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|  | **Solicitation Attachments** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

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|  | **Proposal Requirements** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

This section contains instructions to Offerors on how to prepare their written responses to this RFP. If any relevant and material information is not provided, the offer may be rejected from consideration and evaluation. Proposals will be considered and evaluated based upon the Offeror’s full completion and response to the following, and any additional requirements herein, or stated in a separate Exhibit. Any proposal that does not adhere to these requirements may be deemed non-responsive and rejected on that basis.

The proposal should be organized and indexed in the following format and should contain, at a minimum, the items listed in the sequence indicated. **Please note, this solicitation is a qualified vendor solicitation and requires only that you submit the documents below. Any additional documents submitted will not be considered in determining whether to award a contract.**

**Attachment I –** **Qualified Vendor Application.** (Page 3) Complete per the instructions stated on the form.

**Attachment II – Authorization Statement.** (Page 5) Complete per the instructions stated on the form.

**Attachment III - Offer and Acceptance.** (Page 6) Complete the top portion per the instructions stated on the form.

**Attachment IV – Deviations and Exceptions Form.** (Page 7) Complete per the instruction on the form.

**Attachment V – Confidential/Proprietary Submittals.** (Page 8) Complete per the instruction on the form.

**Attachment VI – Designation of Confidential Form.** (Page 9) Complete per the instruction on the form.

**Attachment VII – Participation in Boycott of Israel.** (Page 11) Complete per the instruction on the form.

**Attachment VIII – Forced Labor of Ethnic Uyghurs Ban.** (Page 13) Complete per the instruction on the form.

**Exhibit A – Offeror Checklist** (Page 14) Submission is not required.

**Exhibit B - Sample Certificate of Liability Insurance.** (Page 15) Submission is not required.

|  |  |  |
| --- | --- | --- |
|  | **Attachment I** **Qualified Vendor Application**  | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

**Complete each section of the following form:**

|  |
| --- |
| Vendor Legal Name       |
| Company Name       |
| Contact Name and Title  |
| Phone Number       | Fax Number      | E-mail      |
| Web Site        |
| Identify each disability for which you propose to offer services pursuant to the Scope of Work as a third party evaluator: • Autism• Developmental Delay• Emotional Disability• Hearing Impairment• Other Health Impairment• Specific Learning Disability• Mild, Moderate, or Severe Intellectual Disability• Multiple Disabilities• Multiple Disabilities with Severe Sensory Impairment• Orthopedic Impairment• Preschool Severe Delay• Speech/Language Impairment• Traumatic Brain Injury• Visual Impairment |
| What geographical area will you serve (you may list by municipality, by county, by region or statewide):  |

|  |  |  |
| --- | --- | --- |
|  | **Attachment II****Authorization Statement**  | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

­       attests that:

 Vendor’s Legal Name

**[ ]** It is authorized to provide educational therapies or services as set forth in Scope of Work Section 4.1 within the State of Arizona.

[ ] It possesses, or will employ only personnel who possess, any and all certificates, licenses or degrees necessary to provide educational therapies as set forth in Scope of Work Section 4.1 within the State of Arizona.

 **[ ]** It will provide educational therapies in compliance with the terms and conditions set forth in Solicitation BPM005034.

Name of Authorized Representative

Title of Authorized Representative

Signature of Authorized Representative

|  |  |  |
| --- | --- | --- |
|  | **ATTACHMENT III** **Offer and Acceptance** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

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| --- |
| **OFFER** |
| **TO THE STATE OF ARIZONA:**The Undersigned hereby offers and agrees to furnish the material, service or construction in compliance with all terms, conditions, specifications and amendments in the Solicitation and any written exceptions in the offer. Signature also certifies Small Business status. |
|  |  |  |
|  |  |  |
| Company Name |  | Signature of Person Authorized to Sign Offer |
|  |  |  |
| Address |  | Printed Name |
|  |  |  |
| City | State | Zip |  | Title |
|  |  | Phone: |  |
|  |  | Fax: |  |
| Contact Email Address |  |  |  |

1. The submission of the Offer did not involve collusion or other anticompetitive practices.

2. The Offeror shall not discriminate against any employee or applicant for employment in violation of Federal Executive Order 11246, State Executive Order 2009-9 or A.R.S. §§ 41−1461 through 1465.

3. The Offeror has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted offer. Failure to provide a valid signature affirming the stipulations required by this clause shall result in rejection of the offer. Signing the offer with a false statement shall void the offer, any resulting contract and may be subject to legal remedies provided by law.

4. The Offeror certifies that the above referenced organization **\_\_\_ IS/ \_\_\_ IS NOT** a small business with less than 100 employees or has gross revenues of $4 million or less.

|  |
| --- |
| **ACCEPTANCE OF OFFER** |
| The Offer is hereby accepted.The Contractor is now bound to sell the materials or services listed by the attached contract and based upon the solicitation, including all terms, conditions, specifications, amendments, etc., and the Contractor’s Offer as accepted by the State.This Contract shall henceforth be referred to as Contract No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The effective date of the Contract is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.The Contractor is cautioned not to commence any billable work or to provide any material or service under this contract until Contractor receives purchase order, contact release document or written notice to proceed. |
|  | **State of Arizona****Awarded this** |  |  | **day of** |  |  | **20** |  |
|  |  |
| Rev 10-2013 | Procurement Officer |

|  |  |  |
| --- | --- | --- |
|  | **Attachment IV****Deviations and Exceptions** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

**Offeror Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offeror shall indicate any and all exceptions taken to the provisions or specifications or scope of work in this solicitation document.

Exceptions (mark one):

\_\_\_\_\_\_\_\_\_\_ No exceptions

\_\_\_\_\_\_\_\_\_\_ Exceptions taken (describe –attach additional pages if needed)

\*\*\***Exceptions taken that ADE considers a material change or a large number of exceptions will impact Offeror’s susceptibility for award\*\*\***

The Undersigned hereby acknowledges that there are ***no deviations/exceptions*** to this solicitation other than those noted.:

Firm

Authorized Signature

|  |  |  |
| --- | --- | --- |
|  | **Attachment V****Confidential/Proprietary Submittals** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

**Offeror Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Confidential/Proprietary Submittals (mark one):

\_\_\_\_\_\_\_\_\_\_ No confidential/proprietary materials have been included with this offer

\_\_\_\_\_\_\_\_\_\_ Confidential/Proprietary materials included. Offerors should identify below any portion of their offer deemed confidential or proprietary (see Uniform Terms and Conditions, paragraph 19). Identification in this section does not guarantee that disclosure will be prevented but that the item will be subject to review by the Offeror and the ADE Representative prior to any public disclosure.

**\*\*\*Requests to hold the entire offer or price as confidential will result in the Offer being deemed Not Susceptible for Award\*\*\***

Firm

Authorized Signature

|  |  |  |
| --- | --- | --- |
|  | **Attachment VI****Designation of Confidential, Trade Secret** **& Proprietary Information** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

All materials submitted as part of a response to a solicitation are subject to Arizona public records law and will be disclosed if there is an appropriate public records request at the time of or after the award of the contract. Recognizing there may be materials included in a solicitation response that is proprietary or a trade secret, a process is set out in A.A.C. R2-7-103 (attached) that will allow qualifying materials to be designated as confidential and excluded from disclosure. For purposes of this process the definition of “trade secret” will be the same as that set out in A.A.C. R2-7-101(52).

This form must be completed and returned with the response to the solicitation and any supporting information to assist the State in making its determination as to whether any of the materials submitted as part of the solicitation response should be designated confidential because the material is proprietary or a trade secret and therefore not subject to disclosure.

**All offerors must select one of the following:**

 My response **does not** contain proprietary or trade secret information. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.

 My response **does** contain trade secret information because it contains information that:

1. Is a formula, pattern, compilation, program, device, method, technique or process, **AND**

2. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; **AND**

3. Is the subject of efforts by myself or my organization that are reasonable under the circumstances to maintain its secrecy.

**Please note that failure to attach an explanation may result in a determination that the information does not meet the statutory trade secret definition. All information that does not meet the definition of trade secret as defined by A.A.C. R2-7-101(52) will become public in accordance with A.A.C. R2-7-C317. The State reserves the right to make its own determination of Proposer’s trade secret materials through a written determination in accordance with A.A.C. R2-7-103.**

If the State agrees with the proposer’s designation of trade secret or confidentiality and the determination is challenged, the undersigned hereby agrees to cooperate and support the defense of the determination with all interested parties, including legal counsel or other necessary assistance.

By submitting this response, proposer agrees that the entire offer, including confidential, trade secret and proprietary information may be shared with an evaluation committee and technical advisors during the evaluation process. Proposer agrees to indemnify and hold the State, its agents and employees, harmless from any claims or causes of action relating to the State’s withholding of information based upon reliance on the above representations, including the payment of all costs and attorney fees incurred by the State in defending such an action.



|  |  |  |
| --- | --- | --- |
|  | **Attachment VI****Designation of Confidential, Trade Secret** **& Proprietary Information** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

**R2-7-103. Confidential Information**

A. If a person wants to assert that a person's offer, specification, or protest contains a trade secret or other proprietary information, a person shall include with the submission a statement supporting this assertion. A person shall clearly designate any trade secret and other proprietary information, using the term "confidential". Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.

B. Until a final determination is made under subsection (C), an agency chief procurement officer shall not disclose information designated as confidential under subsection (A) except to those individuals deemed by an agency chief procurement officer to have a legitimate state interest.

C. Upon receipt of a submission, an agency chief procurement officer shall make one of the following written determinations:

1. The designated information is confidential and the agency chief procurement officer shall not disclose the information except to those individuals deemed by the agency chief procurement officer to have a legitimate state interest;

2. The designated information is not confidential; or

3. Additional information is required before a final confidentiality determination can be made.

D. If an agency chief procurement officer determines that information submitted is not confidential, a person who made the submission shall be notified in writing. The notice shall include a time period for requesting a review of the determination by the state procurement administrator.

E. An agency chief procurement officer may release information designated as confidential under subsection (A) if:

1. A request for review is not received by the state procurement administrator within the time period specified in the notice; or

2. The state procurement administrator, after review, makes a written determination that the designated information is not confidential.

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|  | **Attachment VII****Participation in Boycott of Israel** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

Boycott of Israel Disclosure

**Please note that** **if any of the following apply to this Solicitation, Contract, or Contractor, then the Offeror shall select the “Exempt Solicitation, Contract, or Contractor” option below:**

* The Solicitation or Contract has an estimated value of less than $100,000;
* Contractor is a sole proprietorship;
* Contractor has fewer than ten (10) employees; OR
* Contractor is a non-profit organization.

**Pursuant to A.R.S. §35-393.01, public entities are prohibited from entering into contracts “unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of goods or services from Israel.”**

Under A.R.S. §35-393:

1. "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:

(a) Based in part on the fact that the entity does business in Israel or in territories controlled by Israel.

(b) In a manner that discriminates on the basis of nationality, national origin or religion and that is not based on a valid business reason.

2. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.

3. "Public entity" means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State.

The certification below does not include boycotts prohibited by 50 United States Code Section 4842 or a regulation issued pursuant to that section. *See* A.R.S. §35-393.03.

**In compliance with A.R.S. §§35-393 *et seq*., all offerors must select one of the following:**

|  |  |  |
| --- | --- | --- |
|  | **Attachment VII****Participation in Boycott of Israel** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

 The Company submitting this Offer **does not** participate in, and agrees not to participate in during the term of the contract, a boycott of Israel in accordance with A.R.S. §§35-393 *et seq*. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.

 The Company submitting this Offer **does** participate in a boycott of Israel as described in A.R.S. §§35-393 *et seq*.

 **Exempt Solicitation, Contract, or Contractor.**

Indicate which of the following statements applies to this Contract:

 Solicitation or Contract has an estimated value of less than $100,000;

  Contractor is a sole proprietorship;

  Contractor has fewer than ten (10) employees; and/or

  Contractor is a non-profit organization.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Company Name |  | Signature of Person Authorized to Sign |
|  |  |  |
| Address |  | Printed Name |
|  |  |  |
| City | State | Zip |  | Title |

|  |  |  |
| --- | --- | --- |
| **A picture containing logo  Description automatically generated** | **Attachment VIII****Forced Labor of Ethnic Uyghurs Ban** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

Forced Labor of Ethnic Uyghurs Ban

**Please note that** **if any of the following apply to the Contractor, then the Offeror shall select the “Exempt Contractor” option below:**

* Contractor is a sole proprietorship;
* Contractor has fewer than ten (10) employees; OR
* Contractor is a non-profit organization.

**Pursuant to A.R.S. § 35-394, the State of Arizona prohibits a public entity from entering into or renewing a contract with a company unless the contract includes written certification that the company does not use the forced labor, or any goods or services produced by the forced labor, of ethnic Uyghurs in the People's Republic of China.**

Under A.R.S. § 35-394:

1. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.

1. "Public entity" means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State.

**In compliance with A.R.S. §§ 35-394 *et seq*., all offerors must select one of the following:**

[ ]  The Company submitting this Offer **does not** use, and agrees not to use during the term of the contract, any of the following:

* Forced labor of ethnic Uyghurs in the People’s Republic of China;
* Any goods or services produced by the forced labor of ethnic Uyghurs in the People’s Republic of China; or
* Any Contractors, Subcontractors, or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People’s Republic of China.

[ ]  The Company submitting this Offer **does** participate in use of Forced Uyghurs Labor as described in A.R.S. § 35-394.

[ ]  **Exempt Contractor**

Indicate which of the following statements applies to the Contractor (may be more than one):

 [ ]  Contractor is a sole proprietorship;

 [ ]  Contractor has fewer than ten (10) employees; and/or

 [ ]  Contractor is a non-profit organization.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Company Name |  | Signature of Person Authorized to Sign |
|  |  |  |
| Address |  | Printed Name |
|  |  |  |
| City | State | Zip |  | Title |
|  | **Exhibit A****Offeror Checklist** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

*This form is a checklist for the Offeror’s reference: The below list requires a response or action in your submittal.*

|  |  |
| --- | --- |
| **Required Item** | **Proposal Page Number** |
| 1. Attachment I – Qualified Contractor Application
 | Page 3  |
| 1. Attachment II – Authorization Statement
 | Page 5  |
| 1. Attachment III – Offer and Acceptance
 | Page 6  |
| 1. Attachment IV – Deviations and Exceptions
 | Page 7  |
| 1. Attachment V – Confidential/Proprietary Submittals
 | Page 8  |
| 1. Attachment VI – Designation of Confidential, Trade Secret and Proprietary Information
 | Page 9  |
| 1. Attachment VII – Participation in Boycott of Israel
 | Page 11  |
| 1. Attachment VIII – Forced Labor of Ethnic Uyghurs Ban
 | Page 13 |
| 1. SAMPLE Certificate of Liability Insurance Form (Submission required within 10 days of contract award)
 | Page 15  |

|  |  |  |
| --- | --- | --- |
|  | **Exhibit B****Sample Certificate of Liability Insurance Form** | **State of Arizona****Department of Education**1535 W. Jefferson StreetPhoenix, AZ 85007 |
| Solicitation No.: BPM005443Description: Empowerment Scholarship Accounts (ESA) Program –  Third-Party Evaluators  |  |

