**STATE OF MAINE**

**Department of Education**

*Office of Teaching and Learning/Early Learning Team*

**RFA# 202410185**

**Pre-K Expansion Grant**

|  |  |
| --- | --- |
| **RFA Coordinator** | *All communication regarding the RFA must be made through the RFA Coordinator identified below*.**Name:** Lee Anne Larsen **Title:** Director of Eary Learning**Contact Information:** leeann.larsen@maine.gov  |
| **Informational Session** | *An informational session regarding this RFA will be held on:***Date:** October 16, 2024 **Time:** 3:00 p.m.-4:00 p.m.**Location:** <https://mainestate.zoom.us/j/83092675942>  |
| **Submitted Questions Due** | *All questions must be received by the RFA Coordinator identified above by:***Date:** October 18, 2024, no later than 11:59 p.m., local time |
| **ApplicationSubmission Deadline** | *Applications must be received by the Division of Procurement Services by:***Submission Deadline:** October 31, 2024, no later than 11:59 p.m., local time.*Applications must be submitted electronically to:* Proposals@maine.gov |

**TABLE OF CONTENTS**

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **RFA DEFINITIONS/ACRONYMS** | **3-4** |
|  |  |
| **PART I OVERVIEW OF THE GRANT OPPORTUNITY** | **5-8** |
| 1. PURPOSE AND BACKGROUND
 |  |
| 1. GENERAL PROVISIONS
 |  |
| 1. ELIGIBILITY TO SUBMIT BIDS
 |  |
| 1. AWARDS
 |  |
| 1. APPEAL OF CONTRACT AWARDS
 |  |
| 1. APPLICABLE LEGISLATION
 |  |
|  |  |
| **PART II ACTIVITIES AND REQUIREMENTS** | **9-14** |
|  |  |
| **PART III KEY PROCESS EVENTS** | **15-16** |
| 1. INFORMATIONAL SESSION
 |  |
| 1. SUBMISSION OF QUESTIONS
 |  |
| 1. AMENDMENTS
 |  |
| 1. APPLICATION SUBMISSION
 |  |
|  |  |
| **PART IV APPLICATION EVALUATION AND SELECTION** | **17-23** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION
 |  |
| 1. SCORING PROCESS
 |  |
| 1. SCORING WEIGHTS
 |  |
| 1. SELECTION AND AWARD
 |  |
| 1. CONDTRACT ADMINISTRATION AND CONDITIONS
 |  |
|  |  |
| **PART V APPLICATION FORM** | **24** |
|  |  |
| **APPENDIX A** – SUBMITTED QUESTIONS FORM | **25** |

|  |  |
| --- | --- |
| **APPENDIX B** – SAMPLE SUBAWARD AGREEMENT | **26-40** |

|  |  |
| --- | --- |
| **APPENDIX C** – TRANSPORTATION GUIDANCE | **41** |

|  |  |
| --- | --- |
| **APPENDIX D** – PUBLIC PRE-K PARTNERSHIP GUIDANCE | **42-46** |

**RFA TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFA, have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **029 Teacher Certification** | Pre-K to Grade 3, one of two allowable certifications that must be held by the lead pre-k teacher in each classroom.  |
| **081 Teacher Certification** | Birth – kindergarten educator certification, one of two allowable certifications that must be held by the lead pre-k teacher in each classroom. |
| **Chapter 124** | Maine Department of Education’s Basic Approval Standards for Public Preschool Programs. |
| **Community Needs Assessment** | Study of your community used to inform development of public pre-k programming, including estimate of the number of eligible children in the catchment area, community-based providers, amount of need and desired program designs, and opportunities for establishing partnerships.  |
| **Community Partner** | A licensed childcare provider in the community that partners in the provision of public Pre-K programming. Examples include, but are not limited to: ​   * Private family childcare ​
* Private center-based childcare​
* YMCA​
 |
| **EUT** | Education in the Unorganized Territory |
| **FAPE** | Free and Appropriate Public Education |
| **Full Day/Full Week Programming** | State funded Pre-K programming offered 5 days a week which children attend for the hours during which the school is regularly in session (e.g., 8:30-3:00, 8:00-2:30, etc.).    |
| **Half-Day Programming** | State funded Pre-K programming offered 4 hours a day for 5 days a week.   |
| **High-Quality**  | Providing what research has indicated results in positive outcomes for young children and their families. High-quality public Pre-K programs in Maine meet programming standards outlined in Chapter 124. Programs can show this by obtaining a star 4 or 5 on the QRIS.   |
| **IDEA** | Individuals with Disabilities Act |
| **Individualized Education Plan (IEP)** | An Individualized Education Plan or IEP is a legal document designed to ensure that a child with an identified disability is provided with specific accommodations, materials and teaching approaches needed to learn effectively.  |
| **Least Restrictive Environment (LRE)** | Children receiving special education services should be receiving it in the same classroom with typically developing peers to the maximum extent possible.  |
| **MELDS** | **M**aine **E**arly **L**earning and **D**evelopment **S**tandards; A compilation of expected academic and developmental learning standards for children ages 3-5. The MELDs are neither a curriculum nor an assessment but should align with and inform both in early childhood settings. |
| **MOU** | **M**emorandum **o**f **U**nderstanding agreement between SAU and any partner outlining each entity’s responsibilities in the partnership.   |
| **Public Pre-K**  | A public Pre-K program offered by an approved Maine public school. Public Pre-K classrooms must comply with Rule Chapter 124 and be free to all enrolled. In this application, Pre-K refers to a public Pre-K program.    |
| **Pre-K Eligible Students** | Refers to children who have turned 4 years old on or before October 15th of the school year they enroll.    |
| **QRIS** | Quality Rating and Improvement System |
| **SAU** | School Administrative Unit |
| **Universal Pre-K**  | Programs with the ability and capacity to serve all 4-year-old students and families in the SAU, whether partnering or not.   |

**PART I OVERVIEW OF THE GRANT OPPORTUNITY**

## Purpose and Background

The Maine Department of Education is seeking Pre-K Expansion Grant applications as defined in this Request for Applications (RFA) document. This document provides instructions for submitting applications, the procedure and criteria by which the awarded Applicant(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Applicant(s).

Through this application, the Maine Department of Education intends to provide grant funding to school administrative units (SAUs) and elementary schools operated under Education in the Unorganized Territory (EUT) to increase the number of eligible 4-year-olds attending high-quality public pre-kindergarten (pre-k) programming. This funding is provided through Maine’s American Rescue Plan (ARP) allocation. Grant awards will be for a 1-year period that will support new and expanded programming during the 2025-26 school year.

SAUs must use grant funding received to start or expand existing public pre-k programs. Funding may also be used to increase the amount of time 4-year-olds are attending public pre-k programming. This might include extending the program from part time to full day/full week. Programs funded through these grants must be in compliance with the standards governing public pre-k programs in [Maine Department of Education Rule Chapter 124, Basic Approval Standards: Public Preschool Programs](https://www.maine.gov/sos/cec/rules/05/chaps05.htm). SAUs are encouraged to access the [Maine DOE’s Pre-K Guidebook](https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Public%20Pre-K%20Guidebook_1.pdf) as a tool for supporting pre-k programming development.

Per statute ([Title 20-A, Part 3, Chapter 203, Sub-chapter 3-Public Preschool Programs for Children 4 Years of Age](http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4271.html)), preference will be given to SAUs that are seeking to establish public pre-k programming for the first time before awarding grants for expansion of programming; the number and size of awards will depend on the number of applications received and available funds. Also, per statute, competitive priority will be awarded based on the percentage of economically disadvantaged students served by the SAU. Additional competitive priorities will be provided for SAUs proposing to establish partnerships with licensed community child cares for the provision of public pre-k, SAUs who will be assuming responsibilities for provision of a free and appropriate education to students with disabilities identified under the Individuals with Disabilities Act (IDEA), Part B 619, SAUs starting public pre-k programming for the first time, and/or SAUs expanding public pre-k to ensure ability to serve all eligible 4 year olds in their catchment areas.

Only eligible children may be supported by these Pre-K Expansion Grant funds. Eligible children are defined as children who will be at least 4 years of age on October 15 of the school year in which they are enrolled. All proposed general education pre-k classrooms should be inclusive of eligible 4-year-olds, including those who are economically disadvantaged, those with disabilities, and those who are multilingual learners. Children with disabilities must be placed in the Least Restrictive Environment (LRE) determined by the Individual Education Plan (IEP) team. This is beneficial for all children and in compliance with federal and state law.

Applicants must address demonstrated needs that the SAU documents through a thorough Community Needs Assessment (outlined below). Proposed costs should be reasonable and justifiable. SAUs will be required to document how proposed grant funding will be combined with state and local allocations to support increasing the number of 4-year-olds attending public pre-k**.** SAUs will also be asked to demonstrate how program sustainability will be achieved beyond the period of grant fund availability.

Applicant SAUs are encouraged to partner with licensed community providers (e.g., private preschools, childcare providers, Head Starts, YMCAs, etc.). A partner in this grant would be a licensed community provider at which eligible 4-year-olds are receiving their public pre-k programming. However, applying SAUs retain responsibility for setting and meeting program goals, ensuring compliance with state and federal laws and rules as evidenced through monitoring and reporting, and maintaining fiscal controls and records.

Public pre-k programs may be offered by SAUs on school grounds or at other facilities that meet local code requirements and the provisions related to space requirements in [Maine Department of Education Rule Chapter 124, Basic Approval Standards: Public Preschool Programs](https://www.maine.gov/sos/cec/rules/05/chaps05.htm).

## General Provisions

1. From the time this RFA is issued until award notification is made, all contact with the State regarding this RFA must be made through the RFA Coordinator identified on the cover page of this RFA. No other person/State employee is empowered to make binding statements regarding this RFA. Violation of this provision may lead to disqualification from the application process, at the State’s discretion.
2. Issuance of the RFA does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to the RFA. This includes attendance at personal interviews or other meetings, where applicable.
3. All applications must adhere to the instructions and format requirements outlined in the RFA and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Applications are to follow the format and respond to all questions and instructions specified in Part III of the RFA.
4. Applicants will take careful note that in evaluating an application submitted in response to this RFA, the Department will consider materials provided in the application, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Applicant (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating the Applicant’s experience and capabilities.
5. The application must be signed by a person authorized to legally bind the Applicant and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
6. The RFA and the awarded Applicant’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
7. Following announcement of an award decision, all submissions in response to this RFA will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
8. In the event that a Bidder believes any information that it submits in response to this RFP is confidential, it must mark that information accordingly, and include citation to legal authority in support of the Bidder’s claim of confidentiality. In the event that the Department receives a FOAA request that includes submissions marked as confidential, the Department shall evaluate the information and any legal authority from the Bidder to determine whether the information is an exception to FOAA’s definition of public record. If the Department determines to release information that a Bidder has marked confidential, it shall provide advance notice to the Bidder to allow for them to seek legal relief.
9. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in applications received in response to the RFA.
10. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Applicant’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

## Eligibility to Submit Applications

All Maine School Administrative Units (SAUs) as defined by [20-A M.R.S. §1026](https://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1206.html) and elementary schools operated under Education in the Unorganized Territory (EUT) are eligible to submit bids in response to this Request for Applications. SAUs may apply with the intention of partnering with licensed community providers, but the SAU remains the applicant and must be the fiscal agent for the proposed program.

SAUs will be considered subrecipients of these grant funds. Any grant awarded must meet [Federal State Fiscal Recovery Funds](https://www.federalregister.gov/documents/2022/01/27/2022-00292/coronavirus-state-and-local-fiscal-recovery-funds) and meet the requirements of the award as outlined in **Appendix B** (Sample Subaward Agreement).

## Awards

The Department anticipates making multiple awards as a result of this Request for Applications. The number and size of awards will depend on the number of proposals received and available funds. Issuance of this RFA in no way constitutes a commitment by the State of Maine to make grant awards. Recognizing there are many variables that will influence proposals, award sizes are to range between $50,000-$100,000 per proposed classroom plus up to an additional $20,000 if the SAU is part of Cohort 2 for the transition of FAPE responsibilities under [IDEA Part B 619](https://ectacenter.org/sec619/sec619.asp).

Applicants may seek funding up to the following amounts for expansion efforts:

* Up to $50,000 per classroom offering half-day programming with one or two sessions daily (minimum of 10 hours per week per session)
* Up to $100,000 per classroom for classrooms offering full day/full week programming (minimum of 25 hours per week)
* Up to an additional $20,000 for SAUs participating in Cohort 2 for the transition of FAPE responsibilities under IDEA Part B 619.

Applications will be evaluated after the due date, and a selection package will be posted to the [Office of State Procurement Services RFA webpage](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) following direct Applicant notification of the award results. The Department reserves the right to eliminate the lowest scoring application(s) and/or make awards at amounts less than that requested, whichever is in the best interest of the State. The Department reserves the right to issue partial awards.

1. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this Request for Applications may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: [Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120)).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

1. **Applicable Legislation**

Pre-K expansion grants are authorized under [Title 20-A, Part 3, Chapter 203, Sub-chapter 3-Public Preschool Programs for Children 4 Years of Age](http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4271.html). Pre-K expansion grants are also included in the priorities as described in the initiative contained in [Public Law 2021 Chapter 483 Part R section 2](http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0577&item=16&snum=130).

**PART II ACTIVITIES AND REQUIREMENTS**

1. **Allowable Use of Funds**

Funding provided through the Pre-K Expansion Grants is intended to result in increased numbers of 4-year-olds accessing high-quality public pre-k and/or increasing the amount of time in which 4-year-olds access public pre-k programming. Overall, costs must be reasonable and justifiable, support the purposes of the grant program, and align with the pre-k program standards contained in [Maine Department of Education Rule Chapter 124](https://www.maine.gov/sos/cec/rules/05/chaps05.htm).

Allowable expenses/activities for which the funds provided through Pre-K Expansion Grants may be used include:

* Purchase of equipment, materials and supplies necessary for operating high-quality programs (classroom furniture, instructional materials including evidence-based programs/curricular resources, adaptive equipment and materials, evidence-based assessments, and screening measures, etc.)
* Costs associated with the following:
	+ Retrofitting classroom spaces to accommodate 4-year-olds
	+ Leasing space for operating classrooms;
	+ Establishing or retrofitting playgrounds;
	+ Establishing outdoor learning spaces;
	+ Provision of snacks/meals; and
	+ Providing transportation for 4-year-olds (see further guidance in Appendix C).
* In the case of SAUs that are starting full day, full week pre-k programs and/or expanding current pre-k programs from part day/part week to full day/ full week, costs associated only with the salary and benefits for Education Technician positions
* Costs associated with coordination of public pre-k programming, particularly in the case of programs operated in partnership with community providers
* Costs associated with professional learning related to the provision of high- quality pre-k programming, including support for attainment of required teaching credentials and implementation of instructional programs and assessments
1. **Non-Allowable Use of Funds**
	1. Grant funds may not be used for Pre-K teacher salaries and benefits costs.
2. **Application Components**

A complete and scoreable application for Pre-K Expansion grant funding will include the following components. Please refer to the descriptions in this section when filling in the provided application.

* 1. **Criteria A: General Information**

SAUs must complete the following documents as part of their application:

* Application Cover Page & General Assurances
* Responsible Bidder Certification
* Partner Listing with Letters of Intent from each partner (if applicable)

These documents will be scored with pass/fail scoring based on completion. The scoring team will also verify eligibility of the applicant.

* 1. **Criteria B: Specifications of the Work to be Performed**
		1. **Overview of the project:** The project overview should clearly describe the project’s intended goals, including indication of which of the following strategies the SAU will be engaging in:
* Starting a public pre-k program
* Expanding a public pre-k program by adding classrooms
* Expanding a public pre-k program from part day/part week programming to full day/full week programming.

The project overview should describe the status of public pre-k in the SAU currently and summarize the proposal for increasing enrollment and/or beginning programming in the 2025-2026 school year. If increasing enrollment, the number of additional students projected to be served and the number of additional classrooms being added should be clearly indicated along with the proposed programming schedule. If increasing the amount of weekly programming time to full day/full week, the proposed schedule that documents this increase should be included along with a description of any increases in the number of classrooms needed and/or partnerships needed to support full day/full week programming.

* + 1. **Identification of Need and Community Coordination:** The proposal must include a description of the needs of the SAU related to the provision of public pre-k and of how the needs of the SAU have been identified and will be re-evaluated on a regular basis. The SAU should outline how the funding will enable them to overcome identified barriers related to the provision of public pre-k and to equitably serve eligible four-year-olds in their SAU. Demographics of the SAU (free and reduced meal rates, rates of children served by CDS, percentage of children in SAU identified for special education, percentage of English learners, etc.) should be provided. Consideration of the following factors must also be evident:
* Demonstrated coordination with other early childhood programs and agencies serving children and families in the community to maximize resources,
* Consideration of the extended childcare needs of working parents,
* Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community; and
* Demonstrated coordination with Child Development Services (CDS).

The SAU should build a case for how the proposed project will address identified needs and lead to better outcomes for children and families.

* + 1. **Project Description:** Proposals must provide a thorough description of the project being proposed to address these needs. The description must include the following:
			1. **High-Quality Program Design**

The proposal will include a description and documentation to show how it will start, expand, and/or increase the amount of weekly programming time for 4-year-olds in the SAU. The description will include, but not necessarily be limited to, the following:

1. Description of where the program will be housed and how the space will adhere to requirements in Chapter 124 and/or be licensed through Maine’s Child Care Licensing system.
2. Description of the evidence-based, whole child curriculum and assessment system that align with Maine’s Early Learning and Development Standards or a plan for how these decisions will be made prior to opening programs.
3. Description of the multi-tiered system of support and plans for inclusion, including:
* evidence-based methods for meeting the needs of students with disabilities and English learners within the regular classroom setting,
* evidence-based methods for utilizing culturally sustaining practices,
* coordinated participation by staff in IEP processes and meetings; and
* collaboration among teachers, special education staff and intervention teams built into the schedule
1. Description of plan for staffing that meets required credentials.
2. Description of professional learning for pre-k instructional staff and administration.
3. Description of administrative coordination and management plan for pre-k programming.
4. Description of family engagement strategies that will be incorporated, including how families will be informed about students’ progress.
5. Description of transition strategies that will be utilized as children enter and exit pre-k.
	* 1. **Partnerships (optional)**

SAUs are strongly encouraged to collaborate with partners to provide public pre-k programming. Partnerships often enable SAUs to achieve full day/full week programming for children and to meet the needs of working families. A partnership is characterized by meaningful involvement in the planning, development, and delivery of the proposed program for students and families. Eligible community providers with whom SAUs may partner must be licensed by Maine’s Child Care Licensing division and should have demonstrated experience related to the provision of early care and education for 4-year-old children. A formal MOU will be needed prior to opening programs but is not required for the application. **More information regarding formation of public pre-k partnerships can be found in Appendix D (Public Pre-k Partnership Guidance).**

Applicants proposing to develop pre-k programming in partnership with a community provider must describe the nature of the collaboration between the SAU and the partner(s). This description should provide an outline of what each partner will contribute to the successful outcome of the programming, including:

* Name of the partner organization(s),
* Roles and responsibilities of each partner (SAU and community provider),
* Details about staffing for the partnership pre-k classroom,
* Information about the classroom space, and
* For partnerships with licensed childcare providers, a copy of the partner’s Quality Rating and Improvement System certificate and documentation demonstrating how the community partner will meet Chapter 124 requirements.
	+ 1. **Recruitment and Enrollment**

Proposals must include a description of the methods the SAU and any partners will use to recruit children for the program, including strategies for attracting hard to reach families. If the program being proposed is universal (i.e., it will be able to serve all eligible 4-year-old in its catchment area), this should be clearly noted. If the program will not be universal, a copy of the SAUs enrollment policy or a description of what will be included in the SAU’s enrollment policy for public pre-k should be included. Enrollment policies should demonstrate an inclusive approach and a commitment to serving children from economically disadvantaged families, children with disabilities, and children who are multilingual learners. Enrollment policies should show evidence that the make-up of pre-k classrooms will mirror, to the greatest extent possible, the demographics of the SAUs K-12 population and be responsive to identified needs within the community.

* + 1. **Evaluation**

Proposals must include a description of how the SAU will evaluate the implementation and effectiveness of the public pre-k program. This plan should include methods for collecting information that will be useful to program development and ongoing improvement, including opportunity to plan for individual children’s needs, track children’s growth across domains of development, and provide timely and actionable feedback to teachers. SAUs are strongly encouraged to utilize structured observation tools and performance-based assessments in addition to developmental screeners and diagnostic tools. SAUs will indicate in the assurances section of their application compliance with Chapter 124 which requires participation in ongoing technical assistance, including classroom observations. Aggregate data collected through these observations will be shared with SAUs to help inform program development efforts.

* + 1. **Sustainability**

Proposals will include a description of how the SAU and, if applicable, its partners will ensure sustainability of pre-k programming started or expanded through the Pre-K Expansion Grant funding following the grant period. This description should include an explanation of how the SAU will work to secure necessary funding and continue to meet the program standards outlined in Maine Department of Education rule chapter 124.

* 1. **Criteria C: Budget Forms and Budget Narrative**

The budget must include overall projected expenses for the proposed project. The proposed budget for start-up and/or expansion of public pre-k programming by the SAU should include only allowable costs under this grant program. Costs should be reasonable and justifiable for achieving high-quality programming and meeting program standards. The project budget worksheets should be completed, and the budget narrative should include descriptions of how projected costs were determined. Estimation of the number of students to be served in the proposed project must be provided. Estimated state/local contributions and any other sources of revenue that will be used to fund the proposed project should be included. The budget should support capacity to adequately provide the proposed programming, and the budget narrative should describe forward thinking toward sustainability. Indirect costs cannot be supported by Pre-K Expansion Grant funds.

Budget Forms are embedded in Part V of the RFA. The Budget Narrative must be provided in the Application document, also found in Part V of the RFA.

Please refer to the **SAU Budget Table Example** **in Section V of the RFA** when developing budget documents.

* 1. **Criteria D: Competitive Priorities**

The Department shall award competitive priority points for those proposals that meet or exceed the following criteria:

1. **Level of Economic Disadvantage:** Competitive priority points will be awarded to proposals seeking to serve Maine school(s) with high numbers of economically disadvantaged students as indicated by the Department’s Free and Reduced School Lunch Report –  [ED 534 for FY 2023.](https://www.maine.gov/doe/schools/nutrition/financial)

|  |  |  |  |
| --- | --- | --- | --- |
| Percentage of school population eligible for Free and Reduced Lunch | Less than 45% | Between 45% and 60% | More than 60%  |
| Priority Points | 0 points | 3 points | 5 points |

1. **Pre-K Partnerships with Community Partners**: Competitive priority points will be awarded to proposals seeking to establish a partnership with a licensed community provider to provide pre-k programming to eligible students in the community. Public pre-k partnerships between SAUs and community providers support the expansion of quality public pre-k programming for 4-year-olds by addressing barriers, such as lack of classroom space for schools, while also supporting and leveraging existing community programming and meeting the needs of children and families. **Refer to Appendix D (Public Pre-k Partnership Guidance) for more information regarding establishing partnerships with community providers for the provision of public pre-k programming.**

|  |  |  |
| --- | --- | --- |
| Establishment of a partnership with a community partner | No Partnerships | At least one partnership with a community partner |
| Priority Points | 0 points | 5 points |

1. **Full Day, Full Week Instructional Programming**: Competitive priority points will be awarded to proposals seeking to provide more than the minimum of 10 hours per week of instructional programming. Recent research shows that a full day, full week, high-quality program further improves overall student outcomes.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Number of hours of instructional programming | 10-14 hours per week | 15-19 hours per week | At least 20 hours per week but less than full day/full week  | Full day, full week |
| Priority Points | 0 points | 3 points | 4 points | 5 points |

1. **Cohort 2 SAUs**: Competitive priority points will be awarded to proposals from SAUs participating in Cohort 2 of SAUs accepting responsibility for the provision of free and appropriate education (FAPE) for preschool age children (ages 3-5) with IEPs.

|  |  |  |
| --- | --- | --- |
| Cohort 2 SAU | Not participating in Cohort 2 | Participating in Cohort 2 |
| Priority Points | 0 points | 5 points |

1. **SAUs Starting Public Pre-K for the First Time**: Competitive priority points will be awarded to proposals from SAUs starting public pre-k programming for the first time.

|  |  |  |
| --- | --- | --- |
| SAU Starting Pre-K Programming for First Time | SAU has already started pre-k programming | SAU starting pre-k programming for first time |
| Priority Points | 0 points | 5 points |

1. **SAUs Reaching Universal Provision of Public Pre-K**: Competitive priority points will be awarded to proposals from SAUs documenting that their proposed project with enable them to serve all interested and eligible 4-year-olds in their catchment area.

|  |  |  |
| --- | --- | --- |
| Universal Enrollment | Not Universal | Universal |
| Priority Points | 0 points | 5 points |

**PART III KEY PROCESS EVENTS**

## Informational Session

The Department will host an informational session concerning the RFA beginning at the date, time and location shown on the RFA cover page. The purpose of the Informational Session is to answer and/or field questions, clarify for Applicants any aspect of the RFA that may be necessary, and provide supplemental information to assist potential Applicants in submitting responses to the RFA. Although attendance at the Informational Session is not mandatory, it is strongly encouraged that interested Applicants attend.

## Submission of Questions

* 1. **General Instructions:** It is the responsibility of all Applicants and other interested parties to examine the entire RFA and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Applicants and other interested parties should use **Appendix A** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
		2. Questions must be submitted, by e-mail, and received by the RFA Coordinator identified on the cover page of the RFA as soon as possible but no later than the date and time specified on the RFA cover page.
		3. Submitted Questions must include the RFA Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
	2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the State’s Division of Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.

## Amendments

All amendments released in regard to this RFA will be posted on the Division of Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

## Application Submission

* 1. **Applications Due:** Applications must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFA.
		1. Any e-mails containing original application submissions or any additional or revised application files, received after the 11:59 p.m. deadline, will be rejected without exception.
1. **Delivery Instructions:** Applications must be submitted electronically to the State of Maine Division of Procurement Services at proposals@maine.gov.
	1. Only applications received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.

Application submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.

* 1. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail application submissions that have the requested files attached will be accepted.
	2. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. It is the Applicant’s responsibility to check with its organization’s information technology team to ensure that security settings will not encrypt its application submission.
	3. File size limits are 25MB per e-mail. Applicants may submit files across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time as described above.
	4. Applicants are to insert the following into the subject line of their e-mail submission: “**RFA# 202410185 Application Submission – [Applicant’s Name]**”.
1. **Submission Contents**
2. Application submissions must include the Applicant’s completed **Application Form** **and Budget Tables 1-3** (found in Part V of the RFA) and all required information and attachments as stated in the form.
3. The Application Form must be submitted as a single, typed, PDF file.
4. Applicants are not to provide additional attachments beyond those specified in the RFA or Application Form for the purpose of extending their response. Materials not requested will not be considered part of the application and will not be evaluated.

**PART IV APPLICATION EVALUATION AND SELECTION**

1. **Evaluation Process – General Information**
	1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFA.
	2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the applications and to ensure that all contracts are awarded to the Applicants that provide the best value to the State of Maine.
	3. The Department reserves the right to communicate and/or schedule interviews/presentations with Applicants, if needed, to obtain clarification of information contained in the applications received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to applications, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Applicants must submit proposals that present their rates and other requested information as clearly and completely as possible.
	4. Failure to respond to all questions and instructions throughout the RFA may result in the application being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFA specifications will result either in disqualification or reduction in scoring of a proposal.
2. **Scoring Process:** The evaluation team will use a consensus approach to evaluate and score all sections listed below. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections.
3. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each application meets the following criteria. **To be considered a fundable proposal and be eligible to receive competitive priority points, the application must earn a minimum of 22 total points in Criteria B and 9 points in Criteria C.**

|  |  |
| --- | --- |
| **Scoring Criteria** | **Points Available** |
| Criteria A: General Information and Eligibility Verification | Pass/Fail |
| Criteria B: Project Overview  | 5 Points |
| Criteria B: Identification of Need and Community Coordination | 10 Points |
| Criteria B: Project Description | 27 Points |
| Criteria B: Recruitment and Enrollment | 5 Points |
| Criteria B: Evaluation | 5 Points |
| Criteria B: Sustainability | 5 Points |
| Criteria C: Budget Forms and Budget Narrative | 25 Points |
| Criteria D: Competitive Priorities | 18 Points |
| **Total Points**  | **100 points** |

1. **Scoring Criteria**

|  |  |  |
| --- | --- | --- |
| **Scoring Criteria** |  |  |
| **Criteria A – General Information and Eligibility Verification**Part II, C, 1 of the RFA | **Pass** | **Fail** |
| Application Cover Page  |  |  |
| Responsible Bidder Certification  |  |  |
| Partner Listing with Letters of Intent from each partner |  |  |
| Eligibility Verification (completed by scoring team) |  |  |
| **Criteria B – Specifications of the Work to be Performed****(57 Points Total)** |  |  |
|  **Overview of the Project** **(5 Total Points)**Part II, C, 2 a of the RFA | **Limited Evidence****0-1** | **Adequate Evidence****2-3** | **Detailed Evidence****4-5** |
|  **Evidence includes:*** Current status of public pre-k in SAU
* Overview of proposal for starting or expanding pre-k enrollment and/or dosing
* Proposed increase in enrollment (number of students/number of classrooms)
* Proposed schedule for programming (length of school day/number of days per week)
 |  |  |  |
| **Identification of Need and Community Coordination** **(10 Total Points)**Part II, C, 2, b of the RFA | **Limited Evidence****0-3** | **Adequate Evidence****4-6** | **Detailed Evidence****7-10** |
|  **Evidence includes:*** Demographics of the SAU related to the pre-k population
* Identified needs of SAU related to public pre-k and how the needs were identified
* How coordination with early childhood programming and agencies serving children and families in the community has been achieved to maximize resources
* How the extended childcare needs of working parents have been considered
* How public notice regarding the proposal of public pre-k has been provided and disseminated
* How coordination with CDS has been achieved
* How grant funding will help overcome identified barriers to serving pre-k students in the catchment area
* How SAU will re-evaluate public pre-k needs on regular basis
 |  |  |  |
| **Project Description****(27 Total Points)**Part II, C, 2, c of the RFA | **Limited Evidence****0-9** | **Adequate Evidence****10-18** | **Detailed Evidence****19-27** |
|  **Evidence includes:*** Space/environment/location in which the program will operate and its alignment to Chapter 124
* Evidence-based, whole child curriculum or plan for how decision will be made
* Evidence-based, whole child assessment system or plan for how decision will be made
* Multi-tiered system of support and plans for inclusion
* Plan for staffing
* Plan for professional learning
* Administrative coordination and management
* Transition strategies
* If applicable, description of partnership(s) proposed
 |  |   |   |
| **Recruitment and Enrollment****(5 Total Points)**Part II, C, 2, e of the RFA | **Limited Evidence****0-1** | **Adequate Evidence****2-3** | **Detailed Evidence****4-5** |
|  **Evidence of:*** Strategies for recruitment
* Inclusive enrollment policy and/or plan
 |  |  |  |
| **Evaluation****(5 Total Points)**Part II, C, 2, f of the RFA | **Limited Evidence****0-1** | **Adequate Evidence****2-3** | **Detailed Evidence****4-5** |
|  **Evidence of:*** Methods for evaluating implementation and effectiveness/success of program
* Strategies and tools for measuring students’ learning/development
* Methods/strategies for informing program improvements
* Methods/strategies for offering actionable feedback
 |  |  |  |
| **Sustainability** **(5 Total Points)**Part II, C, 2, g of the RFA | **Limited Evidence****0-1** | **Adequate Evidence****2-3** | **Detailed Evidence****4-5** |
|  **Evidence of:** * Strategies for sustaining programming beyond the period of grant funding
* Strategies for continuing to meet Chapter 124 Program Standards
 |  |  |  |
|  **Total Points:** |  |  |  |
| **Criteria C – Budget Forms & Budget Narrative** **(25 Total Points)**Part II, C, 3 of the RFA and all required attachments | **Limited Evidence****0-8** | **Adequate Evidence****9-17** | **Detailed Evidence****18-25** |
|  **Evidence:*** Budget is reasonable and justifiable for accomplishing set goals.
* Budget Tables 1, 2, and 3 are filled out properly
* Detailed explanation of how proposed project expenses were determined is provided in the budget narrative
* Explanation of how grant funds will be combined with other funding sources to support project
* Budget reflects capacity for successful implementation
* Budget narrative provides evidence of forward planning for sustainability of programming
 |  |   |   |
| **Total Points:** |  |  |  |
| **Criteria D – Competitive Priorities****(18 Total Points)**Part II, C, 4 of the RFA | **Less than 45%****0** | **Between 45% and 60%****1** | **More than 60%****3** |
| **1**. Percentage of school population eligible for Free and Reduced Lunch |  |  |  |
|  | **No Partnerships****0** | **At least one partnership with a community partner****3** |
| **2.** Establishment of a partnership with a community partner |  |  |
|  | **10-14 hours per week****0** | **15-19 hours per week****1** | **At least 20 hours per week but less than full day/full week** **2**  | **Full day, full week****3** |
| **3**. Number of hours of instructional programming |  |  |  |  |
|  | **No****0** | **Yes****3** |
| **4.** SAU in Cohort 2 |  |  |
|  | **No****0** | **Yes****3** |
| **5.**SAU starting pre-k programming for first time |  |  |
|  | **No****0** | **Yes****3** |
| **6.**SAU reaching universal enrollment of eligible 4-year-olds |  |  |
| **Total Points:** |  |
| **Overall Score:** |  |

1. **Selection and Award**
	1. Notification of conditional award selection or non-selection will be made in writing by the Department.
	2. Issuance of this RFA in no way constitutes a commitment by the State to award a contract, to pay costs incurred in the preparation of a response to the RFA, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel, or any other costs incurred by the Applicant.
	3. The Department reserves the right to reject any and all applications or to make multiple awards.
2. **Contract Administration and Conditions**
	1. The awarded Applicants will be required to execute a State of Maine Service Contract with the appropriate riders as determined by the issuing Department.
	2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Applicants. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110)). This provision means that a contract cannot be effective until at least 14 calendar days after award notification.
	3. Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Applicants in the finalization of the contract.
	4. In providing services and performing under the contract, the awarded Applicant must act as an independent contractor and not as an agent of the State of Maine.

**PART V APPLICATION FORM**

## Applicants must use the Application Form embedded below to submit their application in response to this RFA.

## The Application Form may be obtained in a Word (.docx) format by double clicking on the document icon below.

## The Budget Forms are available in Excel (.xlsx) format by double clicking on the document icons below.

## These forms will not be available when viewing this RFA in a web browser. Please be sure to download the RFA and open it in a desktop app to access the embedded forms.





**Example of Budget:**



**APPENDIX A SUBMITTED QUESTIONS FORM**

This form should be used by Applicants when submitting written questions to the RFA Coordinator.

If a question is not related to any section of the RFA, enter “N/A” under the RFA Section & Page Number. Add additional rows as necessary. Submit this document in WORD format, not PDF.

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFA Section & Page Number** | **Question** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**APPENDIX B SAMPLE SUBAWARD AGREEMENT**

RFA#

Pre-K Expansion Grants

**Appendix A – Sample Subaward Agreement**

*This is just a sample, please do not fill out*

**Subaward**

**Between**

**The State of Maine Department of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**AND**

**Subrecipient’s Name**

1. This Subaward is made by and between the State of Maine, Department of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Recipient) and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Subrecipient[[1]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn1)), relating to the United States Department of the Treasury (the US Treasury), State and Local Fiscal Recovery Funds, Assistance Listing 21.027.

1. Whereas, the Recipient and Subrecipient understand and agree that the funds disbursed under this subaward may only be used for the purposes set forth in the Subrecipient’s approved American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Business Plan, Parts 1 & 2 as follows:

* 1. Include Purpose of Subaward (description/narrative located in Approved Business Case Parts 1 & 2 (Performance Indicator section should also be included)):
1. Control Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. Reporting Codes (include applicable FYs): \_\_\_\_\_\_\_\_\_\_\_\_\_
3. Advantage Account Coding: 05A-XXX-XXXXX-XXXX.

* 1. This project/program fits into the following statutory category (select one): \_\_\_\_\_\_\_

1. To respond to the COVID-19 public health emergency or its negative economic impacts.

1. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work.

1. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency.

1. To make necessary investments in water, sewer, or broadband infrastructure.

1. Federal Award Information:
2. AWARD Identification #: [SLFRP0144](https://www.usaspending.gov/award/ASST_NON_SLFRP0144_2001)
3. Subrecipient name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Subrecipient's unique entity identifier: DUNS #
5. Federal Award Date: 3/3/2021
6. Subaward Period of Performance and Budget Period Start and End Date: March 3, 2021 through December 31, 2024[[2]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn2).
7. Amount of Federal Funds Obligated by this action by the pass-through entity (the Recipient) to the Subrecipient: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
8. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
9. Total Amount of the Federal Award committed to the subrecipient by the pass- through entity: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
10. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity: US Treasury and the State of Maine Department of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of Maine Contact Name Here.
11. Assistance Listing and Name: 21.027, US Treasury State and Local Fiscal Recovery Funds.
12. This award is not a R&D award.
13. Indirect costs are not allowed.

1. Now, therefore, for subaward amount received or to be received, including but not limited to the performance by the Recipient and the Subrecipient (the Parties) of their respective obligations under this Subaward, the Parties hereby agree as follows:
2. This agreement is a subaward and it is not a contract for good or services. The Recipient is the pass-through entity.
3. This agreement is for costs incurred between March 3, 2021 and December 31, 2024. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with payments from the Fiscal Recovery Funds. See footnote 2.

1. The Recipient will:
2. Perform a Risk Evaluation over the Subrecipient as required by the Federal Uniform Guidance. Depending on the outcome of the Risk Evaluation, the Recipient may add additional requirements and or restrictions for the use of this funding.
3. Communicate Federal Guidance references to the Subrecipient. Communicate changes in guidance or requirements as relevant to the Subrecipient’s Business Case when notified by the US Treasury.
4. Transfer funding to the Subrecipient upon receipt of a proper invoice supported by requirements as set forth by the Recipient.
5. Monitor the Subrecipient.
6. Fulfill federal reporting responsibilities with information furnished by the subrecipient.
7. Add additional items to this agreement as necessary to satisfy the Recipient’s responsibilities to the US Treasury.
8. Update this document if additional funding is approved for same purpose.
9. Verify the Subrecipient is audited as required by Subpart F of the Uniform Guidance when it is expected that the Subrecipients Federal awards expended during the respective fiscal year equal or exceeded $750,000.
10. Will follow the Closeout requirements in Uniform Guidance 2 CFR Part 200.344.

1. The Subrecipient will:

1. Use the SLFRF only for the eligible and permitted uses as included in the SLFRF statute, US Treasury’s Interim Final Rule and specifically for the purpose as outlined in the Subrecipient’s approved grant application
2. Use the SLFRF for eligible costs incurred between March 3, 2021 and December 31, 2024. With funds obligated by December 31, 2024 and expended by December 31, 2026. See footnote 2.
	1. A cost shall be considered to have been incurred for purposes of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.
	2. A subrecipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.
3. Follow the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost.
4. Not use SLFRF as non-Federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements.
5. Will allow Recipient and auditors to audit records as necessary.
6. Will furnish Recipient with expenditure documentation on a quarterly basis.
	1. To continue to receive funding, the Subrecipient must submit to the Recipient reporting information as requested
	2. Additionally, a quarterly progress report may be requested of the Subrecipient.
7. Will comply with Infrastructure Project requirements if applicable (see 8.c.).
8. Will follow the procurement standards in Uniform Guidance 2 CFR Part 200.317 through 200.327.
9. Will follow the Closeout requirements in Uniform Guidance 2 CFR Part 200.344.

1. Other Information for Reporting Purposes (The Recipient will complete section 7 - information can be obtained from the Agency’s associated Business Case.):
	1. Is this project serving an economically disadvantaged community[[3]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn3)?
		1. Recipients may assume that the funds for a project count as being targeted towards economically disadvantaged communities if the project funds are spent on:
			1. A program or service is provided at a physical location in a Qualified Census Tract (for multi-site projects, if a majority of sites are within QCTs);
			2. A program or service where the primary intended beneficiaries live within a QCT;
			3. A program or service for which the eligibility criteria are such that the primary intended beneficiaries earn less than 60 percent of the median income for the relevant jurisdiction (e.g., State, county, metropolitan area, or other jurisdiction); or
			4. A program or service for which the eligibility criteria are such that over 25 percent of intended beneficiaries are below the federal poverty line.
	2. Is this an Infrastructure or Non-infrastructure program?
		1. If yes, reporting requirements for Infrastructure Projects are included in Section 8 of this subaward. The Subrecipient will need to furnish the Recipient with this information.
2. Infrastructure projects must report detailed project level information, location, and expenditure data. All Water, Sewer, and Broadband infrastructure projects over $10 million must also report:
3. Number of employees/contractors
4. Number of direct or third-party hires
5. Wages/benefits by worker classification
6. Whether wages are at prevailing rate.
7. Recipients must also report:
	* 1. Detailed information on the wages and benefits provided, and how they will ensure a ready supply of skilled and unskilled labor, minimize the risk of labor disputes, and ensure a safe and healthy workplace.
		2. Some additional reporting requirements may be waived for recipients who can certify compliance with Davis-Bacon or certify they have entered into a Project Labor Agreement.

1. Please note that failure to comply with the restrictions on use contained in the federal guidance may result in recoupment of funds.

1. Additionally, please note that recipients and subrecipients are the first line of defense, and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, and abuse associated with their SLFRF award.

1. Signatures

For the State of Maine, Department of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Commissioner Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subrecipient Representative’s Name Here Date

[[1]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref1) State, local, territorial, and Tribal governments that receive a Federal award directly from a Federal awarding agency, such as Treasury, are ‘‘recipients.’’ A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient’s Federal award funding. The recipient remains responsible for monitoring and overseeing the subrecipient’s use of Fiscal Recovery Funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients’ use of payments from the Fiscal Recovery Funds for the duration of the award. Transfers under sections 602(c)(3) and 603(c)(3) must qualify as an eligible use of Fiscal Recovery Funds by the transferor. Once Fiscal Recovery Funds are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law and program guidance. For example, if a county transferred Fiscal Recovery Funds to a town within its borders to respond to the COVID–19 public health emergency, the town would be bound by the eligible use requirements applicable to the county in carrying out the county’s goal. This also means that county A may not transfer Fiscal Recovery Funds to county B for use in county B because such a transfer would not, from the perspective of the transferor (county A), be an eligible use in county A.

[[2]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref2) US Department of Treasury’s Reporting and Compliance document, Part 1, C. 2, Eligible Costs Timeframe.

[[3]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fstateofmaine.sharepoint.com%2Fsites%2FDOE-Procurement%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3af3f241c7fe4ab0be312b50016249de&wdenableroaming=1&mscc=1&hid=D0C34CA0-603A-2000-16C9-249F4143B3D5&wdorigin=ItemsView&wdhostclicktime=1656684030491&jsapi=1&jsapiver=v1&newsession=1&corrid=48c11325-8020-4bdc-bd75-67e34a44fae5&usid=48c11325-8020-4bdc-bd75-67e34a44fae5&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref3) Identify whether or not the project is serving an economically disadvantaged community, based if program or service is: a. provided at a physical location in a Qualified Census Tract (QCT); b. Primary intended beneficiaries live within a QCT; c. Eligibility criteria are such that the primary intended beneficiaries earn less than 60 percent of the median income; or, d. eligibility criteria are such that over 25 percent of intended beneficiaries are below the federal poverty line.

## Addendum A

##

## Uniform Guidance: [eCFR :: 2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1)

##

## § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](https://www.govinfo.gov/link/plaw/115/public/232), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](https://www.govinfo.gov/link/plaw/115/public/232), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See [Public Law 115-232](https://www.govinfo.gov/link/plaw/115/public/232), section 889 for additional information.

(d) See also [§ 200.471](https://www.ecfr.gov/current/title-2/section-200.471).

**§ 200.318 General procurement standards.**

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in [§§ 200.317](https://www.ecfr.gov/current/title-2/section-200.317) through [200.327](https://www.ecfr.gov/current/title-2/section-200.327).

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also [§ 200.214](https://www.ecfr.gov/current/title-2/section-200.214).

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[[85 FR 49543](https://www.federalregister.gov/citation/85-FR-49543), Aug. 13, 2020, as amended at [86 FR 10440](https://www.federalregister.gov/citation/86-FR-10440), Feb. 22, 2021]

**§ 200.319 Competition.**

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and [§ 200.320](https://www.ecfr.gov/current/title-2/section-200.320).

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with [§ 200.320(c)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(c)).

**§ 200.320 Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and [§§ 200.317](https://www.ecfr.gov/current/title-2/section-200.317), [200.318](https://www.ecfr.gov/current/title-2/section-200.318), and [200.319](https://www.ecfr.gov/current/title-2/section-200.319) for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) ***Informal procurement methods.*** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT),* as defined in [§ 200.1](https://www.ecfr.gov/current/title-2/section-200.1), or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) ***Micro-purchases*** -

(i) ***Distribution.*** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in [§ 200.1](https://www.ecfr.gov/current/title-2/section-200.1)). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) ***Micro-purchase awards.*** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) ***Micro-purchase thresholds.*** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with [paragraphs (a)(1)(iv)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(a)(1)(iv)) and [(v)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(a)(1)(v)) of this section.

(iv) ***Non-Federal entity increase to the micro-purchase threshold up to $50,000.*** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with [§ 200.334](https://www.ecfr.gov/current/title-2/section-200.334). The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in [§ 200.520](https://www.ecfr.gov/current/title-2/section-200.520) for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) ***Non-Federal entity increase to the micro-purchase threshold over $50,000.*** Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in [paragraph (a)(1)(iv)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(a)(1)(iv)) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) ***Small purchases*** -

(i) ***Small purchase procedures.*** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) ***Simplified acquisition thresholds.*** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) ***Formal procurement methods.*** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with [§ 200.319](https://www.ecfr.gov/current/title-2/section-200.319) or [paragraph (c)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(c)) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) ***Sealed bids.*** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) ***Proposals.*** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

(c) ***Noncompetitive procurement.*** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see [paragraph (a)(1)](https://www.ecfr.gov/current/title-2/section-200.320#p-200.320(a)(1)) of this section);

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

(5) After solicitation of a number of sources, competition is determined inadequate.

**§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-2/section-200.321#p-200.321(b)(1)) through [(5)](https://www.ecfr.gov/current/title-2/section-200.321#p-200.321(b)(5)) of this section.

**§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

**§ 200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](https://www.ecfr.gov/current/title-40/part-247) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**§ 200.324 Contract cost and price.**

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under [subpart E of this part](https://www.ecfr.gov/current/title-2/part-200/subpart-E). The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

**§ 200.325 Federal awarding agency or pass-through entity review.**

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in [paragraph (b)](https://www.ecfr.gov/current/title-2/section-200.325#p-200.325(b)) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

**§ 200.326 Bonding requirements.**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

**§ 200.327 Contract provisions.**

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

**APPENDIX C TRANSPORTATION GUIDANCE**

When starting or expanding public Pre-K classrooms, it is highly recommended that SAUs consider transporting students to and/or from school as well as to and/or from their residence or childcare setting. Providing transportation in public Pre-K is not required, however, research has shown that schools who provide transportation for their preschool students often experience higher levels of attendance, thereby increasing student outcomes ([North Carolina Early Childhood Foundation, 2019](https://www.attendanceworks.org/wp-content/uploads/2019/06/NCECF_report-attendancecounts-2019_digital-090719.pdf)).

If a school transports public preschool children, it is recommended that the standard of care offered to public preschool students meet the standard of care as defined by ["Guideline for the Safe Transportation of Preschool Age Children in School Buses,”](https://one.nhtsa.gov/people/injury/buses/guide1999/prekfinal.htm) which is provided by the National Highway Transportation Safety Agency.  In order to implement the recommendations set forth in this guideline, SAUs may consider the following transportation-related expenses in their grant applications:

1. The purchase and installation of Child Safety Restraint Systems (suitable for children's weight and age) that meet applicable [Federal Motor Vehicle Safety Standards (FMVSSs)](https://www.nhtsa.gov/laws-regulations/fmvss)
2. The installation of bus seats with lap belts or child restraint anchorages as instructed by the school bus manufacturer.
3. Payment (or stipend) to have an additional adult’s presence on the bus for the purpose of student safety and positive behavior/oversight.
4. Additional bus routes (e.g., mid-day runs) to accommodate the hours of operation of the proposed Pre-K program.

**APPENDIX D PUBLIC PRE-K PARTNERSHIP GUIDANCE**

**Background:**

Public Pre-K partnerships between School Administrative Units (SAUs) and community programs support the expansion of quality public Pre-K programming for four-year-olds by addressing barriers for schools, such as lack of classroom space, while also supporting and leveraging existing community programming and meeting the needs of children and families.Community programs and SAUs can work together to attain the goal of providing public Pre-K to more, if not all, four-year-olds in their communities.  Many eligible children may already be served in community programs.  The goal is not to remove children from these locations, but rather to provide the additional funding and support to increase program quality in order to meet the needs of Pre-K aged students and their families.

For additional information about Pre-K Partnerships beyond what is contained below in this appendix, please refer to the Maine DOE’s [Public Pre-K Guidebook](https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Public%20Pre-K%20Guidebook_1.pdf). The section highlighting collaborations and partnerships begins on page 11. Additionally, at the bottom of page 11 there is a link to the three-part professional learning series the Department created as a resource for interested partners.

 **Public Pre-K Partnerships:**

* **Public Pre-K partnerships require a collaboration between a school administrative unit (SAU) and a local Head Start and/or a local licensed childcare provider which is formalized in a contractual relationship established through a Memorandum of Understanding (MOU).**All programs are required to meet the same standards laid out in Chapter 124, including class size maximums, facilities requirements and staffing.  In addition, public Pre-K programs established in partnership with a local Head Start program need to continue to meet the requirements set by the federal government.  Partnerships can also be established with local licensed childcare programs demonstrating quality early care and education. The Maine Department of Education strongly encourages partnerships with programs that are rated as a step 3 or 4 on Maine’s Quality Rating and Improvement System.  Public Pre-K programs established in partnership with licensed childcare programs need to meet the childcare licensing requirements set by the Office of Child and Family Services in the Department of Health and Human Services.

* **Regardless of location, the SAU is responsible for program implementation and quality.**Oversight to ensure the implementation of the high-quality program rests with the school administrative unit.  Partnership programs will be included in the schedule for site visits conducted by Maine DOE’s Early Childhood Monitor.

* **In these partnerships, state funding for the cost of programming flows through the school administrative unit.** Eligible SAUs receive state funding for each enrolled public Pre-K student through the EPS formula and in turn fund collaborating programs. Those dollars are to be used to operate the public Pre-K program and meet the required program standards.

* **Childcare and Head Start teachers in public Pre-K partnership classrooms do not have to be employees of the SAU and typically are not.**Although teachers in collaborating programs must meet the same standards as school administrative units, they typically remain childcare or Head Start employees.   An SAU may choose to employ the Pre-K teachers located in a childcare or Head Start.  Staffing arrangements and expectations should be part of the Memorandum of Understanding established between the SAU and the community program.  Maine DOE encourages school administrative units to consider attaining or getting close to pay parity for Pre-K teachers who are not employed by a school.

**Steps to Collaboration**

* **Determine your community’s Pre-K universe and existing programming for 4-year- old’s.**Conduct a local community assessment to identify existing early childhood education and special education services being provided to Pre-K-age children and their families, and to determine existing gaps.  Assure that methods for collecting local community assessments are accessible and culturally responsive, ( translation services if needed, outreach through multiple means, etc.). Survey parents with young children regarding their needs for care and their desires for educational opportunities for their young children.  Examine recent kindergarten enrollment numbers to estimate your potential Pre-K population

* **Assess building facilities.**All Pre-K classrooms, regardless of where they are located, are required to be a minimum of 35 feet per enrolled child, must be accessible for children with disabilities and must be within 40 feet of a bathroom.   Identifying classrooms in district facilities will provide districts with an idea of how many young children can participate in an in-district program, and approximately how many classrooms will be required in community settings.

* **Contact childcare and Head Start providers.**Childcare and Head Start programs provide education and care to children from birth through age five in most communities.  These programs should have been identified in your community needs assessment.  Licensed child care programs can be found at the community level on the Child Care Choices website at <https://search.childcarechoices.me/>  Maine Head Start Grantees can be found on the DOE Head Start Collaboration Website at <https://www.maine.gov/doe/learning/earlychildhood/headstart/grantees>

* **Meet with potential community partners.**If providers meet the classroom facilities requirement, employ or are willing to hire teachers with appropriate training and education levels, and express interest in collaborating with the SAU, a meeting between them and administrators should be scheduled. Holding the initial meeting at the childcare or Head Start program allows staff to see first-hand the state of the facility, and assess the available classroom space, program operations and leadership capacity. Keep in mind that, while classrooms may not represent high-quality when you visit, the infusion of state funding provides ample resources for materials, supplies, curriculum, and professional development that will be a first step in raising the level of quality. Centers can contract for existing or new classroom space. The contracting classrooms must serve district residents and meet program standards.

**Frequently Asked Questions**

1. **How do SAUs plan a budget for administering a contract with Head Start or childcare center?** Both the SAU and the community program should determine anticipated expenses for operating the program. The SAU should determine relevant costs for program oversight and providing other services such as transportation, nursing, and professional development.  The community program should calculate costs for operating the Pre-K program such as salaries, overhead (rent, utilities), classroom supplies and materials, etc. Once those costs are determined, the SAU and provider should meet to agree upon an appropriate rate based on program and SAU expenses.  SAUs and community partners will have to determine how the two streams of funding will be blended and/or braided together to cover the overall cost of the program.  This agreement can vary greatly from partnership to partnership across the state depending upon exact expenses and the kind of community partner involved in the partnership.  In partnerships with Head Start agencies, the schools and the Head Start program may choose to pay for different expenses.  For example, the Head Start may be responsible for providing the materials in the classroom while the school covers the cost of transportation.  In childcare facilities where parents are paying for the cost of care and education for their children, it is important to note that there should be no cost for parents for the time the children are participating in a public pre-K program.  This should be taken into consideration when determining the cost per child in a partnership with a private childcare facility or private preschool.

1. **Do classrooms in Head Start and Private Providers have to be new/empty classrooms that are brand new?** No, existing classrooms in a Head Start and/or Private Provider can be considered expansion if they adhere to Chapter 124.

1. **Are school districts that contract with private providers required to submit additional documentation?** Yes, once memorandums of understandings between the community partner and the SAU are finalized, SAUs should submit a copy to Nicole Madore at the Department at Nicole.madore@maine.gov.
2. **Do students attending public pre-k in a SAU/Community Provider partnership attend for free?**

Any student who is enrolled as an SAU student, thereby counted on the SAU’s ED 279, must receive their public Pre-K education at no cost to the family. Grant or local/state funding must be used to reimburse the community partner for the time the student is enrolled for Pre-K programming. Costs associated with wrap around childcare (before or after the Pre-K programming hours) are not an allowable use of the RFA funding.

1. **What would be the benefit for both school and the other Pre-K provider to become partners?**

Many communities have a variety of early childhood providers, both private and public. Collaborating to offer families options in educational and childcare services can be a great benefit for working and non-working families. High-quality education can be provided in settings that families prefer (such as childcare centers) at no cost to the family. Partnerships can also result in improved community relationships, maximized use of funding, and aligned curriculum and assessment practices. For more information about the benefits of partnerships, see the following resources.

* Appendix C of the RFA (pages 18-24
* [Public Pre-K Guidebook](https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Public%20Pre-K%20Guidebook_1.pdf)
* Unpacking the Pre-K Guidebook [session 3 of 7](https://www.youtube.com/watch?v=DZpYAyRA_QY)
* [Working with Community Partners series](https://www.maine.gov/doe/learning/earlychildhood/resources)

1. **How exactly would partnering with a Head Start Program work?**

There are a variety of ways in which Head Start and SAU partnerships operate. In many instances, the Head Start providers operate the classrooms to meet their federally mandated requirements for curriculum, assessment, screening and family engagement practices. Partners must communicate the goals and expectations of the program to determine the best roles and responsibilities of each entity.  Formal MOUs between SAUs and Head Start programs will highlight the mandated requirements and partner expectations.

1. **Are community partnerships identified as having a Pre-K classroom housed in a community partner's facility? Or does it include collaborating on providing services like school day programming in the school and afterschool in the partner's space?**

Community partnerships are identified as at least one SAU and one community provider working together to provide free, Pre-K education services during typical school day hours. Before and after school care occurs outside of the typical school day and is not fundable through this RFA.

1. **Would the following count as a partnership under the grant's definition?**

* **Working with a Community Services organization to support with wrap around care.**

No. Wrap around care occurs before and/or after the regular school day.

* **Working with local private Pre-K providers to collaborate on professional development opportunities.**

No, while this practice is encouraged, this type of collaboration would not constitute a formal partnership for direct education purposes. Allowable partnerships for this RFA must support the addition of new public Pre-K program slots for Pre-K students or the expansion of part day/part week programming to full day/full week programming.

* **Working with local private Pre-K providers to transport students before/after school to their facility.**

No, while this practice is encouraged, this type of activity would not constitute a formal partnership for direct education purposes.

* **Sharing and collaborating on curriculum with local private Pre-Ks to better align with what students are doing in school.**

No, while this practice is encouraged, this type of collaboration would not constitute a formal partnership for direct education purposes.

1. **If the SAU partners with the local YMCA to provide swim lessons for Pre-K students during the school day, would that be considered an eligible partnership for the purposes of the grant?**

No, this would not be an eligible partnership.  It is possible for an SAU to partner with a local YMCA, but the partnership must result in provision of a free and appropriate pre-k education and not solely swim lessons.

1. **What if there are no appropriate community partners for an SAU to partner with?**

It is not a requirement for an SAU to partner with a community provider to apply for these grant funds.

1. **Do partnerships need to be within the town limits? If it was over town lines would it count?**

As long as the partner is providing a free and appropriate education that meets the standards outlined in Chapter 124 to SAU identified students, partnering with a community provider located outside the SAU catchment area is allowable. SAUs will only receive funding through their ED279 for students within their catchment area or with Superintendent agreements.

1. **Is there a certain number of partnerships that are expected?**

No, SAUs may engage in one or more partnerships to start or expand programs to serve more students or to increase current programming from part day/part week to full day/full week, but partnerships are not required to apply for these funds.