.75
2	Shazia Anjum / Webnest	\$731,745.00
3	Brikmor Inc.	\$1,199,780.30
4	Sierra Contractors Corp	\$1,375,099.75
5	HNJ Construction Corp	\$1,736,690.00

Aggregate Class 2 - Brooklyn North, Brooklyn South and Richmond.

No.	Bidder Name	Annual Contract Value
1	Harry Construction Group Corp	\$497,684.00
2	Shazia Anjum / Webnest	\$707,990.00
3	Brikmor Inc.	\$1,198,803.95
4	Sierra Contractors Corp	\$1,344,246.20
5	HNJ Construction Corp	\$1,709,885.00

DSF held a qualification meeting with Harry, the lowest bidder, and it was determined that they had the organizational capacity to perform the services as required under the simplified procurement. Harry has held prior contracts with the DOE and provided satisfactory service. As such for this procurement, Harry was recommended for the award.

[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 Applied Safety LLC for Full Value
Contract for Cleaning Kitchen Exhaust Duct Systems
– B5910

Procurement Method: M/WBE Simplified Procurement per DOE Procurement Policy and Procedures, Section 3-10(c)(2-A)

Estimated Highest Annual Amount: \$685,111.23

Estimated Total Amount: \$1,500,000.00

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 3 Years

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 12064

Vendor Name: Applied Safety LLC

Vendor Address: 520 Industrial Loop, Staten Island, New York 10309

Contract Manager: Umran Malik, Director of Contract Administration, Division of School Facilities

Lead Contracting Officer: Diana Ferrer-Schwartz, Chief Administrative Officer, Division of School Facilities

Division of Contracts & Purchasing Contact: Ricardo Bellamy, Procurement Analyst, Transportation, Food and Facilities Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization to enter into a Minority and Women Owned Business Enterprise (“M/WBE”) Procurement and Contract Method (“PCM”) Purchase with Applied Safety LLC (“Applied”), a Minority and Women-Owned Business Enterprise (“M/WBE”), to clean kitchen exhaust duct systems in schools and administrative buildings. This contract will replace an expiring contract and will be funded by DSF.

Discussion

The DOE released a scope of work to 22 MWBE vendors that were provided by the Office of Supplier Diversity (“OSD”). The procurement request consisted of one (1) Citywide Aggregate Class (“AC”) including all districts.

The scope of work under the contract includes the labor, instruments, materials, equipment, services, and supervision required to clean, maintain, and ensure the safe and efficient operation of kitchen exhaust duct systems.

A decision was made to contract for these services because it was determined that the DOE does not currently possess the capacity and/or expertise required to meet the objectives of this program in an efficient manner.

DSF held a qualification meeting with Applied, the lowest bidder, and it was determined that they had the organizational capacity to perform the services as required under the simplified procurement. As such for this procurement, Applied was recommended for the award.

No.	Bidder Name	Annual Contract Value
1	Applied Safety LLC	\$ 685,111.23

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 Pro Con Group Inc. for the Replacement of Glass & Synthetic Lights & Related Work – B5817

Procurement Method: M/WBE Simplified Procurement per DOE Procurement Policy and Procedures, Section 3-10(c)(2-A)

Estimated Highest Annual Amount: \$706,575.50

Estimated Total Amount: \$1,413,151.00

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 2 Years

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 11634

Vendor Name: Pro Con Group Inc.

Vendor Address: 520 Industrial Loop, Staten Island, New York 10309

Contract Manager: Umran Malik, Director of Contract Administration, Division of School Facilities

Lead Contracting Officer: Diana Ferrer-Schwartz, Chief Administrative Officer, Division of School Facilities

Division of Contracts & Purchasing Contact: Ricardo Bellamy, Procurement Analyst, Transportation, Food and Facilities Procurement

Purpose

On behalf of the Division of School Facilities (“DSF”), the New York City Department of Education (the “DOE”) hereby requests authorization to contract with Pro Con Group Inc. (“Pro Con”), a Minority and Women-Owned Business Enterprise (“M/WBE”), to replace glass and synthetic lights in schools and administrative buildings. This contract will replace an expiring contract and will be funded by DSF.

Discussion

This simplified procurement was released as an MWBE discretionary solicitation, solely to NYC MWBE Certified vendors and advertised on the DCP MWBE website. The DOE solicited 47 MWBE vendors that were provided by the Office of Supplier Diversity (“OSD”). The simplified procurement consisted of one (1) Citywide Aggregate Class (“AC”) including all districts.

The scope of work under the contract includes, but is not limited to, providing the labor, materials, and supervision necessary to remove broken, old, or damaged glass and synthetic lights, both interior and exterior, found in doors, transoms, and stair partitions. Synthetic lights are generally windows and panels made of polycarbonate. Also, included in the scope under related work is the application of plastic films to the glass and synthetic materials for safety, heat, and glare-reduction purposes. The plastic films prevent glass breakage and shattering, as well as the absorption and reflection of ultraviolet and infrared radiant energy.

A decision was made to contract for these services because it was determined that the DOE does not currently possess the capacity and/or expertise required to meet the objectives of this program in an efficient manner.

The DOE received three responses to the solicitation, as indicated below:

No.	Bidder Name	Annual Contract Value	Annual Value after VPR
1	Pro Con Group	\$709,573	\$706,575.50
2	Webnest Construction	\$4,460,000	NA
3	Mac Contractor	\$6,108,875	NA

DSF held a qualification meeting with Pro Con, the lowest bidder, and it was determined that they had the organizational capacity to perform the services as required under the simplified procurement. Pro Con has had prior contracts with the DOE and has provided satisfactory service. As such for this procurement, Pro Con was recommended for the award.

The DOE requested a voluntary price reduction (“VPR”), and Pro Con offered 0.4% below the original bid price. Additionally, Pro Con prices are more than six times lower than the next bidder. Accordingly, pricing can be 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.

Request for Authorization to Contract with Edge Electronics, Inc. to Purchase Electrical Supplies

Procurement Method: M/WBE Procurement and Contract Method Purchases per DOE Procurement Policy and Procedures, Section 3-10(c)(2-A)

Estimated Highest Annual Amount: \$127,803.74

Estimated Total Amount: \$127,803.74

Funding Source: Tax Levy

Contract Retroactive? No

Contract Term: 1 Year

Options: None

Options Amount: None

Contract Type: Full Value

RA Number: 11882

Vendor Name: Edge Electronics, Inc.

Vendor Address: 22-62 45th Street Astoria NY, 11105

Contract Manager: Nadia Molinari, Sr. Executive Director, Division of Instructional and Information Technology

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

Division of Contracts & Purchasing Contact: Kesse Wallace, Strategic Sourcing Supervisor, Technology and Instructional Materials Procurement

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization to enter into a Minority and Women Owned Business Enterprise (“M/WBE”) Procurement and Contract Method (“PCM”) purchase with Edge Electronics, Inc. (“Edge”), a certified Woman Owned Enterprise. Edge will be responsible for providing supplies and materials to the Division of Instructional and Instructional Technology (“DIIT”). The contract will be funded by DIIT.

Discussion

DIIT is looking to purchase supplies and materials essential for maintaining DOE buildings, schools, and central offices. The requested items under this contract pertain to electrical, data cabling, and other related tools such as replacement devices and parts crucial for break/fix repairs which play a vital role in the day-to-day maintenance of all schools.

DIIT receives a monthly average of 230 work orders or break/fixes and, as a result, these electrical supplies are necessary for the repair, replacement, and support of wireless access points, data drops, and related electrical issues. Additionally, these supplies are used on an emergency basis to respond to critical school needs related to security cameras when same- or next-day service is required, and engaging an Internet Protocol Digital Video Surveillance (“IPDVS”) vendor is not feasible. Having supplies and tools available on hand allows DIIT to accelerate the response time when a break/fix repair is required, contributing to a safer, more reliable environment for students and staff.

The DOE solicited sixteen (16) Minority/Women-owned Business Enterprise (“M/WBE”) vendors to submit pricing for this request. Three bids were received from Edge, Abacus Consulting Group LLC d/b/a LearnTeq, and Mitchell Communications Corporation. As the basis of award for this solicitation was based on lowest pricing alone, Edge Electronics, Inc. was selected for an award.

The following table represents a summary of the vendors' proposed price:

	VENDOR	TOTAL
1.	Edge Electronics, Inc	\$127,803.74
2.	Abacus Consulting Group LLC dba LearnTeq	\$191,230.68
3.	Mitchell Communications Corporation	\$209,000.00

Edge has provided the DOE with discounts ranging from 0.37% to 99.07% off Manufacturer's Suggested Retail Price ("MSRP"). The discounts resulted in a total estimated annual amount of \$127,803.74. which is 10.2% lower than the current MSRP amount leading the DOE to a total savings of \$14,613.47. Accordingly, pricing is determined to be fair and reasonable and below the prevailing market prices.

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 City Parks Foundation for Ticket Purchasing Services via Listing Application – R1559 (RA1)

Procurement Method: Listing Application per DOE Procurement Policy & Procedures, Section 3-06

Estimated Highest Annual Amount: \$30,000

Estimated Total Amount: \$90,000

Funding Source: Tax Levy & City/State Reimbursable

Contract Retroactive? No

Contract Term: 3 Years

Options: None

Options Amount: None

Contract Type: Requirements

RA Number: 12030

Vendor Name: City Parks Foundation

Vendor Address: 830 5th Avenue, New York, New York 10065

Contract Manager: Shifat Jahreen, Director of Arts Education Program Implementation

Lead Contracting Officer: Paul J. Thompson, Executive Director, Office of Arts & Special Projects

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

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 tickets at discounted prices for arts performance at the Swedish Cottage Marionette Theatre for elementary students and staff. These services will be provided at the discretion of each participating school or central office.

Discussion

This Request for Authorization replaces a previous contract for similar services which expired in March 2021. The vendor approved under this contract will provide services that include making advance purchases and delivering tickets or equivalent materials to schools. These services will help schools comply with the New York State Instructional Requirements for arts education. Student participation is tracked and reported via the *ArtsCount* initiative, which holds schools accountable for meeting these requirements.

OASP maintains decisional authority and control over these services and may require service providers to include playbills, pamphlets, study guides, program descriptions, or other related materials for each performance so that school administrators can review them for content and age appropriateness.

Applicants were required to provide a flat student rate contingent on the type of performance, number of tickets requested, and venue. Rates associated with these events vary depending on the time of performance, location, and group size. City Parks proposed rates were found to be fair and reasonable when compared with market rates.

The estimated annual contract amount is based on expenditures under a prior contract.

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.

Panel for Educational Policy Meeting November 20, 2024

Agenda Item 12

Vendor Names & Addresses	Ticket List Prices	Discounted Group Ticket Prices
City Parks Foundation 830 5 th Avenue New York, NY 10065	\$10.00	\$8.00

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 Apple, Inc. for Computer Hardware and Related Services

Procurement Method: Sole Source Goods per DOE Procurement Policy and Procedures, Section 3-07

Estimated Highest Annual Amount: \$39,171,914.00

Estimated Total Amount: \$117,515,742.00

Funding Source: Various: Including Tax Levy, Reimbursable, and Capital

Contract Retroactive? No

Contract Term: 3 Years

Options: One, 2-Year

Options Amount: \$78,343,828.00

Contract Type: Requirements

RA Number: 11908

Vendor Name: Apple Inc.

Vendor Address: One Apple Parkway, Cupertino, CA 95014

Contract Manager: Kari Auer, Sr. Director, Division of Instructional and Information Technology

Lead Contracting Officer: Nadia Molinari, Sr. Director, Division of Instructional & Information Technology

Division of Contracts and Purchasing Contact: Charles Blair, Procurement Analyst, Division of Contracts and Purchasing

Purpose

The New York City Department of Education (“DOE”) hereby requests authorization to contract with Apple, Inc. (“Apple”) on behalf of the Division of Information and Instructional Technology (“DIIT”) for the provision of Apple hardware and related services.

Discussion

The DOE requests to enter into a sole source agreement with Apple to supply products and related services. Over the years, DIIT has thoroughly assessed school’s technology needs, selecting operating systems and devices that best align with DOE’s educational programs and specialized requirements. Apple products have consistently proven to be the optimal solution, providing functionality that alternative hardware, software, and services have not been able to match.

Apple Authorized Resellers are typically not allowed to sell standard Apple hardware to public or nonprofit educational institutions in the U.S. at Apple’s educational discount. Apple exclusively extends its K-12 educational discounts through direct purchases, not through resellers. This policy reinforces Apple’s role as the sole source provider for K-12 institutions, ensuring schools receive full access to discounted pricing and the support necessary for their technology needs directly from Apple. Retaining Apple as a sole source provider remains in the DOE’s best interest, ensuring that schools can procure the technology that best fits their unique requirements. Three exceptions exist, however: (1) Apple does authorize certain Value Added Resellers (“VARs”) to sell standard Apple products to educational institutions if those products are combined with proprietary, added enhancement “Solutions Systems”; (2) a few resellers are allowed to sell consumables (toner cartridges, for example) to educational institutions; and (3) under very limited circumstances, Apple authorized resellers may be permitted to

sell a limited amount of product, usually at the end of the product's commercial life, to education customers.

Through this agreement, the DOE does not intend to purchase any Apple products under any of the above referenced conditions.

For all hardware products, Apple offers educational prices which are lower than Manufacturer's Suggested Retail Prices ("MSRP"). The DOE will receive additional discounts off the education price list including 10% for all MACs except 5% for iMacs, and 3% for iPads. The additional discounts will remain the same throughout the contract term. After applying the discounts to the current education list prices, prices for MACs and iPads range from approximately 7% to 21% lower than MSRP. Moreover, Apple offers the highest discount (10%) for the product representing most of the spend in FY23 and YTD FY24 under the existing contract. For the bundled products/services for which education list prices don't exist, the DOE would pay prices that range from approximately 6% to 20% lower than the current MSRP. Accordingly, pricing can be 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):

Apple, Inc.

A review of Apple, Inc.'s (Apple) PASSPort submission revealed the following cautions:

- From 2017 to present, Apple has been investigated by the United States Security and Exchange Commission (SEC), the United States Department of Justice (DOJ), and the European Commission (EC):
 - On March 21, 2024, the DOJ and 16 State Attorneys General filed a lawsuit against Apple for alleged monopolization in the smartphone industry in violation of the Sherman Antitrust Act, New Jersey Antitrust Act, and Wisconsin Antitrust Act. The vendor advised that this matter is currently pending.
 - On November 9, 2023, the DOJ and Apple entered into a settlement over allegations of discriminatory recruitment and hiring practices to permanent labor certification (PERM) based on citizenship status in violation of the Immigration and Nationality Act's anti-discrimination provision. The vendor advised that this matter is closed.
 - In February 2019, the SEC filed a civil complaint against a former Apple employee alleging improper insider trading. The DOJ also filed a criminal complaint against the individual alleging one count of securities fraud. The vendor advised that the former employee pleaded guilty to a six-count indictment charging the individual with securities fraud and was sentenced to four years' probation, community service, and ordered to pay a \$30,000 fine and \$604,000 in restitution.
 - From October 2017 to present, Apple has been responding to various governmental investigations and requests for information relating to the company's performance management feature used in its iPhone operating systems introduced to certain iPhones in the iOS updates 10.2.1 and 11.2. Additionally, Apple is responding to civil litigation alleging violations of consumer protection laws and fraud, initiated in U.S. state and federal courts, as well as in various international jurisdictions. The vendor advised that this matter is currently pending.

The DOE is aware of the following information:

- From October 2023 to present, numerous news articles were found involving Apple as the subject of class action lawsuits regarding alleged breach of antitrust laws, patent infringement, violation of federal securities laws, product design negligence, and retail fraud. These matters are either pending or have been resolved.

As the matters above have either been resolved or are pending, and in light of the vendor's overall satisfactory performance on DOE contracts, the DOE determines the vendor to be responsible.