

**MONTGOMERY COUNTY PUBLIC SCHOOLS**

*Expanding Opportunity and Unleashing Potential*

**PROCUREMENT UNIT**

April 21, 2021

301-279-3555

RFQ Number: 4559.1  
Due Date: May 17, 2021  
Open Time: 2:00 p.m.

To: Prospective Respondents:

The purpose of this Request for Proposal (RFP) is to establish a partnership with Montgomery County Public Schools (MCPS) and a selected contractor to provide a Nonpublic Type II setting within designated MCPS facilities for special education students who require significant support and services to address social/emotional, behavioral, and mental health needs. This includes students for whom the presence of a conduct disorder may be a component of their diagnostic description. Additionally, this will serve students who are unable to make progress on their Individualized Education Program (IEP) goals in the comprehensive school setting, including IEPs identifying a separate day school (public or nonpublic), residential setting, or a placement associated with the Department of Juvenile Services.

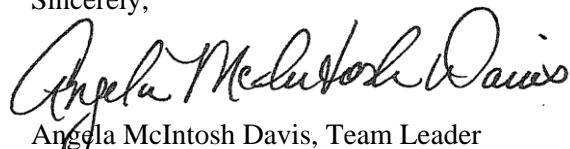
A pre-proposal conference will be held on May 6, 2021 from 10:00am – 11:00am via WebEx. All information to connect to the virtual pre-proposal conference is available within the RFP document. Questions regarding the RFP must be submitted by the close of business, 4:00 p.m., on April 29, 2021. Responses will be posted on the MCPS' Procurement website on May 5, 2021.

Please respond according to the instructions provided in the attached. Submissions must be received on or before 2:00 p.m., on May 17, 2021. Submissions received after this date and time will not be considered. Submittals shall be delivered in a sealed opaque envelope with the RFQ number, opening date and opening time indicated in the lower left corner of the envelope. Submissions shall be delivered to Montgomery County Public Schools Procurement Unit, 45 West Gude Drive, Suite 3100, Rockville, Maryland 20850.

The contractor must submit one (1) original, one (1) redacted copy, one (1) electronic version on flash drive and three (3) separate copies of the proposal. The submission must be signed by an official having authority to contract with MCPS. The firm and official's name shall be used. This solicitation does not commit the district to pay any costs incurred in the submission of proposals or guarantee that an award will be made.

In the event of emergency closing of the MCPS Board of Education offices, this RFP will open at the same time on the next regular working day.

Sincerely,



Angela McIntosh Davis, Team Leader  
Procurement Unit

AMD  
Enclosure

**Department of Materials Management  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Procurement Unit  
45 West Gude Drive, Suite 3100  
Rockville, Maryland 20850**

**Request for Proposal No. 4559.1  
Non-Public Type II**

## **1.0 INTENT**

The purpose of this Request for Proposal (RFP) is to establish a partnership with Montgomery County Public Schools (MCPS) and a selected contractor to provide a Nonpublic Type II setting within designated MCPS facilities for special education students who require significant support and services to address social/emotional, behavioral, and mental health needs. This includes students for whom the presence of a conduct disorder may be a component of their diagnostic description. Additionally, this will serve students who are unable to make progress on their Individualized Education Program (IEP) goals in the comprehensive school setting, including IEPs identifying a separate day school (public or nonpublic), residential setting, or a placement associated with the Department of Juvenile Services.

## **2.0 INTRODUCTION**

The Mission of the Office of Special Education (OSE) in Montgomery County Public Schools is to provide, implement, and monitor the delivery of a continuum of services for students with disabilities from birth through age 21, to prepare for career, college, and community readiness. MCPS provides a free appropriate public education (FAPE) to all students with disabilities in need of special education and related services. The *Individuals with Disabilities Act* entitles a student with a disability to a free, appropriate public education in the least restrictive environment. However, when a student has educational needs that cannot be met in a comprehensive public-school setting, it is referred to as a nonpublic school, at public expense.

MCPS is the 14th largest school system in the United States, and the largest in the state of Maryland. During the 2020–2021 school year, it is projected that MCPS will serve more than 162,000 students from 157 countries speaking 150 languages. With a Fiscal Year (FY) 2019 Operating Budget of approximately \$2.59 billion, MCPS employs more than 23,300 employees. Among the 208 schools that MCPS operates, 41 are National Blue-Ribbon schools. Five MCPS high schools rank in the top 200 of The Washington Post’s 2017 High School Challenge, and all 25 MCPS high schools appear on this list, which includes only the top 11 percent of high schools in the country. MCPS has one of the highest graduation rates among the nation’s largest school districts, according to an Education Week report. In 2010, MCPS was the recipient of the Malcolm Baldrige National Quality Award, the highest presidential honor given to American organizations for performance excellence.

**Our Mission**

- Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

**Our Vision**

- We inspire learning by providing the greatest public education to each and every student.

**Our Core Purpose**

- Prepare all students to thrive in their future.

**Our Core Values**

- Learning
- Respect
- Relationships
- Excellence
- Equity

Click [HERE](#) for more information on the MCPS core values.

**Our Students**

The student demographics of MCPS in 2019 are as follows:

- White: 26.9%
- Hispanic/Latino: 32.4%
- Black or African American: 21.4%
- Asian: 14.1%
- Two or more races:  $\leq 5.0\%$
- American Indian or Alaskan Native:  $\leq 5.0\%$
- Native Hawaiian or other Pacific Islander:  $\leq 5.0\%$

**Services**

- Students participating in the Free and Reduced-price Meals System (FARMS): 33.8%
- Students ever having participated in FARMS: 46.9%
- English for Speakers of Other Languages (ESOL): 18.2%
- Students receiving special education services: 11.7%

**3.0 SCOPE OF SERVICES**

The following list of requirements, although extensive, is not exhaustive and is intended to provide interested respondents with sufficient information to submit proposals meeting minimum requirements, but is not intended to limit a proposal's content or exclude any relevant or essential information. Proposals should address the entire scope of services requested.

All proposals must include the following components:

- A. Provide an instructional program designed to address the state of Maryland and Montgomery County's diploma requirements.

- B. Provide the specially designed instruction identified on the students' IEP addressing educational, social/emotional, and behavioral goals and objectives
- C. Provide classroom settings where students can receive content specific instruction and access to interventions
- D. Staff will be trained and certified to use restraints and seclusion when appropriate and in compliance with COMAR standards
- E. Behavior specialists, trained in the most current behavior strategies, and staff identified for social and emotional support will be available to students on-site.

### **3.1 REQUIREMENTS:**

#### 3.1.1 Mandatory Services:

The following services are considered mandatory. Provide services to students to be served:

- A. Up to (18) secondary (middle and high school) students with social emotional and behavioral disabilities working towards a high school diploma.
- B. Those who have moved into Montgomery County Public Schools (MCPS) recently as a result of a "step down" placement from prior setting into a group home located in Montgomery County with documentation that supports the delivery of special education services in a least restrictive environment (LRE) B or C setting.
- C. Those who have moved into MCPS recently with documentation that supports the delivery of special education services in an LRE B or C setting but lacks sufficient current assessment data needed to consider a placement in a comprehensive school setting.
- D. Those who required a 45-day placement while being provided special education services in an LRE B or C setting.
- E. Those who were placed in this setting as the result of a Central Individualized Education Program (CIEP) team meeting.
- F. Those recommended for a more restrictive placement but for whom a placement has not been identified.
- G. Those who were discharged clinically from the John L. Gildner Regional Institute for Children and Adolescents (RICA).
- H. Those who have returned home recently from a parental placement out of state.

#### 3.1.2 Utilize a Program Staffing Model

- A. Behavior support professionals
- A. School psychologist
- B. Program coordinator
- C. Appropriate classroom staffing model to meet the students' educational needs

#### 3.1.3 Classroom Setting:

- A. Two or three classrooms able to serve up to eighteen (18) students

B. Appropriate for middle school and high school students

### **3.2 NONPUBLIC PROGRAM STAFFING**

#### **Program Staffing Model**

- One social worker (program support)
- Behavior support professional (program support)
- one school psychologist (program support)
- one program coordinator (program support)

#### **Classroom Staffing Model**

- One special education teacher
- One to two special education paraeducator(s) (depending on enrollment)

#### **Description of Setting/Classroom**

- Two classrooms able to serve nine students each
  - One middle school classroom
  - One high school classroom

#### **Instruction Essentials**

- Content Courses offered must meet the Maryland and Montgomery diploma requirements
- Students must have access to specially designed instruction to address educational, functional and, social/emotional, and behavioral goals and objectives
- Students must have access to appropriate and MSDE approved interventions

#### **MCPS Program Support**

- Building administrator present on campus
- Security personnel present on campus
- Building service staff member(s) present on campus to support the maintenance needs of the program
- Related service providers
- Access and training to MOIEP (online IEP system)
- (3) Office space for the coordinator, social worker / behavior support specialist
- Access to shared student spaces (cafeteria / gymnasium)
- (3) classrooms
- Access to a seclusion room
- Access to a sensory room

**Referral Process**

1. Placements at the alternative program/nonpublic partnership may be considered through the CIEP referral process.
2. In consultation with the director of special education and/or area special education supervisor, a representative from the Central Placement Unit (CPU) can attend a school-based IEP meeting for the consideration of placement
3. Request from area directors to area associate superintendent in the Office of Special Education and the director of special education

**Placement Process**

4. An IEP meeting is scheduled at the student's current placement with participation from a representative of the home school and CPU and it is determined the appropriate placement is the alternative program/nonpublic partnership.
5. A CIEP meeting is scheduled and it is decided the appropriate placement is the alternative program/nonpublic partnership.

**3.3 MCPS PROJECT CONTACT:**

The MCPS Project Contacts for this proposed procurement are:

Mr. Phil Lynch  
Director, Department of Special Education Services  
850 Hungerford Drive, Room 230  
Rockville, MD 20850  
Phillip\_A\_Lynch@mcpsmd.org

**4.0 CONTRACT TERM**

The initial term of contract shall be for one year as stipulated on the RFP. However, the contract may not begin until one day after approval by the Montgomery County Board of Education and will conclude as stated under the contract term. MCPS reserves the right to extend this contract at existing prices, terms, and conditions for up to four (4) additional terms for one (1) year each. Written notice indicating MCPS' intention to pursue the extension of the contract will be issued to the successful contractor(s) 90 days prior to the expiration of the original contract. The contractor shall have ten (10) days from the date of notification to return the notice acknowledging its intent to accept or reject the extension.

Once all responses are evaluated, MCPS staff may make a recommendation to the Board to extend the contract or decide to rebid. If the contract is extended by the Board, a contract amendment will be issued.

**5.0 PRICING**

This contract shall be a firm fixed annual contract based on 3.0 Scope of Work and related subsections.

**6.0 CONTRACT TERMINATION**

MCPS reserves the right to cancel the contract in whole or in part at any time in accordance with Article 12 of the MCPS General Contract Articles. MCPS also reserves the right to cancel the contract with a Respondent for failure to comply or failure to fulfill the terms of this contract in accordance with Article 13 of the MCPS General Contract Articles.

**7.0 REFERENCES**

All Contractors shall include a list of a minimum of three references who use the Contractor’s services who can attest to their quality of work and, if possible, shall include school districts of comparable size to MCPS that have utilized the Respondents’ services. Include names of client, contact person, email address and phone number of all references. Also, as an attachment, Contracts shall include a list of all current school district clients.

References may or may not be reviewed or contacted at the discretion of MCPS. Typically, only the top ranked short-listed Contractors are contacted. MCPS reserves the right to contact references other than, and/or in addition to, those furnished by a Contractor.

<u>Company Name &amp; Address</u>	<u>Contact Person</u>	<u>Phone Number</u>
1. _____		
Email _____		
2. _____		
Email _____		
3. _____		
Email _____		

**8.0 FORMAT OF RESPONSE**

8.1 Response to this RFP shall be submitted in the same order as the RFP and provide an individual response to each RFP specification.

8.2 Contractors shall include any and all statements and representations made within its proposal in the contract for services with the MCPS. This includes, but is not limited to, the contractors’ point-by-point response to this RFP. If the contractor responds only

“Understand and comply,” it is assumed that the contractor complies with MCPS’ understanding of the requirement.

8.3 MCPS shall not be responsible nor be liable for any costs incurred by the contractor in the preparation and submission of their proposals and pricing.

8.4 A pricing proposal shall be submitted as a separate document.

## **9.0 MANDATORY SUBMISSIONS**

Each Contractor must submit a complete proposal including all required information and attachments. The response shall address each paragraph in the same order as the RFP and provide an individual response to each RFP specification. All proposals must be presented using the same numbering RFP No. 4559.1 sequence and order used in this RFP document or as otherwise specified by MCPS. Contractors may request, via e-mail to Mrs. Tammy Lyles, buyer assistant II, MCPS Procurement Unit, at [Tammy L Jarman@mcpsmd.org](mailto:Tammy.L.Jarman@mcpsmd.org), a Microsoft Word version of the RFP to help them in preparing the response.

One (1) original and three (3) copies, as well as one (1) electronic version on CD or flash drive of the response, and one (1) redacted copy, as well as one (1) electronic version on CD or flash drive of the redacted response must be sent by mail, courier, or hand-delivery to the address below. Responses shall be in binders with tabs identifying each section. A table of contents should be included and all pages numbered as referenced in the Table of Contents. No faxes or electronic submission of proposals will be accepted. Proposals are to be received no later than 2:00 p.m. on May 17, 2021. Submit responses of the entire RFP proposal to:

Montgomery County Public Schools  
Procurement Unit  
45 West Gude Drive, Suite 3100  
Rockville, MD 20850

Submissions will become the property of MCPS.

The proposal must be signed by an official having authority to contract with MCPS. The firm and the official’s name shall be used in the contract process. MCPS reserves the right to make an award without further discussion of the proposals received. MCPS also may negotiate with the one Contractor who submits the best proposal or with two or more Contractors who are in the competitive range. Therefore, it is important that the Contractor’s proposal be submitted initially on the most favorable terms from both the technical and cost standpoints. After the submission and closure of proposals, no information will be released until after the award. It is understood that the Contractor’s proposal will become a part of the official file on this matter without obligation to MCPS.

The proposal must be complete and comply with all aspects of these specifications. Marketing or promotional verbiage will likely overshadow the Contractor’s qualifications and expertise. MCPS urges the Contractor to be specific and brief in their responses.



MCPS shall not be responsible or liable for any costs incurred by the contractor in the preparation and submission of their proposals and pricing.

**Complete Response must include:**

- Point-by-point Response to each section of the RFP.
- The Contractor must describe staff employment procedures and how supervision of staff and quality of service will be monitored as required in 3.0 Scope of Services.
- The Contractor must include complete resumes of qualifications and experience of all staff who will be assigned to this project.
- A list of at least three (3) references for the contracting agency including contact persons and telephone numbers must be submitted, See 7.0 References.
- Respondent's annual fiscal report in order to demonstrate the Respondent's financial stability (If desired, the Respondent also may include any other financial documents that the Respondent wishes to include regarding Respondent's financial condition).
- Equal Opportunities Certification (Attachment A).
- Certification of Non-segregated Facilities (Attachment B).
- Minority Business Enterprise (Attachment C).
- Non-Debarment Acknowledgement (Attachment D).
- Mid-Atlantic Purchasing Team Rider Clause (Attachment E).
- Current Form W-9.
- A redacted copy of the Respondent's proposal as specified in Sections 10.0 and 11.0.

Failure to include the following required submissions may render the proposal non-responsive as determined by the director of the Department of Materials Management.

The required deliverables for proposals include:

- a. Evidence of effectiveness of the proposed program/services in similar districts or other educational settings. Included here must be recent references that can speak to the effectiveness of the program (see more details in Section 7.0).
- b. Detailed plan to comply with data sharing requirements from MCPS (see Article 18 of the MCPS General Contract Articles) as well as state and local requirements for administration of the program/services (e.g., if the vendor is a private school institution, it must meet state requirements as an approved local education agency).

All of these written deliverables described above shall be submitted in electronic format with at least three (3) hard copies. Absent good cause, payment for the services provided by the Contractor(s) shall be contingent upon meeting the mutually agreed-upon deadlines.

It is the intention to award to the most favorable respondent(s) based on the evaluation criteria in Section 12.0. However, the Board reserves the right to make awards according to the best interest of MCPS. This request for proposals may result in multiple awards for different components of the scope of services.

The selected provider(s) must have demonstrated experience in providing social/emotional, behavioral, and mental health needs to special education students (as defined in Section 3.0) in similar institutions (e.g., school districts, departments of education, etc.).

In determining the qualifications of a contractor, MCPS will consider the contractor's record and performance of any prior contracts with MCPS, federal departments or agencies, or other public bodies, including but not limited to the contractor's record providing such detailed programs/services as described in Section 3.0 to MCPS or other schools or school districts. MCPS expressly reserves the right to reject the proposal of any contractor if the investigation discloses that the contractor, in the opinion of MCPS, has not properly performed such prior contracts or has habitually and without just cause neglected the payment of bills or has otherwise disregarded its obligations to subcontractors or employees.

MCPS may conduct any necessary investigation to determine the ability of the contractor to perform the work, and the contractor shall furnish to MCPS all such information and data requested, such as information about its reputation, past performance, business and financial capability and other factors that demonstrate that the provider is capable of satisfying MCPS' needs and requirements for a specific contract. MCPS reserves the right to reject any proposal if the evidence submitted by the contractor or investigation of such contractor fails to satisfy MCPS that such contractor is properly qualified to carry out the obligations of the contract and to complete all requirements contemplated therein. Consideration will be given to any previous performance with MCPS as to the quality and the acceptability of bidder's services.

All Contractor's submitting a proposal shall include evidence that they maintain a permanent place of business. Copies of any appropriate licenses necessary to perform this work shall be submitted with each proposal. Contractors also shall demonstrate that they have adequate staff to perform the required services. Use of subcontractor(s) and/or third-party providers, if any, must be specifically identified within the proposal. Subcontractor and/or third-party provider roles shall be clearly expressed. MCPS reserves the right to accept or reject use of proposed subcontractor(s) and/or third-party provider(s).

**MCPS reserves the right to add or delete contractors, as needed, should our requirements change during the contract term.**

## **10.0 TREATMENT OF TECHNICAL DATA IN PROPOSAL**

The proposal submitted in response to this request may contain technical data which the contractor does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data, subject to the provisions of the Maryland Public Information Act, may be so restricted:

Provided, that contractor marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend: "Technical data contained in pages of this proposal shall not be used or disclosed, except for evaluation purposes."

Provided, that if a contract is awarded to this contractor as a result of or in connection with the submission of this proposal, MCPS shall have the right to use or disclose these technical data to the extent provided in the contract.

This restriction does not limit the right of MCPS to use or disclose technical data obtained from another source without restriction. MCPS assumes no liability for disclosure or use of unmarked technical data or products and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore is releasable. Price and cost data concerning salaries, overhead, and general and administrative expenses are considered proprietary information and will not be disclosed, if marked in accordance with the instructions in Section 11.0.

## **11.0 PROPRIETARY AND CONFIDENTIAL INFORMATION**

Contractors are notified that MCPS has unlimited data rights regarding proposals submitted in response to this solicitation. Unlimited data rights means that MCPS has the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, or perform publicly and display publicly any information submitted by the contractor in response to this or any solicitation issued by MCPS. However, MCPS will exempt information that is confidential commercial or financial information of a contractor, as defined by the Maryland Public Information Act, State Government Article, Section 10-617, from disclosure. It is the responsibility of the contractor to clearly identify each part of its proposal that is confidential commercial or financial information by stamping the bottom right-hand corner of each pertinent page with one-inch bold face letters stating the words “confidential” or “proprietary.” The contractor agrees that any portion of the proposal that is not stamped as proprietary or confidential is not proprietary or confidential. As a condition for MCPS keeping the information confidential, the contractor must agree to defend and hold MCPS harmless if any information is inadvertently released. Each contractor must submit a proprietary and confidential redacted copy of its proposal to be used in responding to MPIA requests.

## **12.0 EVALUATION CRITERIA**

MCPS reserves the right to ask clarifying questions about submitted proposals. Contractors also may ask questions that they may have related to this RFP prior to submitting their responses. See Section 13.0, Schedule of Events. Only proposals received by the deadline will be considered. Proposals will be screened down to a number of finalists.

MCPS reserves the right to convene a meeting with the top qualified Contractor(s) prior to awarding a contract. The purpose of the meeting will be to afford both parties an opportunity to discuss any aspects of the requirements and services that will be performed and clarify any issues. Issues raised during the meeting, which cannot be resolved to the satisfaction of MCPS, shall be cause to reject the proposal.

All Contractors are advised that in the event of receipt of an adequate number of proposals, which, in the opinion of MCPS require no clarification and/or supplementary information, such proposals may be evaluated without further discussions. Therefore, proposals should be submitted initially on the most complete and favorable terms and conditions. Should

proposals submitted require additional clarification and/or supplementary information, Contractors should be prepared to submit such additional clarification and/or supplementary information, in a timely manner, when requested.

Proposals meeting all requisite criteria will be evaluated. Those who do not meet requisite criteria will not be evaluated further.

- 12.1 The determination of those that are qualified, interested, and available, and MCPS' choice of the best qualified will be based on the following criteria:
- 12.1.1. Completeness of Response
  - 12.1.2. Contractor's ability to provide described mandatory services and availability of staff
  - 12.1.3. Related past experience and qualifications
  - 12.1.4. References
  - 12.1.5. Contract's understanding of the scope of services as demonstrated by the response to the RFP
  - 12.1.6. Availability of contract professional staff

A selection committee comprised of MCPS staff and potentially outside stakeholders will evaluate proposals based on these criteria.

### **13.0 SCHEDULE OF EVENTS**

The anticipated schedule of activities related to this RFP is as follows:

RFP issued: April 21, 2021  
 Questions Due: April 29, 2021 at 4:00pm  
 Pre-proposal Conference: May 6, 2021 at 10:00am  
 Proposals Due: May 17, 2021 at 2:00pm  
 Anticipated award date: June 2021

All dates are subject to change at the discretion of MCPS.

### **14.0 PRE-PROPOSAL CONFERENCE**

#### **Join from the meeting link**

<https://mcps.webex.com/mcps/j.php?MTID=m56224903a08e4e14e0c9794b752a2be3>

#### **Join by meeting number**

Meeting number (access code): 185 066 2761  
 Meeting password: qMAppem8C64

#### **Tap to join from a mobile device (attendees only)**

[+1-650-479-3208](tel:+1-650-479-3208),1850662761## Call-in toll number (US/Canada)

#### **Join by phone**

1-650-479-3208 Call-in toll number (US/Canada)

## **15.0 ADDENDA/ERRATA**

Changes and addenda to a solicitation may occur prior to the solicitation opening date and time. It is the contractor's responsibility to check the MCPS website under "Event Calendar" <http://coldfusion.mcps.k12.md.us/cfms/webteam/calendar/calendar.cfm?calendarID=mcpsbids> or contact the Procurement Unit at 301-279-3555 to verify whether addenda/errata have been issued.

In the event that MCPS issues addenda/errata, all terms and conditions will remain in effect unless they are specifically and explicitly changed by the addenda/errata. Contractors must acknowledge receipt of such addenda/errata by returning one signed copy of each of the addenda/errata with its proposal. Failure to provide the signed acknowledgement of the addenda/errata may result in a bid being deemed non-responsive.

## **16.0 eMARYLAND MARKETPLACE ADVANTAGE (EMMA)**

Maryland law requires local and state agencies to post solicitations on EMMA. Registration with EMMA is free. It is recommended that any interested supplier register at <https://procurement.maryland.gov/>, regardless of the award outcome for this procurement as it is a valuable resource for upcoming bid notifications for municipalities throughout Maryland.

## **17.0 MULTI-AGENCY PARTICIPATION**

MCPS reserves the right to extend the terms and conditions of this solicitation to any and all other agencies within the state of Maryland as well as any other federal, state, municipal, county, or local governmental agency under the jurisdiction of the United States and its territories. This shall include but not be limited to private schools, parochial schools, nonpublic schools such as charter schools, special districts, intermediate units, nonprofit agencies providing services on behalf of government, and/or state, community and/or private colleges/universities that require these goods, commodities and/or services. Use of this solicitation by other agencies may be dependent on special local/state requirements attached to and made a part of the solicitation at the time of contracting. The supplier/contractor agrees to notify the issuing agency of those entities that wish to use any contract resulting from this bid and will also provide usage information, which may be requested. A copy of the contract pricing and the bid requirements incorporated in this contract will be supplied to requesting agencies. Each participating jurisdiction or agency shall enter into its own contract with the Award contractor(s) and this contract shall be binding only upon the principal's signing such an agreement. Invoices shall be submitted "directly" to the ordering jurisdiction for each unit purchased. Disputes over the execution of any contract shall be the responsibility of the participating jurisdiction or agency that entered into that contract. Disputes must be resolved solely between the participating agency and the Award contractor. MCPS assumes no authority, liability, or obligation on behalf of any other public or nonpublic entity that may use any contract resulting from this bid. MCPS pricing is based on the specifications provided in this solicitation.

## 18.0 INQUIRIES

Inquiries regarding this solicitation must be submitted in writing to Mrs. McIntosh-Davis, team leader, MCPS Procurement Unit, 45 W. Gude Drive, Suite 3100, Rockville, MD 20850, via fax at 301-279-3173 or email to [angela\\_s\\_mcintosh-davis@mcpsmd.org](mailto:angela_s_mcintosh-davis@mcpsmd.org). Questions are due 4:00 p.m. on September 7, 2020. Responses will be posted on the MCPS Procurement website on September 10, 2020. The Board will not be responsible for any oral or telephone explanation or interpretation by any agent or employee of MCPS. Any binding information given to a contractor in response to a request will be furnished to all contractors as addenda/errata, if such information is deemed necessary for the preparation of proposals, or if the lack of such information would be detrimental to the uninformed contractors. Only such addenda/errata, when issued by MCPS, will be considered binding on MCPS.

Contact by contractors with any other MCPS employee regarding this solicitation until the contract is awarded by MCPS will be considered by MCPS as an attempt to obtain an unfair advantage and result in non-consideration of its RFP response. The MCPS Procurement website address is [www.montgomeryschoolsmd.org/departments/procurement/staff.aspx](http://www.montgomeryschoolsmd.org/departments/procurement/staff.aspx).

## 19.0 UNNECESSARILY ELABORATE BROCHURES

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the contractor's lack of cost consciousness. Elaborate art work and expensive visual and other presentation aids are neither necessary nor wanted.

## 20.0 BID PROTESTS

Any bid protests, including appeals, will be governed by the applicable MCPS Procurement Unit Regulations, as stated in the MCPS Procurement Manual. The burden of production of all relevant evidence, data and documents and the burden of persuasion to support the protest is on the Contractor making the protest.

## 21.0 CONTRACT

MCPS plans to enter a contractual agreement with Respondent(s) to whom the award is made and intends to make MCPS General Contract Articles, attached hereto and incorporated herein as Appendix A, part of the contractual agreement, except and unless modified by MCPS. In addition, the Contractor will ensure that all private duty nurses abide by the provisions of the MCPS General Contract Articles. Proposals must clearly identify any variances from or objections to the specifications in this RFP and the terms and conditions of the MCPS General Contract Articles. Lacking any response to the contrary, MCPS will infer that the Respondent agrees to the specifications of this RFP and each term and condition of the MCPS General Contract Articles. Respondents should note that any variance may provide a basis for MCPS to reject the proposal. **In particular, the provisions set forth in Articles 5, 12-14, 16-18, 21-24, 26, and 28 of the MCPS General Contract Articles are non-negotiable.**

**22.0 NOTICE TO BIDDERS**

The appropriate items below must be completed as part of the RFP. Failure to comply may disqualify your bid. Please type or print legibly in ink. (See Next Page)

**I. BIDDER INFORMATION:**

As appropriate, check and/or complete one of the items below.

- 1. Legal name (as shown on your income tax return)
- 2. Business Name (if different from above)
- 3. Tax Identification Number

**A copy of your W-9 must be submitted with this bid response.**

**II. BIDDER’S CONTACT INFORMATION:** This will be filed as your permanent contact information.

- 1. Company Name \_\_\_\_\_
- 2. Address \_\_\_\_\_
- 3. Bid Representative’s Name \_\_\_\_\_
- 4. Telephone Number/Extension \_\_\_\_\_
- 5. Fax Number \_\_\_\_\_
- 6. Toll Free Number \_\_\_\_\_
- 7. Email Address \_\_\_\_\_
- 8. Website \_\_\_\_\_

**III. CONTRACTOR’S CERTIFICATION:**

Upon notification of award, this document in its entirety is the awarded contractor’s contract with MCPS. By signing below, the undersigned acknowledges that he/she is entering into a contract with MCPS.

- A. The undersigned proposes to furnish and deliver supplies, equipment, or services, in accordance with specifications and stipulations contained herein, and at the prices quoted. This certifies that this bid is made without any previous understanding, agreement or connection with any person, firm, or corporation making a bid for the same supplies, materials, or equipment, and is in all respects fair and without collusion or fraud.
- B. I hereby certify that I am authorized to sign for the bidder and that all statements, representations, and information provided in this response to the Request for Proposals, including but not limited to the Non-Debarment Acknowledgement, are accurate.

By (Signature) \_\_\_\_\_  
 Name and Title \_\_\_\_\_  
 Witness Name and Title \_\_\_\_\_