

Montgomery County Public Schools

**Requests for Proposals**

**RFP No. 6100.1**

for

**Harriet R. Tubman Elementary School**

**Before and After School Childcare**

**RFP MUST BE MAILED OR HAND DELIVERED TO**

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

**DUE DATE**

**2:00 p.m. on June 16, 2023**

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45 West Gude Drive \*Rockville, Maryland 20850

Telephone (240) 279-3172

May 8, 2023

RFP Number: 6100.1

Title: Harriet Tubman Elementary School-Childcare

Due Date: 2:00 p.m. June 16, 2023

Prospective Applicant:

Montgomery County Public Schools Department of Facilities Management seeks proposals from qualified organizations, businesses, or individuals who are interested to provide before and after school childcare services at Harriet R. Tubman Elementary School. Only applications for before and after school care will be considered for:

Harriet R. Tubman Elementary School – to begin in August 2023 for the 2023–2024 school year, and for a duration of six school years with a permit issued by Community Use of Public Facilities.

Proposals for the above site must be received by 2:00 p.m. on June 16, 2023. Applicants may request a Microsoft Word version to assist in the preparation of their response. The request can be sent via e-mail to Ms. Stephanie Dorah, Division of Procurement, at [Stephanie\\_J\\_Dorah@mcpsmd.org](mailto:Stephanie_J_Dorah@mcpsmd.org). Submit one (1) original proposal, one (1) electronic copy on a flash drive, and one (1) redacted copy to the following location:

Montgomery County Public Schools  
Division of Procurement  
45 West Gude Drive, Suite 3100  
Rockville, Maryland 20850

Successful applicants will receive a permit from the Community Use of Public Facilities (CUPF) for the 2023–2024 school year. The permit will be renewed annually without a scheduled rebid for six (6) additional years. Please contact Ms. Stephanie Dorah, Division of Procurement for additional information at 240-740-7600. We look forward to your participation.

Sincerely,

Seth Adams, Director  
Department of Facilities Management

Copy to:

Ms. Gonzalez  
Ms. Dorah

**Office of Finance**  
**Division of Procurement**  
***MONTGOMERY COUNTY PUBLIC SCHOOLS***  
**Rockville, MD 20850**

**Request For Proposals No. 6100.1**  
**Harriet R. Tubman Elementary School**

**1.0. INTENT**

Through this Request for Proposal (RFP), Montgomery County Public Schools (MCPS) is seeking one or more agencies, organizations, companies, or corporations interested to provide before and after school childcare services at Harriet R. Tubman Elementary School for the 2023–2024 school year, starting in August 2023, with the opportunity to extend services for six additional school years.

The successful applicant will receive a permit from the Community Use of Public Facilities (CUPF) for the next school year. The permit will be renewed annually without a scheduled rebid for six (6) additional years except as noted below.

If no responsible or responsive proposal is received for the location, the Request for Proposal shall be advertised in additional thirty (30) day increments until a responsive and responsible proposal is received and accepted. All proposals received will be reviewed and rated by a selection committee (“Selection Committee”) comprised of MCPS, CUPF and PSTA staff. Following issuance of a Notice of Intent to Award to a proposed tenant, lease approval will be contingent upon feedback received from the surrounding community and authorization by the Board of Education.

**2.0 INTRODUCTION**

MCPS is the 14th largest school system in the United States, and the largest in the state of Maryland. During the 2022–2023 school year, MCPS served more than 160,554 students from 158 countries speaking 115 languages. With a Fiscal Year (FY) 2022 Operating Budget of approximately \$2.78 billion, MCPS employs more than 25,232 employees. Among the 210 schools that MCPS operates, 42 are National Blue Ribbon schools. Eight MCPS high schools rank in the top 200 of *The Washington Post*’s 2014 High School Challenge, and all 25 MCPS high schools appear on this list, which only includes the top 9 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.

MCPS is governed by the Montgomery County Board of Education (Board) established by the authority of the laws of the State of Maryland. The Board, under its authority creates and adopts policies and regulations necessary for operating the school system.

Community Use of Public Facilities (CUPF) was created as an independent office by Montgomery County Government in 1978 to administer and coordinate the after-hours use of Montgomery County Public Schools and later County buildings by the community. The enabling legislation

(Section 7, Maryland Education Article) established an Interagency Coordinating Board (ICB), comprised of key MCPS and county officials, as well as citizen representatives, to formulate community use policies. CUPF has been given the authority to administer the before and after school childcare provider permitting process as authorized by Board of Education Resolution 19-13 and Executive Regulation 6-17AM, Before and After School Childcare Programs in Public Schools. There are approximately 121 before and after school licensed childcare programs in Montgomery County Public Schools.

### **3.0 QUALIFICATIONS**

The selected applicant for each location must demonstrate the experience and financial ability to operate a successful program within the space provided. The selected applicant must demonstrate its understanding of the intent of this Request for Proposal and administer its program under the terms and conditions of the permit and MCPS policies. Priority will be given to organizations as specified in Board of Education Policy DNA, *Management of Board of Education Owned Property* (Attachment A).

In determining the qualifications of an applicant, MCPS will consider the applicant's record and performance of any prior contracts and leases with MCPS, federal departments or agencies, or other public or private bodies, including but not limited to the applicant's record operating programs and business concerns in other MCPS or Montgomery County facilities. MCPS expressly reserves the right to reject any proposal of any applicant if the investigation discloses that the applicant, 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 parents, employees or subcontractors.

MCPS and CUPF may conduct any necessary investigation to determine the ability of the applicant to perform the requirements of the permit, and the applicant 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 applicant is capable of satisfying requirements for a permit. MCPS reserves the right to reject any proposal if the evidence submitted by the applicant or investigation of such applicant fails to satisfy MCPS that such Applicant is properly qualified to carry out the obligations of the lease and to complete all requirements contemplated therein. In addition, MCPS reserves the right to make on-site visits of applicants who currently operate programs during normal business hours to determine ability, capacity, reliability, financial stability and other factors necessary to perform the contract.

All applicants submitting a proposal shall include evidence that they maintain a permanent place of business. If applicable, the selected applicants for each location must also obtain the required licenses from the Maryland State Department of Education prior to commencing operations within the school. This includes applicants who provide services as a private school or child care. Copies of any other appropriate licenses necessary to perform this work shall be submitted with each proposal.

### **4.0 SCOPE OF SERVICES**

The applicant will be expected to obtain a permit from CUPF. Additional hours or services may be provided pursuant to the terms and conditions of this RFP and the CUPF permit. The term of

the childcare permit will be six (6) years. If the provider is in good standing after the initial permit they will be eligible to reapply to a new RFP if MCPS decides to extend the childcare program.

The scope of services will vary for each location as outlined in the chart below:

School	Address	Room(s)	Square Footage
Harriet R. Tubman Elementary	400 Victory Farm Drive, Gaithersburg MD 20877	Multipurpose, (Additional space to be determined)	3522

Floor plans, site plans, and aerial photos for the proposed premises to be leased by the Applicant are provided in Attachment B. Site visits will be scheduled the days of May 24 and May 25, 2023

## 5.0 DEVIATIONS

MCPS expects the Applicant to obtain a license from CUPF for each location that has terms and conditions as stated in the template included with this RFP as Attachment C, except and unless modified by MCPS or CUPF. Proposals must clearly identify any variances from or objections to the specifications in this RFP and the terms and conditions of the License Agreement template. Lacking any response to the contrary, MCPS will infer that the Applicant agrees to the specifications of this RFP and each term and condition of the License Agreement template. In particular, the insurance provisions set forth in Section 16 of the License Agreement are non-negotiable.

## 6.0 INSTRUCTIONS

Each applicant must provide the following information. All responses must be in the same order as outlined below.

### a. Applicant Information and Qualifications

1. Provide the Applicant’s organizational name, primary contact name, mailing address, phone and fax numbers, email, and web address.
2. Provide a statement as to the Applicant’s organizational experience in its business or a related field.
3. If the Applicant currently operates other programs, provide a list with the name of the program(s), address(es), hours of operation, if applicable ages of children served, number of children served, director’s name, and the name and phone number of the building manager(s).

4. List contact information for at least three (3) references. Two (2) references shall be professional references from parent-clients or, if Applicant has previously or currently operates at another MCPS school, the principal of the school. The third reference shall be a financial reference addressing the financial stability of the Applicant. All references shall include the name/company, contact person, address and phone number.

**b. Program Implementation and Services**

1. Describe the philosophy and objectives of the organization. Include the vision, mission statement, and objectives of the organization.
2. Provide a detailed tentative annual operating budget for staff, furniture, supplies, etc. (revenue and expenses). If applicable, please itemize your start-up costs.
3. Provide a space utilization concept with the proposed space layout. Include expected number of staff, visitors, and if applicable, children to be accommodated within the space.
4. Provide a plan as to how the program will conduct active outreach to the school community and what criteria will be used for registration.
5. Describe any special program activities, methodology, and innovations that will be provided by the program.
6. Provide a detailed explanation of how the Applicant demonstrates the following program requirements:
  - a. Ability to maintain space and property during permitted time; and
  - b. Elements of any community-based instruction that will be incorporated into the school week, including plans to maintain safety in the community.
7. Describe the Applicant's proposed use of space during the time period of the License Agreement. Provide the dates, months and hours of program operation including half-day, holiday, winter, spring break, summer, and inclement weather. Include the Applicant's guidelines for emergency and weather related closings, including procedure for parent notification.
8. Provide detailed explanation regarding how the Applicant will meet the following program considerations:

**c. Personnel**

1. Describe the Applicant's staffing plan, including the number of full- and part-time staff, job titles and position description, and the staff/student ratio proposed for the site.

2. Describe how the Applicant will recruit, hire, and retain personnel, including information on background checks that the Applicant will require of all staff in accordance with Maryland law.
3. Describe the qualifications and responsibilities of the on-site Director, including a plan for regular program evaluation to ensure quality service delivery.
4. Describe a plan for staff orientation and on-going training for staff.
5. Provide a copy of written personnel policies.

**d. Financial Responsibility**

1. Complete Attachment D—Statement of Financial Responsibility and Attachment E— Certification of Financial Responsibility.
2. Provide one financial reference as described in Section 6.0(a)(4) above.
3. Provide a statement that the Applicant will comply with insurance coverage requirements set forth in the License Agreement.

**g. Other Terms and Conditions**

1. Identify any variances from or objections to the terms and conditions of the License Agreement template, as well as a justification for any such variances or objections.
2. Complete Attachment F—Equal Opportunities Certification and Attachment G – Certification of Non-segregated Facilities.
4. Indicate whether the Applicant is a non-profit and provide a copy of the non-profit, tax-exempt status, if applicable, and/or a certificate of good standing.
5. Complete Attachment H—Indicating whether the Applicant is a minority/female/disabled-owned business
6. If applicable, provide a copy of the Applicant’s Maryland State Department of Education (MSDE) EXCELS Status.
7. Complete Attachment I—Non-Debarment Acknowledgment.
8. Provide redacted copy of Applicant’s proposal as specified in Sections 10.0 and 19.0.



## 7.0 PRICING

This will be based on CUPF licensing fee schedule.

## 8.0 EVALUATION CRITERIA

1. Proposals will be evaluated based on these criteria by the selection committee comprised of MCPS, CUPF and PTSA staff.
2. All selection committee members will sign a statement to disclose possible conflicts of interests, such as any relationships they have with any of the applicants before receiving the applications. Raters will also be asked to affirm to their ability to provide a fair and objective assessment and agree not to disclose possible proprietary information.
3. During March 2023, MCPS staff initiated a survey for parents from the four elementary schools associated with this and three other request for proposals. The intent of the survey was to gather parent preferences for programs and services provided by extended day childcare providers. The survey results will be used by the selection committee when weighing the criteria listed below. The survey results are included in Attachment C.

Individual rater points will be awarded based on for the following criteria:

Application Rating Area	<u>Max. Points Awarded</u>
• Applicant Qualifications & Experience	20
• Program Activities and Services	15
• Child Development/Interaction/School Work Support	15
• Budget, Fees and Financial Status	15
• Parent Involvement & Communications/Conflict Mediation	15
• Personnel and Staffing Plan	10
• Non-Profit Organization	<u>10</u>
Application Review Total	<b>100</b>
• Interview Rating Total	<b><u>100</u></b>

4. All raters must use the rating form provided (no exceptions). The scores of all the raters will be added together. The top ranked applicants will be scheduled for an interview. A minimum of three providers must be interviewed. If fewer than three applications are received, all applicants will be interviewed.
5. During the interview, the childcare selection committee will ask each applicant the same set of pre-determined questions developed by the committee. Additional questions may only be asked to clarify information previously provided in the interview.

The rating points for the review of applications and interview will be combined. The applicant with the highest combined rating will be offered the opportunity to provide services. Upon choosing a childcare provider, the childcare selection committee will notify CUPF of the

selected childcare provider for the school. Committee members may also review surveys or other feedback collected by the principal within the past six months. If only one provider is interested in a site, the application will be reviewed by the committee to determine if all the requirements/qualifications are met. If so, the selection committee may direct CUPF to issue the sole applicant a permit for the site.

## **9.0 SELECTION OF THE APPLICANT(S)**

MCPS reserves the right to ask clarifying questions about submitted proposals. Applicants also may ask questions related to this RFP prior to submitting their responses. See Section 12.0, Schedule of Events. Only proposals received by the deadline will be considered. Proposals will be screened down to a number of finalists. All Applicants 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, Applicants should be prepared to submit such additional clarification and/or supplementary information, in a timely manner, when requested. If only one Applicant submits a proposal for a particular location, the proposal must be reviewed by the selection committee to determine if all of the requirements and qualifications are met.

MCPS may invite the finalists to make an oral presentation at a time and date to be announced. See Section 12.0 Schedule of Events. All respondents will receive written notification regarding the intent to award. Should the selected Applicant not be able to a license with CUPF, MCPS is entitled to terminate the award with the selected Applicant, and select another Applicant and/or advertise the available space for additional thirty (30) day increments until a responsive and responsible proposal is accepted. This solicitation does not commit MCPS to award any contract or pay any costs incurred in the preparation of a response. MCPS reserves the right to reject any and all responses in accordance with the best interests of MCPS.

## **10.0 SUBMISSION GUIDELINES**

Each Applicant must submit a complete proposal for each location for which it wishes to be considered, 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 sequence and order used in this RFP document or as otherwise specified by MCPS. Applicants may request via e-mail to Ms. Stephanie Dorah, Procurement Division, at [Stephanie\\_J\\_Dorah@mcpsmd.org](mailto:Stephanie_J_Dorah@mcpsmd.org) a Microsoft Word version to help them prepare their response.

One original copy, as well as one electronic version on a flash drive and one redacted copy of responses must be sent by mail, courier or hand-delivery and 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 of proposals will be accepted. Proposals are to be received no later than 2:00 p.m., on Friday, June 16, 2023. Submit responses of the entire RFP proposal to:

Montgomery County Public Schools  
Division of Procurement  
45 W. Gude Drive, Suite 3100  
Rockville, MD 20850

**Please contact MCPS Procurement via e-mail at [Stephanie\\_J\\_Dorah@mcpsmd.org](mailto:Stephanie_J_Dorah@mcpsmd.org) to receive an electronic MS Word copy of the RFP.**

Please note that the Board or MCPS shall not be responsible nor be liable for any costs incurred by the Applicant in the preparation and submission of their proposals and pricing. Submissions will become the property of MCPS.

## **11.0 PROJECT CONTACT**

The MCPS project contact for this proposed procurement is:

Montgomery County Public Schools  
Division of Capital Planning and Real Estate  
Attn: Carina Gonzalez  
45 West Gude Drive, Suite 4000  
Rockville, MD 20850  
Phone: 240-740-7700  
[Carina\\_J\\_Gonzalez@mcpsmd.org](mailto:Carina_J_Gonzalez@mcpsmd.org)

All prospective organizations are cautioned that information related to the proposed procurement only may be obtained from Ms. Dorah. Once the program is awarded, Ms. Gonzalez, or another MCPS employee designated by the director of the Department of Facilities Management will be the point of contact with Applicants, who will be authorized to: serve as liaison between MCPS and the Applicant; give direction to the Applicant to ensure satisfactory and complete performance; monitor and inspect the Applicant's performance to ensure acceptable timeliness and quality; serve as records custodian for this contract; accept or reject the Applicant's performance; furnish timely written notice of the Applicant's performance failures; prepare required reports; and recommend contract modifications or terminations to the director, Department of Facilities Management. The contract administrator is NOT authorized to make determinations (as opposed to recommendations) that alter, modify, terminate or cancel the contract, interpret ambiguities in contract language, or waive MCPS' contractual rights. No such changes shall be made without the written authorization of the director of the Division of Procurement. The project contact may be changed at any time; but notification of the change, including the name and address of the successor project officer, will be provided to the contractor in writing.

Any attempt to solicit information from other sources within the MCPS system may be cause for rejection of the Applicant's proposal.

## **12.0 SCHEDULE OF EVENTS**

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

RFP issued:	May 10, 2023
Site Visits:	May 24 – May 25, 2023
Questions due:	June 1, 2023
Responses posted:	June 8, 2023
Proposals due:	June 16, 2023 at 2:00 p.m.
Anticipated Notice of Intent	June 2023
To Award date:	July 2023

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

### **13.0 ADDENDA/ERRATA**

Changes and addenda to a solicitation may occur prior to the solicitation opening date and time. It is the Applicant's responsibility to check the MCPS' Procurement website or contact Procurement at 240-740-7600 or [Stephanie J. Dorah@mcpsmd.org](mailto:Stephanie.J.Dorah@mcpsmd.org) 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. Applicants must acknowledge receipt of such addenda/errata, prior to the hour and date specified in this RFP or any addenda/errata for receipt of proposals, 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.

### **14.0 eMaryland Marketplace**

As of June 1, 2008, Maryland law requires local and state agencies to post solicitations on eMaryland Marketplace. Registration with eMaryland Marketplace is free. It is recommended that any interested supplier register at [www.eMarylandMarketplace.com](http://www.eMarylandMarketplace.com), regardless of the award outcome for this procurement as it is a valuable resource for upcoming bid notifications for municipalities throughout Maryland.

### **15.0 INQUIRIES**

Inquiries regarding this solicitation must be submitted in writing, to Ms. Stephanie Dorah, Buyer II, MCPS, Division of Procurement, 45 W. Gude Drive, Suite 3100, Rockville, MD 20850, via fax at 301-279-3173 or email, [Stephanie J. Dorah@mcpsmd.org](mailto:Stephanie.J.Dorah@mcpsmd.org). Questions are due by 4:00pm Thursday, June 1, 2023. Responses will be posted on eMaryland Marketplace and on the MCPS Procurement website on Thursday, June 8, 2023. 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 an Applicant in response to a request will be furnished to all Applicants 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 Applicants. Only such addenda/errata, when issued by MCPS, will be considered binding on MCPS.

Contact by Applicants 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

## 16.0 PROVIDER OBLIGATIONS

### Permitting Requirements

The selected provider must:

1. Guarantee their program will be operational no later than the first day of school. Providers are responsible for ensuring that all licensing and insurance requirements are met before the start of the school year. This includes:

Completing and submitting licensing paperwork required by the Maryland State Department of Education (MSDE) Child Care Licensing Region 5 Office no later than July 14, 2023. Additional information regarding MSDE licensing is available by calling 240-314-1400 or visiting the following website:

<https://earlychildhood.marylandpublicschools.org/node/736>

2. Submit a CUPF facility use request form for the 2023–2024 school year to include a deposit of the estimated first month’s payment to CUPF by August 11, 2023.
  - a. Submit a Certification of General Liability Insurance naming Montgomery County and the Board of Education as additional insured with the facility applications. See attached sample. Failure to provide this insurance will make the selection offer null and void.
3. Comply with ICB use and fee policies to include:
  - a. Signing an ICB Facility Use License Agreement (FULA).
  - b. Providing timely information to CUPF regarding changes to facility use permits.
  - c. Adhering to the payment schedule outlined in the permit issued by CUPF. Monthly payments will be due no later than the last day of the previous month. Delinquent payments may result in cancellation of the permit with 30 days’ notice.
  - d. Paying the applicable rates when scheduling classes and activities offered by a for-profit entity (such as karate, gymnastics, art classes, etc.). Activities which allow participation by students other than those enrolled in the before and after-school program will require a separate application/permit, and will not be covered by the childcare fee schedule.
4. Comply with applicable Montgomery County Public School policies such as those regarding use of heat producing appliances. Reimburse schools directly for any use of their office equipment such as fax and copier machines, or other supplies. Enrollment of students from other schools requires prior authorization by the principal.
5. Maintain a current roster and waitlist to provide to the principal upon request. You may also be asked to meet with the principal or his/her designee on periodic basis, provide copies of parent surveys and/or discuss/address various concerns (ex. supervision of children, staffing, etc.).

## ICB Fees

For information on school use fees and policies, please visit <http://www.montgomerycountymd.gov/cupf>.

Providers will be designated as to which fee or fees apply based on the following:

- Non-Profit Status
- For-Profit Status

Before and after school childcare fees apply only during the school year and do not apply to programs open to students not enrolled in the before and after school program or summer break.

## Site Specific Requirements

Site specific requirements identified by the school are provided in Attachment A.

Note: Applicants, their staff or customers should not contact the principal, school staff or selection committee members regarding this process without permission from MCPS Director of Procurement. If your organization is the current provider at an advertised site, do not solicit your services outside of this process in an attempt to influence the decision of the school's selection committee. If you need additional information about the site, please e-mail [Carina J. Gonzalez@mcpsmd.org](mailto:Carina.J.Gonzalez@mcpsmd.org).

## **Contractors' Obligation Regarding Criminal Records of Individuals Assigned to Work in MCPS Facilities**

### **I. Prohibition against assigning registered sex offenders and individuals convicted of sexual offenses, child sexual abuse, and other crimes of violence to MCPS contracts:**

Maryland Law requires that any person who enters into a contract with a county board of education "may not knowingly employ an individual to work at a school" if the individual is a registered sex offender. Under § 11-722 of the Criminal Procedure Article of the Maryland Code, an employer who violates this requirement is guilty of a misdemeanor and, if convicted, may be subject to up to five years imprisonment and/or a \$5000 fine.

Effective July 1, 2015, amendments to § 6-113 of the Education Article of the Maryland Code further require that a contractor or subcontractor for a local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of, or pled guilty or nolo contendere to, a crime involving:

- a) A sexual offense in the third or fourth degree under § 3-307 or § 3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3-307 or § 3-308 of the Criminal Law Article if committed in Maryland;

- b) Child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland; or
- c) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

Upon execution of a lease, Applicant is required to submit a letter to confirm that its direct employees and those of any subcontractors and/or independent contractors assigned to perform work in the building meet this obligation. Additionally, the Provider must confirm that it continues to meet this obligation on an annual basis and/or when there are changes in the work-force that the Provider and/or its subcontractors use to operate its child care program in the building. The term “work-force” includes all of the Applicant’s direct employees, subcontractors and their employees, and/or independent contractors and their employees that the Provider uses to operate its child care program in the building.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the lease.

## **II. Required criminal background check process for certain individuals in the contractor’s workforce:**

- 1. Provider shall comply with Maryland laws regarding required criminal background checks. § 5-561 of the Family Law Article of the Maryland Code requires that any local school system or child care center, and any contractor or subcontractor of a local school system or child care center, ensure that any individuals in its work-force undergo a criminal background check, including fingerprinting, if the individuals will work in a school or child care facility in circumstances where they have direct, unsupervised, and uncontrolled access to children. Upon the execution of a license, Provider shall:
  - a) Implement the background check process in accordance with Maryland law and MSDE child care licensing requirements as set forth in Code of Maryland Regulations 13A.16.06;

- b) Comply with any determination by MSDE to prohibit the employment of an individual based on the criminal background check;
- c) Ensure that all individuals in the Applicant's work-force receive training on recognizing, reporting, and preventing child abuse and neglect in accordance with Code of Maryland Regulations 13A.16.06.02; and
- d) Provide all individuals in Applicant's work-force with an identification badge to be worn at all times in the building.

The badging process will be at the Applicant's expense.

Violation of this provision is a material breach of the lease for which MCPS may take appropriate action up to and including termination of the lease.

## **17.0 BID PROTESTS**

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

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

The proposal submitted in response to this request may contain technical data which the Applicant 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 Applicant 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 Applicant 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 19.0.



## **19.0 PROPRIETARY AND CONFIDENTIAL INFORMATION**

Applicants are notified that MCPS and selection committee members have unlimited data rights regarding proposals submitted in response to this solicitation. Unlimited data rights means that MCPS and selection committee members have 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 Applicants in response to this or any solicitation issued by MCPS. However, MCPS will exempt information that is confidential commercial or financial information of an Applicant, as defined by the Maryland Public Information Act, State Government Article, Section 10-617, from disclosure. It is the responsibility of the Applicant 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 Applicant 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 Applicant must agree to defend and hold MCPS harmless if any information is inadvertently released. Each Applicant must submit a proprietary and confidential redacted copy of its proposal to be used in responding to MPIA requests.

## **20.0 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 Applicant’s lack of cost consciousness. Elaborate art work and expensive visual and other presentation aids are neither necessary nor wanted.

**ATTACHMENT A**

**Facility Use License Agreement  
Public School Facilities**

**ATTACHMENT B**

**Plan for Licensed Premises at Harriet Tubman Elementary School**

**Attachment C**

**Parent Survey Results**

**Attachment D**

**Statement of Financial Responsibility**

1. Is the Applicant a subsidiary of or affiliated with any other organizations(s), corporation(s), or any other firm(s)?

YES \_\_\_\_\_

NO \_\_\_\_\_

If yes, list each such organization, corporation or firm by name and address; specify the Applicant's relationship, and identify the officers, directors or trustees common to the Applicant:

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2. Describe the plan for financing the program, if funds for the leasing of the facility and operating the program will be obtained from sources other the Applicant's funds.

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3. List sources and amount of cash available to meet equity requirements of the proposed venture:

a. in banks (include names, addresses, telephone numbers and amounts)

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b. by loans from affiliated or associated organization, corporation, or firms (include names, addresses, telephone numbers and amounts)

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4. List the names and addresses of all bank references

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5. Financial condition of Applicant -- attach previous two years financial statements.

6. Bankruptcy: Has the Applicant or, if applicable, the parent corporation or any subsidiary or affiliated corporation of the Applicant or said parent corporation, or other interested parties (major stockholders or owner) been adjudged bankrupt, either voluntarily or involuntarily, within the past ten years?

YES \_\_\_\_\_

NO \_\_\_\_\_

If yes, give date, place, bankruptcy case number, and under what name:

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7. Personal Interest: Does any member of the Board of Education of Montgomery County, Maryland, to which the accompanying application is being made, or any officer or employee of Montgomery County Public Schools who exercises any functions or responsibilities in connection with the carrying out of the program covered by the Applicant's proposal, have any direct or indirect personal interest in the Applicant?

YES \_\_\_\_\_

NO \_\_\_\_\_

8. If the Applicant wishes, additional statements can be attached as evidence of the Applicant's qualifications and/or financial responsibility.

ATTACHMENT E

**Equal Opportunity Certification**

1. Are you participating in any contractual agreement which contains the Equal Employment Opportunity Clause prescribed in Executive Order 11246, as amended?

( ) Yes ( ) No

2. Name and address of Federal "Compliance Agency," if known:

("The Rules and Regulations of the Office of Federal Contract Compliance Programs, U.S. Department of Labor, define the term Compliance Agency as the agency designated by the Director, of CCP, to conduct compliance reviews and to undertake such other responsibilities assigned.")

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3. Are you required to maintain a written affirmative action plan according to 41 CFR 60-2 and 60-1 (a)(4)?

( ) Yes ( ) No

4. Has the "Compliance Agency" required you to correct deficiencies in your affirmative action plan or your employment policies and practices?

( ) Yes ( ) No

5. Are you required to submit an annual compliance report as described in 41 CFR 60-17 (a)?

( ) Yes ( ) No

If the answer to "5" is yes, enclose a copy of your latest compliance report.

Data on Subcontractors. (Use supplementary sheets where required.)

\_\_\_\_\_ (1)\* (2)\*\* (3)\*\*\*

(Subcontractor's Name)

\_\_\_\_\_ ( ) Yes ( ) Yes ( ) Yes

(Street)

\_\_\_\_\_ ( ) No ( ) No ( ) No  
(City) (State)

\_\_\_\_\_ (1)\* (2)\*\* (3)\*\*\*  
(Subcontractor's Name)

\_\_\_\_\_ ( ) Yes ( ) Yes ( ) Yes  
(Street)

\_\_\_\_\_ ( ) No ( ) No ( ) No  
(City) (State)

\*(1) Previously held contracts subject to EQ 10925, 11114, and 11246, as amended.

\*\* (2) Previously filed certificate of nonsegregated facilities.

\*\*\* (3) Previously filed annual (EE0-1, EEO-4, or EEO-6) compliance report.



## ATTACHMENT F

### **Certification of Nonsegregated Facilities**

By submission of this offer, the Applicant or subcontractor certifies that there is not maintained or provided for employees any segregated facilities and that employees will not be permitted to perform their services at any location, under the Applicant's control, where segregated facilities are maintained. The Applicant, or subcontractor, agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "Segregated Facilities" means any rooms, work areas, restrooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin because of habit, local custom, or otherwise. The Applicant further agrees that except where there has been obtained identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause that there will be forwarded the following notice to such proposed subcontractors except where the proposed subcontractors have submitted certifications for specific time period:

#### **Notice to Prospective Subcontractors of**

#### **Requirement for Certifications of**

#### **Nonsegregated Facilities**

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.

The certification may be submitted either for each subcontract or for all subcontracts during a period, i.e., quarterly, semiannually, or annually.

**NOTE:** Failure of an Applicant to agree to the Certification of Nonsegregated Facilities shall render its offer nonresponsive.

ATTACHMENT G

**Minority Business Enterprise**

The Applicant ( ) is ( ) is not a minority business enterprise. A minority business enterprise is defined as a "business at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock is owned by minority group members." For the purpose of this definition, minority group members are African Americans, Hispanic Americans, Asian Americans, and American Indians.

Check the appropriate box below.

- |   |   |                                   |  |
|---|---|-----------------------------------|--|
| <input type="checkbox"/> African American | <input type="checkbox"/> Asian American | <input type="checkbox"/> Hispanic | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Female           | <input type="checkbox"/> Disabled       | <input type="checkbox"/> None     |  |

**ATTACHMENT H**

**NON-DEBARMENT ACKNOWLEDGEMENT**

\_\_\_\_\_ I acknowledge that my firm has NO pending litigation and/or debarment from doing business with the State of Maryland or any of its subordinate government units and/or federal government within the past five (5) years.

\_\_\_\_\_ I acknowledge that my firm has pending litigation or has been debarred from doing business with the State of Maryland or any of its subordinate government units and/or federal government, within the past five (5) years. If so, please provide an attachment describing the pending litigation or debarment.

\_\_\_\_\_ I acknowledge none of this company's officers, directors, partners, or its employees have been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or federal government; and that no member of the Board of Education of the Montgomery County Public Schools, Administrative or Supervisory Personnel, or other employees of the Board of Education has any interest in the bidding company except as follows

As the duly authorized representative of the Applicant, I hereby certify that the above information is correct and that I will advise Montgomery County Public Schools should there be a change in status.

By (Signature) \_\_\_\_\_

Name and Title \_\_\_\_\_

Witness Name and Title \_\_\_\_\_