



# Commonwealth of Kentucky SOLICITATION

**TITLE:** STATE CONSORTIUM ON BOARD EXAM SYSTEMS (SCOBES) RFP

<b>DATE ISSUED</b> 2010-08-05	<b>SOLICITATION CLOSES</b> Date: 2010-09-02 Time: 16:00:00	<b>SOLICITATION NO.</b> RFP 540 110000041
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<b>I S S U E D  B Y</b>	Capital Plaza Tower Hiren Desai	<b>A D D R E S S  T O</b>	<b>Please see the Terms and Conditions For Information on where to submit Your Bid/Proposal.</b>
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<b>V E N D O R</b>	<b>Name:</b> <b>Address:</b> <b>City, State Zip Code:</b> <b>Phone #:</b> <b>Email Address:</b> <b>Contact Name:</b> <b>Contact Email:</b> <b>Vendor Customer (VC) #:</b>	<b>R E M I T  T O</b>	<b>Name:</b> <b>Address:</b> <b>City, State Zip Code:</b> <b>Phone #:</b> <b>Email Address:</b> <b>Contact Name:</b> <b>Contact Email:</b> <b>Vendor Customer (VC) #:</b>
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**FOR INFORMATION CALL:**

Hiren Desai  
502-564-1976

**ONLINE BIDDING PROHIBITED**

Yes

**OWNERSHIP TYPE:**

Sole Proprietorship  Partnership  Corporation

**SIGNATURE OF AUTHORIZED AGENT IS REQUIRED UNLESS RESPONSE IS SUBMITTED ELECTRONICALLY  
FAILURE TO SIGN SHALL RENDER THE BID INVALID.**

Signature X \_\_\_\_\_ FEIN# \_\_\_\_\_ DATE \_\_\_\_\_

*All offers subject to all terms and conditions contained in this solicitation.*

**Line Items**

Line Group: Default						
Line	CL Description	Due Date	Quantity	Unit Issue	Unit Cost	Line Total Or Contract Amt

1 STATE CONSORTIUM ON BOARD  
EXAM SYSTEMS (SCOBES) RFP

Comm Code	Comm Description	Manufacturer	Model #	Man Part #
92400	EDUCATIONAL SERVICES			

**Extended Description**

\*UPDATES\*  
PLEASE NOTE NEW SUBMISSION DEADLINE  
4:00 P.M. (EDT), THURSDAY, SEPTEMBER 2ND, 2010

NEW REQUIREMENT: YOU MUST INCLUDE ONE ORIGINAL HARD COPY (INCLUDING ORIGINAL SIGNATURES IN BLUE INK) AND TWO ELECTRONIC COPIES (ON CD) OF THE PROPOSAL IN ITS ENTIRETY.

The State Consortium on Board Examinations (SCOBES) seeks applications from organizations wishing to have their Board Examination Systems (BES) certified by SCOBES for use in SCOBES member states (See Note 1). We are defining Board Examination Systems as high quality instructional systems designed for use in high schools and consisting of coherent programs of study, each course of which is defined by a robust syllabus, a set of instructional materials designed to support the syllabus, examinations designed to measure the extent to which students have mastered the material described in the syllabus, external scoring of the examinations and high quality training for the teachers who will teach the courses. We wish to offer the best of the world's available Board Examination Systems to our students, with such adaptations as may be necessary.

Note 1: Arizona, Connecticut, Kentucky, Maine, Massachusetts, Mississippi, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island and Vermont. Each member state will be utilizing state-specific cooperative purchasing laws to enable them to access the certified organizations selected through this competitive process. Accordingly, there may be additional state-specific legal requirements that will have to be negotiated, prior to the establishment of a suitable contract with each member state. In addition, to the extent that other member states are approved by SCOBES to join the Consortium in the future, those members states may choose to utilize this procurement in accordance with their state-specific legal requirements also.

This announcement describes the criteria that SCOBES will use to determine whether it will certify an organization as a supplier of Board Examination Systems to our states, and sets forth the schedule for making that determination. Following the decision as to which organizations will be certified for this purpose, SCOBES will enter into negotiations with the certified organizations to determine the specific products and services to be offered by each, the adaptations required in those products and services and the prices that will be charged for those products and services to the member states. This announcement describes the process that SCOBES will use to make these procurement decisions.

<b>B I L L  T O</b>	339005			<b>S H I P  T O</b>	339005		
	KDE FINANCIAL MGT				KDE FINANCIAL MGT		
	500 MERO ST				500 MERO ST		
	FRANKFORT	KY	40601		FRANKFORT	KY	40601
	US				US		

Evaluation Criteria			
<i>The following criteria will be used when determining the award of this solicitation</i>			
Code	Criteria Description	Points	Vendor Response <small>(DO NOT LIST PRICES IN THIS SECTION. UNIT PRICES AND TOTAL PRICES MUST BE FILLED IN ADJACENT TO THEIR LINE ITEMS.)</small>
	DIPLOMA PROGRAM	50	
	TECHNOLOGY COURSES	20	
	CROSS-DISCIPLINARY COURSES	20	
	ASSESSMENTS	20	
	STUDIES	50	
	COMPARABILITY APPROACH	20	
	ACCESS AND ACCOMMODATIONS	20	
	COMPREHENSIVE COURSES	50	
	MATH/SCIENCE COURSES	20	
	EVIDENCE	35	
	COMPARABILITY EVIDENCE	20	
	ARTS COURSES	20	
	SYNTHESIS	35	
	STANDARD/ADVANCED COURSES, SYLLABI, EXAMINATIONS	20	
	REPORTING	20	

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**REQUEST FOR PROPOSALS  
ISSUED BY THE  
COMMONWEALTH OF KENTUCKY  
Department of Education  
ON BEHALF OF THE  
State Consortium on Board Examinations Systems (SCOBES)**

**\*UPDATEs\***  
**PLEASE Note NEW SubMISSION DEADLINE**  
**4:00 p.m. (EDT), Thursday, September 2nd, 2010**

**NEW Requirement: You must include one original hard copy (including original signatures in blue ink) and two electronic copies (on CD) of the proposal in its entirety.**

This document constitutes a Request for Proposals from qualified individuals and organizations to furnish those services as described herein.

Important Dates:

Webinar (Technical Assistance): 10:00 a.m. (EDT), Friday, August 6<sup>th</sup>, 2010  
Deadline for Submission of Questions: 12:00 Noon (EDT), Wednesday, August 11<sup>th</sup>, 2010  
Deadline for Submission of Proposal: 4:00 p.m. (EDT), Thursday, September 2<sup>nd</sup>, 2010

Please note:

On the solicitation in the box marked "Vendor" you should include individual or company name, address, phone number and email address.  
Under additional vendor information, you must sign this line and include FEIN for companies or SSN if you are applying as an individual.  
You must include one original hard copy (including original signatures in blue ink) and two electronic copies (on CD) of the proposal in its entirety.  
Write the **SCOBES RFP** on the outside of your envelope when mailing to KDE.  
Continue to check the KDE website for any changes/updates regarding this solicitation.  
KDE reserves the right to waive minor technical deficiencies.

**DESCRIPTION OF SERVICES REQUIRED**

**Overview**

The State Consortium on Board Examinations (SCOBES) seeks applications from organizations wishing to have their Board Examination Systems (BES) certified by SCOBES for use in

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SCOBES member states (See **Note 1**). We are defining Board Examination Systems as high quality instructional systems designed for use in high schools and consisting of coherent programs of study, each course of which is defined by a robust syllabus, a set of instructional materials designed to support the syllabus, examinations designed to measure the extent to which students have mastered the material described in the syllabus, external scoring of the examinations and high quality training for the teachers who will teach the courses. We wish to offer the best of the world’s available Board Examination Systems to our students, with such adaptations as may be necessary.

***Note 1: Arizona, Connecticut, Kentucky, Maine, Massachusetts, Mississippi, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island and Vermont. Each member state will be utilizing state-specific cooperative purchasing laws to enable them to access the certified organizations selected through this competitive process. Accordingly, there may be additional state-specific legal requirements that will have to be negotiated, prior to the establishment of a suitable contract with each member state. In addition, to the extent that other member states are approved by SCOBES to join the Consortium in the future, those members states may choose to utilize this procurement in accordance with their state-specific legal requirements also.***

This announcement describes the criteria that SCOBES will use to determine whether it will certify an organization as a supplier of Board Examination Systems to our states, and sets forth the schedule for making that determination. Following the decision as to which organizations will be certified for this purpose, SCOBES will enter into negotiations with the certified organizations to determine the specific products and services to be offered by each, the adaptations required in those products and services and the prices that will be charged for those products and services to the member states. This announcement describes the process that SCOBES will use to make these procurement decisions.

The Consortium’s interest in such systems springs in part from the reality that today even relatively good U.S. high schools typically offer students an array of unrelated courses with little inter-course coherence and limited or spotty connection between course content and high-demand, high-quality assessments. U.S. high schools also rarely make demands on students that are sufficient to prepare them for the academic and cognitive tasks they will encounter in post-secondary settings, whether educational or vocational. This stands in sharp contrast to the circumstances in many high performing countries that operate board examination systems as a central secondary education policy component.

***Background***

The State Consortium on Board Examination Systems (SCOBES) has been established to facilitate the establishment and improvement of world-class, coherent instructional systems for use in American high schools. Such systems offer a complete high school academic curriculum, well conceived syllabi for each course, instructional materials designed to support the curriculum, high quality assessments with external scoring systems built around the syllabi, and teacher training tailored to each course. Our aim is to enable our member states to offer

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their high schools not just one, but multiple board examination systems from among which they may choose. Twelve states are now members of the Consortium, attracted by the promise of participating in a demonstration program designed to enable them to improve the performance of their students through the use of some of the most effective instructional systems in the world. We expect other states to join the Consortium over the next few years.

The demonstration program will begin with a planning year during the 2010-11 school year and then with initial implementation in the 9<sup>th</sup> and 11<sup>th</sup> grades in the 2011-12 school year. In the following year the demonstration would expand to include 10<sup>th</sup> and 12<sup>th</sup> grade students. The program will be piloted in at least 100 schools and will run for three years. It will be independently evaluated, and if found to yield positive results the participating states are committed to implement these systems statewide beginning in the 2014-15 school year.

The Consortium is interested in offering schools not just a collection of random courses, but full-fledged, coherent programs of study. Providers could offer either lower division programs (9<sup>th</sup> and 10<sup>th</sup> grade), upper division programs (11<sup>th</sup> and 12<sup>th</sup> grade), or both. The lower division programs should serve two functions: to prepare students for the upper division programs; and to allow students who can demonstrate command of the subject matter the option to receive a local or state high school diploma and enroll in any of their state's open enrollment institutions as regular full-time students following their sophomore year of high school. We have labeled this the Move On When Ready option. The upper division programs should be designed to prepare students for admission to selective colleges or to lead to industry-recognized credentials. Those programs designed to prepare students for entrance into selective colleges should lead to diplomas from the providers that are broadly recognized and honored not just at U.S. colleges and universities but also at leading institutions of higher education around the world. These programs may include courses that yield college credit.

Because this initiative is designed to dramatically increase the percentage of students who graduate from high school ready to begin college without having to take remedial courses, programs that offer a robust strategy to address the needs of underperforming students will be favored. This includes: instructional resources that would enable schools to identify students entering the ninth grade who are not ready for the ninth grade curriculum and offer them the help they need to bring them up to grade level; instructional resources designed to provide support for 11<sup>th</sup> grade students who do not pass their board examinations so they have a better chance of passing those examinations on a subsequent attempt; and formative assessment tools designed to alert teachers to the need for just-in-time interventions to provide immediate help to students who are struggling with key concepts or ideas.

The Consortium has engaged the National Center on Education and the Economy (NCEE) to serve as Program Manager for this initiative. A Technical Advisory Committee (See **Note 2**), assembled by NCEE, will oversee the technical work necessary for the various Board Examination Systems to function as planned. NCEE will also assist Kentucky, the Lead State for Procurement for SCOBES, in the management of this qualification process and in other aspects of procurement.

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**Note 2: Howard T. Everson, City University of New York (co-chair), James W. Pellegrino, University of Illinois-Chicago (co-chair), Lloyd Bond, Carnegie Foundation for the Advancement of Teaching, Philip Daro, America’s Choice, Richard P. Duràn, University of California-Santa Barbara, Edward H. Haertel, Stanford University, Joan Herman, UCLA, Robert L. Linn, University of Colorado, Catherine E. Snow, Harvard University and Dylan William, University of London.**

In June 2010, SCOBES and the National Center on the Education and the Economy applied for \$60 million in funds from the United States Department of Education to support the SCOBES demonstration/pilot program. Approximately \$40 million of that amount is designed to be used to support the purchases made by the demonstration schools of materials and services from the Board Examination System providers that are certified through the process described in this announcement. Some of the states in our Consortium have pledged to use state funds to add to the 10 schools per state for which federal funds have been requested, and some state foundations have expressed a similar intention. All the states in the Consortium are pledged to implement the Board Examination System program statewide if the independent evaluation of the program shows that students who participate in the program achieve at higher levels than those who do not.

Thus, we expect that that the SCOBES demonstration will create a significant market for Board Examination Systems, followed by the development of a far larger market for Board Examination Systems when these states implement the program statewide and other states join them. Given the significant expansion of the market for Board Examination Systems that we anticipate, SCOBES expects the Board Examination System providers to bear the expenses associated with adapting and possibly expanding their offerings to meet the criteria for certification described in this announcement.

In the event that SCOBES does not succeed in winning all of the funds applied for from the federal government, the program will still proceed, albeit at a slower pace. SCOBES expects to hear from the federal government as to whether its proposals have been selected for negotiation between early August 2010 and early September 2010. In order to meet our deadlines for implementation in the demonstration schools, the process for certifying board examination system providers must follow the schedule described in this RFP. However, the schedule has been designed so that no Board Examination System provider will be expected to make any investments in adapting their offerings to comply with the criteria described in this RFP before the results of the federal review of our proposals are known.

***The Qualification Process***

To determine which organizations are eligible to offer Board Examination Systems to schools in the participating states through SCOBES and which of their programs can be part of their offerings, the lead state, with the assistance of the Program Manager, will conduct the following multi-step process:

1. Announce the eligibility criteria and issue a call for BES providers to present their qualifications in a Request for Proposals (RFP), this document, issued on August 2<sup>nd</sup>, 2010.

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2. Conduct a webinar at 10:00 a.m. (EDT) on Friday, August 6<sup>th</sup>, 2010, for interested applicants to seek clarifications on any aspect of the RFP. Information on how to participate in the webinar will be available on the website of the National Center on Education and the Economy ([www.ncee.org](http://www.ncee.org)) in advance of this event.

3. Accept questions in writing – deadline for Submission of Questions is 12:00 Noon (EDT), Wednesday, August 11<sup>th</sup>, 2010. Address questions to Leah Settle at [Leah.Settle@education.ky.gov](mailto:Leah.Settle@education.ky.gov). Responses to questions will be posted on Friday, August 20<sup>th</sup>, 2010.

4. Accept submissions of Qualification Statements no later than **4:00 p.m. (EDT), Thursday, September 2<sup>nd</sup>, 2010** to:

Leah Settle  
Kentucky Dept. of Education  
1633 Capital Plaza Tower  
500 Mero St.  
Frankfort, KY 40601

5. Undertake reviews of the Qualifications Statements and select certified organizations no later than Friday, October 1<sup>st</sup>, 2010.

6. Conduct conversations with each certified organization to ascertain their views about how they would proceed to meet any criteria where they might not be in full compliance and to discuss any outstanding concerns, including additional desirable features they might be willing to add to their offerings prior to the launch of the demonstration in Fall 2011.

7. Conduct negotiations with each certified organization to agree on the specific products and services to be offered and prices for each during the life of the three-year demonstration program that will begin with the 2011-12 school year. Providers will have the option to reduce their prices during the demonstration period, but not raise them.

8. Post an approved purchasing list of providers' products and services no later than Monday, November 15, 2010. Any participating state and their school districts in the Consortium will be allowed to purchase items off that list at stated prices for stated quantities.

9. Repeat this qualification process not more frequently than once each year and not less frequently than once every other year, to allow new providers into this marketplace and to allow certified providers to expand their offerings.

10. Conduct recertification procedures for providers, who will be required to stand for recertification every five years.

11. SCOBES reserves the right to adjust the timeframe of the qualification process, if it is in the best interest of the Consortium to do so.



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### ***Eligibility Criteria***

To qualify as a certified provider interested organizations will have to meet three types of criteria:

1. Absolute – criteria that have to be satisfied at the outset without exception.
2. Conditional – criteria that are necessary for full certification, but if not met at the outset can lead to a designation of provisional certification if a plausible plan can be presented that will correct any deficiency in the course of the subsequent 12 months.
3. Preferential – criteria that enhance the capacity of providers to provide high schools with high quality instructional systems that meet the objectives and priorities of the SCOBES states. Each preferential component will carry with it a fixed point value. A cumulative total of 150 points will be required to qualify for certification. Providers that currently cannot meet some of these criteria but can advance a plausible plan to meet one or more such criteria in the course of the subsequent 12 months will be credited with the points associated with those criteria. However, providers credited with points on the basis of features to be delivered at a future date will be decertified if those features are not delivered by that future date and this results in the sum of all points earned falling below the threshold level.

To meet the Absolute Criteria providers must offer evidence that they and their Board Examination Systems exhibit the following attributes:

1. For all courses offered there are well-developed syllabi, closely aligned instructional materials (See **Note 3**), course examinations with external scoring and moderated or audited scoring processes as needed, and teacher training and related support designed to enable teachers to teach each course well to a range of students. The grades awarded by the board examination system providers may be based on the grades given for required tasks assigned during the course of the year as well as student performance on end-of-course timed examinations. Accompanying these individual components there is what amounts to a course guide that spells out how these components are related one to the other. A reasonable and trained observer familiar with board examination systems would be able to come to a judgment that, overall, the system offered is comparable to the strongest systems currently in use around the world with respect to each of the primary components described above.

***Note 3: These can be materials developed by the providers or by others and be endorsed by the providers.***

The proposal should specify the courses that will be available for the 2011-12 school year and any plans to bring additional courses on-line in subsequent years. It should also describe the nature of the materials and services that are associated with each course, including the opportunities for teacher training in advance of the 2011-12 school year.

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2. Each course offered must be rigorous. By this we mean that the quantity and quality of assignments, the criteria for grading assignments, and the instructional support for successful completion of assignments compares favorably to assignments in nations with exemplary examination systems. This criterion may be met by showing that a course that is substantially similar in design has been certified by a governmental or quasi-governmental body whose concern for rigor is widely recognized, that a course is set to standards developed by another widely recognized authority or authorities in the field, that a course is widely recognized by higher education institutions in their admissions processes or for the award of college credit or, in the case of career/technical courses of study that may form an alternative upper division pathway through high school, that a course is recognized by business/industry organizations that offer certification systems.

3. The examination system is transparent to students and teachers, including scoring rules and practices. It must make past examination tasks with sample scored responses available to students and teachers or examples of very similar exam questions and scored responses available.

4. The examinations have the capacity to assess students in each field to measure a range of higher order—or complex—thinking skills, including, but not limited to, the ability to analyze complex, novel problems; to synthesize information from disparate sources; to judge and balance often conflicting evidence; to demonstrate creativity and a capacity for innovation; to defend their thinking; and to clearly communicate their reasoning, findings and conclusions. These examinations must, in the judgment of the reviewers, be close to the best in the world available for use at a state or national scale, at measuring these capacities. Applicants are advised that SCOBES is skeptical that the exclusive use of computerized scoring would adequately allow the assessment of higher order thinking skills. Consequently, where providers believe that they are able to do this, considerable supporting evidence should be provided.

5. Their high school BES must have been operating for a minimum of three years prior to the 2011-12 school year at a scale sufficient to provide all the data required by the certification team to make the judgments described herein.

6. The organization must have experience operating BES or other examination programs at a state or national scale and must demonstrate that it can quickly add capacity as new states join the Consortium and as the initial states decide to expand the number of participating schools without any loss of quality.

7. Lower and upper division courses must be available in English and mathematics and a selected set of courses in the sciences, technology and engineering, based on a rationale offered by the bidders, must also be available for each of the lower division and upper division levels at which they wish to offer programs.

8. In addition to the preceding, certified Board Examination Systems must meet the following absolute criteria, several of which are accompanied by examples of how such criteria can be met:

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### **Test Design**

- a. There are sound procedures for training and monitoring task developers (e.g., task writer training and monitoring processes demonstrate that the protocols that are used are likely to ensure consistency of tasks written).
- b. The content of the tasks is reviewed as part of the development process and such reviews ensure that the tasks measure the breadth and depth of what students are expected to learn as specified by the syllabi.
- c. The design process yields coherent assessments that have the same foci as the curriculum/syllabus.
- d. There is a well-formulated approach to issues of test bias and evidence that it is effective.

### **Scoring**

- a. There is a defensible process for the development of scoring criteria (e.g., there are clear links between scoring rules and the learning/course objectives and scoring rules and task demands).
- b. There are procedures for ensuring consistency and accuracy of scoring, including moderation of local scoring practices.
- c. If scoring is conducted at the local level, there should be explicit evidence showing that scoring is conducted in a consistent and accurate manner.
- d. There is a clear description of the procedures and criteria for the selection, training and monitoring of scorers and evidence that they are being adhered to thus assuring continuous quality control (e.g., documentation of training, monitoring and calibrating of scorers to ensure similar scoring with evidence, such as high inter-rater agreement).

### **Performance Levels/Standards Setting**

- a. There is a clear and defensible approach to establishing performance levels (e.g., stakeholders with content expertise and teaching experience are part of the panels developing the performance level descriptors, and the standard setting approach is appropriate for the type of tasks/assessment).
- b. There is a process in place to ensure that the standards are consistent over time (e.g., classification accuracy of each assessment is documented each year with comparable results to previous years).
- c. There is a defensible approach for aggregating item level scores to a total student score (e.g., tasks are weighted to reflect their emphasis in the course syllabi).

### **Comparability**

There are defensible procedures employed for evaluating comparability of assessment inferences from year to year (e.g., documentation of equating methodology, content expert judgments ensure similarity of task/assessment difficulty from one year to the next).

### **Access and Accommodations**

There exist comprehensive accommodation policies for English language learners and students with disabilities based on current research and principles of fairness that are well administered.

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This includes clear procedures for assigning accommodations, and clear directions for administration, scoring and use. For assessments that are to be computer-based, an explanation of special accommodations that are made available to meet this mode of administration should be provided.

### **Administration and Training**

There are well-designed guidelines for test administration procedures for the purpose of ensuring fairness and consistency across test administrations and scoring, and evidence that they are faithfully implemented.

### **Reporting**

Reports are designed to provide information on students' mastery of course content in a manner that provides reliable and valid interpretations of assessment results, providing states, districts, schools, teachers and parents with instructionally useful information to improve student learning in a timely manner. Applicants should specify the timing of proposed reporting practices and discuss the trade-offs associated with alternative approaches to the extent they think such alternatives have merit and might be attractive to SCOBES.

### **Data**

- a. The provider must provide evidence that it can associate each test record with the student's state-provided Secure Student Identification number (SSID), the teacher identification number (if applicable), and school and district identification information in a secure and reliable manner.
  
- b. In addition to providing individual student and school reports, the provider must produce aggregate reports of assessment results for participating school districts and states. The specific fields to be included in the aggregate reports will be negotiated between each provider and SCOBES, but at a minimum, successful providers must provide assurances that they can provide "CSV" files that include student-by-item information, score item responses, raw scores and scale scores, if applicable.

The Conditional Criteria that must be satisfied no later than the start of the 2012-13 school year are as follows:

1. All syllabi, instructional materials, professional development materials and examinations must be available in American English.
  
2. All English and mathematics courses offered must be compatible with the Common Core State Standards (CCSS). Courses that choose to treat some concepts in greater depth or incorporate concepts that are not required by CCSS while at the same time doing justice to the CCSS will be seen as meeting this criterion. New materials for these courses must be submitted for review no later than April 1, 2012, together with an explanation of how the courses meet this criterion.
  
3. Lower division providers will offer courses in American and World History and upper division providers will offer courses in history and/or the other social sciences. Applicant must explain

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how it will ensure that these courses are developed and ready for review by demonstration program schools on or before April 1, 2012

4. Providers of BES must include substantial performance tasks in the syllabi for English, mathematics, science and history/social studies, and scores for these tasks must account for at least 25% of the final course grade awarded by the BES provider. These tasks must be designed to capture performances of a kind that will be demanded of students in the work they plan to do when they finish school or in their further education. Examples might include the development of a substantial history research paper, the construction of a well-functioning robot, the conduct of a scientific investigation, or the design, collection and analysis of data on the use of regional transit systems or health care facilities. While some such tasks could be incorporated in end-of-year timed examinations, most would be expected to be conducted in school during the course of the school year but be counted by the providers in the final grades they issue for each student. Applicants must submit an explanation of whether its courses currently meet this qualification, or how it will ensure that it complies with this criterion going forward.

5. Each course syllabus will be accompanied by a set of formative assessments that teachers can employ to inform instructional decision-making.

6. The teacher training offered for each course must be readily accessible to all teachers in the Consortium states, including those working in remote rural schools.

7. For providers wishing to offer lower division programs, significant resources must be provided that will enable students entering the ninth grade below grade level in either mathematics or English language literacy to catch up with their peers, and for students who fail to meet the literacy standards of their sophomore year examinations, to do so after another year's study. The reader will note that an enhanced version of this criterion is also listed among the preferential criteria and preferential criteria points are offered to those providers who meet that criterion. Our intent is that at the Conditional level all providers must assemble a set of resources, from existing assets or otherwise, that taken together offer credible support to these two categories of students to be certified, and that at the Provisional level points will be granted to providers that offer comprehensive, well-staged and well-integrated programs for these purposes. We recognize that students who enter ninth grade somewhat behind in a few topics in mathematics or English are in a very different situation than students who enter ninth grade two more years behind across the board in one of both of these subjects. In the former case some additional time spent during the school day or before or after school may solve the problem. In the latter case, the school faculty may decide that there is no prospect that their students will pass their lower division examination by the end of their sophomore year and will therefore look for a ninth grade curriculum designed expressly to meet the needs of such students, a curriculum that will enable the school to offer the regular ninth grade curriculum in the tenth grade. We invite the providers to consider the full range of such possibilities.

8. In addition to the preceding, Certified Board Examination Systems must meet the following technical criteria no later than the outset of the 2012-13 school year and provide a detailed

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explanation in their applications as to how they intend to achieve compliance:

### **Test Design**

- a. There is evidence that each examination can effectively measure differences in the quality of curriculum and instruction (in other words, tasks can detect whether students have learned the content well or not, rather than simply being measures of general achievement).
  
- b. There are analyses that demonstrate that students are responding to test tasks as intended and, in general, using the knowledge and skills representative of the construct to answer the questions. For example, items, tasks or exercises intended to assess students' facility with algebra should evoke the use of algebraic, rather than arithmetic, procedures in solving the problem.
  
- c. There is an ongoing program of research to evaluate the intended outcomes as well as the unintended negative consequences of the assessment program (e.g., publicly available documentation on the proper uses and inferences of task/assessment scores).

### **Scoring**

The quality assurance procedures employed to manage scoring identify weaknesses in the system that are regularly fed back to the program managers so that they might support a process of continuous improvement (e.g., documentation of criteria and methods used to calibrate and retrain scorers).

### **Confronting Errors Associated with Test Scores**

- a. There is a thoughtful and defensible approach to evaluating various errors associated with test scores (e.g., inter-rater consistency, person by item interactions).
  
- b. Various sources of error associated with items and tasks are minimized to the extent it is both appropriate and sensible given the intended uses and purposes (e.g., given the high stakes purposes for which these examinations are to be used, the collective body of evidence should exhibit high levels of reliability).
  
- c. The average rates of classification accuracy and consistency are appropriately high (e.g., 0.80 for accuracy) when used for relatively high stakes purposes such as determining specific types of secondary school certification.

### **Performance Levels/Standards Setting**

- a. There is evidence that the test contains appropriate information in the area of performance level scores to ensure reliability of classification (e.g., test information functions reveal that the test contains appropriate amounts of information in the areas of the cutscores).
  
- b. There is evidence, such as predictive and concurrent validity studies, that the assigned performance levels support valid inferences about the extent to which students have mastered the central learning goals outlined by the syllabus.

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### **Comparability**

- a. Studies demonstrate that student scores across schools for the same exam (within a year) are essentially interchangeable (i.e. a score of X has the same meaning in both Schools A and B).
- b. Studies demonstrate that student scores across years for the same exam can be justifiably placed on the same scale so that scores can be validly compared (e.g., an increase in the number of students meeting “the standard” in 2010 compared with 2009 can be attributed to changes in student performance and not to differences in test items).

### **Access and Accommodations**

- a. The principles of accessible task design are incorporated into task development for the syllabus and the examination (e.g., documentation and evidence of using universal design).
- b. There are sound procedures for training exam administrators on the implementation of the accommodations.
- c. All decisions on requests for accommodation will be compliant with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act and Section 504 of the Vocational Rehabilitation Act.

### **Reporting**

- a. The assessment reporting system provides information usable by teachers in making inferences about student performance in all domains/sub-domains of interest, and in identifying sub-domains where students are underperforming, so that subsequent instruction can be tailored to underperformers’ particular needs.
- b. Each year at least a portion of the extended response questions, scoring rubrics and graded student work from the previous year’s examinations are released publicly, to inform students and teachers of the level of knowledge and skill that is expected to be attained by virtue of taking each course.

### **Test Security**

Documentation and evidence of a thoughtful approach to addressing test security concerns and the potential corruptibility of individual exam components is in place (e.g., minimizing exposure of memorable tasks).

### **Data**

In addition to the absolute criteria for data above, successful applicants will need to ensure that aggregate data files are provided to states using an “interoperability” framework so that the files can be seamlessly integrated into states’ data warehouses.

SCOBES recognizes that some, perhaps even all, world class providers of Board Examination Systems may not be able to fulfill all of the requirements detailed above on the time schedule predicated in this Request for Proposals. In those cases in which offerers are not able to meet

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one or more of the criteria on the requested timeline, please include in your proposal how close to the criterion you will be able to come on the SCOBES timeline, the date by which you are prepared to fully meet the criterion and a summary of the method or strategy you propose to do so.

For any instance where a provider has yet to meet one of the Conditional Criteria, please provide evidence of past performance that offers assurance that the timelines being proposed can be met and the product being developed or adapted will be of high quality.

Providers must be able to demonstrate that they can meet several Preferential Criteria, if not immediately, than within the next 12 months. A minimum of 150 Preferential Criteria points are required for certification, of which at least 100 must come from the first eight criteria spelled out below. The maximum number of points that can be earned for each factor that would serve to strengthen a Board Examination System is indicated in brackets that follow each criterion:

1. The provision of comprehensive, well-staged and well-integrated supplementary courses, instruction and materials, professional development and related tools, as well as extended programs of study, and before-school or after-school tutoring programs to address the needs of struggling students of various sorts as discussed above. [50]
2. The provision of a full diploma program offering a coherent core program of academic studies in English, mathematics, the laboratory sciences, history and the arts at the lower division level, the upper division level or both. [50]
3. The provision of courses in the arts, music and design. [50]
4. The provision of courses in technology. [20]
5. The provision of integrated mathematics and sciences courses. [20]
6. The provision of cross-disciplinary courses that serve to integrate learning across the disciplines in intellectually challenging ways. [20]
7. The provision of courses, syllabi and related examinations at standard and advanced levels. [20]
8. Assessments of leadership qualities, the ability to work in teams and the command of advanced technological tools. [20]

In addition to the preceding, Certified Board Examination Systems will be stronger if they meet the following technical criteria:

### **Test Design**

There is evidence of a comprehensive approach to validity evaluation, including a defensible validity evaluation plan and validity argument. [35] This would include:



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-Studies demonstrating that the test's internal structure matches the hypothesized structure of the construct. The "construct" as used here is defined to be the syllabus, including its expressed structure, foci, priorities, performances and cognitive demands. For example, if the mathematics domain was conceived to contain two major dimensions such as procedural and conceptual knowledge, then a confirmatory factor analysis of the test items should yield results that support this structure.

-Studies demonstrating a strong relationship between the test and other variables thought to measure the same or similar construct while having a weaker relationship with variables thought to represent a different construct. For example, a reading test should have a noticeably stronger relationship (correlation) with another reading test than with a mathematics test.

-Studies demonstrating the predictive validity of examination results for success in college credit-bearing courses have been conducted. [50]

-There exists a comprehensive synthesis of the results of the validity studies and evidence of the use of the synthesis to improve the assessment. [35]

### **Comparability**

-Multiple sound approaches (e.g., quantitative and qualitative) are used to evaluate the comparability of score inferences. [20]

-There is evidence that inferences of student performance are comparable across different modes, if applicable (e.g., paper and computer-based tests). [20]

### **Access and Accommodations**

-There is evidence from studies that the accommodations offered are such that they do not invalidate the assumption that students who achieve a given grade have mastered the relevant construct to the same degree as a student who has not been offered the accommodation. [20]

### **Reporting**

-Each year all of the extended response questions, scoring rubrics and graded student work from the previous year's examinations are released publicly. [20]

### ***RFP Parameters***

The main body of the submission, not including appendices, charts, tables, figures or sample exams, syllabi or other work products should try to stay within a 45 page boundary, where: a page is 8.5" x 11", on one side only, with 1" margins at the top, bottom and both sides; each page is numbered; single line spacing is used; and the font is 12-point, Times New Roman. The applicant should provide a summary of their system and an overview of their application at the beginning of the submission, and a table of contents to the main body of the submission and all of the attachments/enclosures. The submission should address each criterion separately to facilitate evaluation and scoring of the submission.

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### ***Research and Evaluation***

During the course of the four-year demonstration project there will be a series of ongoing research and evaluation activities that providers will be expected to cooperate with. These activities will include the research studies of the Technical Advisory Committee, an independent evaluation being conducted by a team of scholars from the University of Michigan, and such studies as the funders of SCOBES may require.

### ***Defense of Examinations***

The applicant must agree that, if the validity or reliability of assessments or examinations are challenged, the applicant will provide such experts, testimony and assistance as needed to the Consortium States and the schools using the applicant's system at no additional cost to the States or the schools.

## **INFORMATION AND DATA REQUIRED OF EACH OFFEROR**

Offerors shall submit a signed original proposal to the Kentucky Department of Education that includes the following information.

Please note that an authorized agent **MUST** complete and sign the Solicitation form. Failure to sign shall render the bid invalid.

Applicants shall submit each component in the order listed below. All items must be included in order for proposal to be responsive. Applicants must submit an original signed (hard copy) application and two electronic copies (on CD).

1. Solicitation Cover Page including authorized signatures in ink and FEIN (if you are applying under a company) or SSN (if you are applying as an individual). To obtain this document you must access this RFP via the eProcurement website at <http://eProcurement.ky.gov>. You must include your name, address, phone and email address in the vendor portion of the solicitation cover page.
2. Proposal
3. Notarized Statement of Campaign Finance Law Compliance (attached).

## **III. PERIOD OF PERFORMANCE**

Any contracts awarded as a result of this procurement will be for an initial five (5) year period.

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SCOBES reserves the right to enter into an additional five (5) year renewal period if it is in the best interest of the Consortium to do so.

#### **IV. GENERAL INFORMATION**

Offerors are advised that any contract resulting from this Request for Proposals must comply with all applicable provisions of KRS Chapter 45A prior to becoming effective.

The Commonwealth of Kentucky reserves the right to reject any offers and to waive informalities and minor irregularities in offers received.

The Commonwealth of Kentucky reserves the right to request additional information as may reasonably be required for selection, and to reject any proposals for failure to provide additional information on a timely basis.

A contract, based on this RFP, may or may not be awarded. Any contract award from this RFP is invalid until properly approved and executed by the Finance and Administration Cabinet.

Notification of Award - To view the Award of Contract(s) and the Contractor(s) receiving the Award(s) for this Solicitation, access the E-Procurement Directory at <http://eprocurement.ky.gov>. The Award(s) information can be accessed by clicking on the View Awards link under the Procurement area located on the top of the center column of the E-Procurement Directory homepage. It is the vendor's responsibility to review this information in a timely fashion. No other notification of the results of an Award of Contract will be provided.

Questions regarding this RFP - Questions must be submitted in writing to the Kentucky Department of Education contact named in this RFP. The Commonwealth will respond to salient questions in writing by issuing an Addendum to the Solicitation. The Addendum shall be posted to the Commonwealth's E-Procurement page.

Access to Solicitation, RFP and Addenda - The Solicitation, the RFP and Attachments and any Addenda shall be posted to the E-Procurement Directory at <http://eprocurement.ky.gov>

**It is the vendors' responsibility to assure they have obtained copies of all information and forms.**

Proprietary Information – The RFP specifies the format, required information, and general content of proposals submitted in response to the RFP. The Kentucky Department of Education shall not disclose any portions of the proposals prior to contract award to anyone outside the Kentucky Department of Education, the Finance and Administration Cabinet, representatives of the Federal Government, if required, and the members of the evaluation committees. After a contract is awarded in whole or in part, the Kentucky Department of Education shall have the right to duplicate, use, or disclose all proposal data submitted by Vendors in response to this RFP as a matter of public record. Although the Commonwealth recognizes the Vendor's

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possible interest in preserving selected data which may be part of a proposal, the Commonwealth must treat such information as provided by the Kentucky Open Records Act, KRS 61.870 et sequitur.

Informational areas which normally might be considered proprietary shall be limited to individual personnel data, customer references, selected financial data, formulae, and financial audits which, if disclosed, would permit an unfair advantage to competitors. If a proposal contains information in these areas that a Vendor declares proprietary in nature and not available for public disclosure, the Vendor shall declare the inclusion of proprietary information and shall noticeably label as proprietary each sheet containing such information. Proprietary information shall be submitted under separate sealed cover marked "Proprietary Data". Proposals containing information declared by the Vendor to be proprietary, either in whole or in part, outside the areas listed above may be deemed non-responsive to the RFP and may be rejected.

**Additional Requirements** – Vendors should review and comply with the general bidding requirements listed under "Laws, Policies and Procedures" and "Standard Attachments and General Terms" located on the eProcurement Web page at <https://eprocurement.ky.gov>.

**Certification Regarding Debarment and Suspension**

In accordance with Federal Acquisition Regulation 52.209-5, the Vendor shall certify, by signing the Solicitation, that to the best of its knowledge and belief, the Vendor and/or its Principals is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any State or Federal agency.

"Principals", for the purposes of this certification, means officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of subsidiary, division, or business segment, and similar positions).

**Contract Components and Order of Precedence**

The Commonwealth's acceptance of the Contractor's offer in response to the Solicitation, indicated by the issuance of a Contract Award, shall create a valid Contract between the Parties consisting of the following:

- Any written Agreement between the Parties;
- Any Addenda to the Solicitation;
- The Solicitation and all attachments thereto;
- Any Best and Final Offer;
- Any clarifications concerning the Contractor's proposal in response to the Solicitation;
- The Contractor's proposal in response to the Solicitation.

In the event of any conflict between or among the provisions contained in the Contract, the order of precedence shall be as enumerated above.

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## V. RESPONSES

Proposals submitted in response to this Request for Proposals must be received in hardcopy and electronic form no later than 4:00 p.m. (EDT) on Thursday, September 2nd, 2010. Proposals which arrive after this date and time shall not be considered for an award of contract, unless: a) no bids are received other than the late bid; and b) the need of an agency is determined to preclude the re-solicitation of bids; and c) the offer is evaluated and found to be in the best interest of the Commonwealth.

One (1) original hard copy marked Original Proposal and two (2) electronic copies (on CD) shall be submitted to:

Leah Settle  
Kentucky Department of Education  
1633 Capital Plaza Tower  
Frankfort, KY 40601  
(502) 564-2351

## VI. RESTRICTIONS ON COMMUNICATIONS

The Contract Contact named below shall be the sole point of contact throughout the procurement process. All communications concerning this procurement shall be addressed in writing to:

Leah Settle  
Kentucky Department of Education  
1633 Capital Plaza Tower  
Frankfort, KY 40601  
[Leah.Settle@education.ky.gov](mailto:Leah.Settle@education.ky.gov)

From the issue date of this RFP until a Contractor(s) is selected and the selection is announced, Offerors are not allowed to communicate with any Commonwealth Staff concerning this RFP except:

The Contract Contact cited in this RFP; or  
Via written questions submitted to the Contract Contact

For violation of this provision, the Commonwealth shall reserve the right to reject their proposal response.

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**ITEMS THAT SHALL BE SUBMITTED WITH YOUR BID**

1. **SIGNED SOLICITATION INCLUDING YOUR CORRECT ADDRESS, REMIT TO ADDRESS AND FEDERAL TAX IDENTIFICATION NUMBER.**
2. **SIGNED ADDENDUMS (IF APPLICABLE)**
3. **SIGNED AND NOTARIZED REQUIRED AFFIDAVIT FOR BIDDERS OR OFFERORS (AVAILABLE AT THE FOLLOWING LINK):**  
<http://eprocurement.ky.gov/attachments.htm>

**Standard Terms and Conditions (Kentucky Boilerplate – See Note 4)**

***Note 4: Arizona, Connecticut, Kentucky, Maine, Massachusetts, Mississippi, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island and Vermont. Each member state will be utilizing state-specific cooperative purchasing laws to enable them to access the certified organizations selected through this competitive process. Accordingly, there may be additional state-specific legal requirements that will have to be negotiated, prior to the establishment of a suitable contract with each member state. In addition, to the extent that other member states are approved by SCOBES to join the Consortium in the future, those members states may choose to utilize this procurement in accordance with their state-specific legal requirements also.***

**Whereas**, the first party, the state agency, has concluded that either state personnel are not available to perform said function, or it would not be feasible to utilize state personnel to perform said function; and

**Whereas**, the second party, the contractor, is available and qualified to perform such function; and

**Whereas**, for the abovementioned reasons, the state agency desires to avail itself of the services of the second party;

**NOW THEREFORE**, the following terms and conditions are applicable to this contract:

**Choice of Law and Forum:**

All questions as to the execution, validity, interpretation, construction and performance of this agreement shall be governed by the laws of the Commonwealth of Kentucky. Furthermore, the parties hereto agree that any legal action which is brought on the basis of this agreement shall be filed in the Franklin County Circuit Court of the Commonwealth of Kentucky.

**Cancellation:**

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The state agency shall have the right to terminate and cancel this agreement at any time not to exceed thirty (30) days' written notice served on the contractor by registered or certified mail.

**Funding Out Provision:**

The state agency may terminate this contract if funds are not appropriated to the contracting agency or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination, regardless of the terms of the contract. The state agency shall provide the contractor thirty (30) calendar days written notice of termination of the contract.

**Political Subdivisions:**

Under Kentucky Statutes, political subdivisions of this State including cities of all classes, counties, and school districts may participate in All State Agency Master Agreements to the same extent as agencies of the Commonwealth.

**Authorized to do Business in Kentucky:**

The contractor affirms that it is properly authorized under the laws of the Commonwealth of Kentucky to conduct business in this state and will remain in good standing to do business in the Commonwealth of Kentucky for the duration of any contract awarded.

The Contractor shall maintain certification of authority to conduct business in the Commonwealth of Kentucky during the term of this Contract. Such registration is obtained from the Secretary of State, who will also provide the certification thereof.

**Invoices for fees:**

The contractor shall maintain supporting documents to substantiate invoices and shall furnish same if required by state government.

**Travel expenses, if authorized:**

The contractor shall be paid for no travel expenses unless and except as specifically authorized by the specifications of the contract.

**Other expenses, if authorized herein:**

The contractor shall be reimbursed for no other expenses of any kind, unless and except as specifically authorized within the specifications of the contract.

If the reimbursement of such expenses is authorized, the reimbursement shall be only on an out-of-pocket basis. Request for payment of same shall be processed upon receipt from the contractor of valid, itemized statements submitted periodically for payment at the time any fees are due. The contractor shall maintain supporting documents that substantiate every claim for expenses and shall furnish same if requested by state government.

Invoicing for fee: the contractor's fee shall be original invoice(s) and shall be documented by the contractor. The invoice(s) must conform to the method described in the specifications of the contract.

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**Invoicing for travel expenses:** the contractor must follow instructions described in the specifications of the contract. Either original or certified copies of receipts must be submitted for airline tickets, motel bills, restaurant charges, rental car charges, and any other miscellaneous expenses.

**Invoicing for miscellaneous expenses:** the contractor must follow instructions prescribed in the specifications of the contract. Expenses submitted shall be documented by original or certified copies.

**Purchasing and specifications:**

The contractor certifies that he will not attempt in any manner to influence any specifications to be restrictive in any way or respect nor will he attempt in any way to influence any purchasing of services, commodities or equipment by the Commonwealth of Kentucky. For the purpose of this paragraph and the following paragraph that pertains to conflict-of interest laws and principles, "he" is construed to mean "they" if more than one person is involved and if a firm, partnership, corporation, or other organization is involved, then "he" is construed to mean any person with an interest therein.

**Conflict-of-interest laws and principles:**

The contractor certifies that he is legally entitled to enter into this contract with the Commonwealth of Kentucky, and by holding and performing this contract will not be violating either any conflict of interest statute (KRS 45A.330-45A.340, 45A.990, 164.390), or KRS 11A.040 of the executive branch code of ethics, relating to the employment of former public servants.

**Campaign finance:**

The contractor certifies that neither he/she nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of this contract, has contributed more than the amount specified in KRS 121.056(2), to the campaign of the gubernatorial candidate elected at the election last preceding the date of this contract. The contractor further swears under the penalty of perjury, as provided by KRS 523.020, that neither he/she nor the company which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth, and that the award of a contract to him/her or the company which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

**Certification**

The state agency certifies that it is in compliance with the provisions of KRS 45A.695. "Access to contractor's books, documents, papers, records, or other evidence directly pertinent to the contract." The contractor, as defined in KRS 45A.030(9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c).



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The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

**Protest**

Pursuant to KRS 45A.285, The Secretary of the Finance and Administration Cabinet, or his designee, shall have authority to determine protests and other controversies of actual or prospective Vendors in connection with the solicitation or selection for award of a Master Agreement or Contract.

Any actual or prospective Vendor, who is aggrieved in connection with the solicitation or selection for award of a Master Agreement or Contract, may file protest with the Secretary of the Finance and Administration Cabinet. **A protest or notice of other controversy must be filed promptly and in any event within two (2) calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversies must be in writing and shall be addressed to:**

**Jonathan Miller, Secretary**

Commonwealth of Kentucky  
Finance and Administration Cabinet  
Room 383, New Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601  
Phone #: (502) 564-4240  
Fax #: (502) 564-6785

The Secretary of Finance and Administration Cabinet shall promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.

The decision by the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

**Social security: (check one)**

\_\_\_\_\_ the parties are cognizant that the state is not liable for social security contributions pursuant to 42 U.S. Code, section 418, relative to the compensation of the second party for this contract.

\_\_\_\_\_ the parties are cognizant that the state is liable for social security contributions pursuant to 42 U.S. Code, section 418, relative to the compensation of the second party for this contract.

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**Violation of tax and employment laws:**

KRS 45A.485 requires the contractor to reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the contractor within the previous five (5) year period of the provisions of KRS chapters 136, 139, 141, 337, 338, 341, and 342. These statutes relate to the state sales and use tax, corporate and utility tax, income tax, wages and hours laws, occupational safety and health laws, unemployment insurance laws, and workers compensation insurance laws, respectively.

To comply with the provisions of KRS 45A.485, the contractor shall report any such final determination(s) of violation(s) to the Commonwealth by providing the following information regarding the final determination(s): the KRS violated, the date of the final determination, and the state agency which issued the final determination.

KRS 45A.485 also provides that, for the duration of any contract, the contractor shall be in continuous compliance with the provisions of those statutes which apply to the contractor's operations, and that the contractor's failure to reveal a final determination as described above or failure to comply with the above statutes for the duration of the contract, shall be grounds for the Commonwealth's cancellation of the contract and the contractor's disqualification from eligibility for future state contracts for a period of two (2) years.

Contractor must check one:

\_\_\_\_\_ The contractor has not violated any of the provisions of the above statutes within the previous five (5) year period.

\_\_\_\_\_ the contractor has violated the provisions of one or more of the above statutes within the previous five (5) year period and has revealed such final determination(s) of violation(s). A list of such determination(s) is attached.

**Discrimination:**

Discrimination (because of race, religion, color, national origin, sex, age, or disability) prohibited. This section applies only to contracts utilizing federal funds, in whole or in part. During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex or age. The contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The contractor agrees to provide, upon request, needed reasonable accommodations. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, age or disability. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices

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setting forth the provisions of this non-discrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, age or disability.

3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

4. The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.

5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in or as otherwise provided by law.

**7. The contractor will include the provisions of paragraphs (1) through (7) of section 202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.**

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**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

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**FOR BIDS AND CONTRACTS IN GENERAL:**

Each bidder or offeror swears and affirms under penalty of perjury, that:

In accordance with [KRS 45A.110](#) and [KRS 45A.115](#), neither the bidder or offeror as defined in [KRS 45A.070\(6\)](#), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky; and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in [KRS 45A.485](#); have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.

The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by [KRS Chapter 139](#), and will remain registered for the duration of any contract awarded.

The bidder or offeror swears and affirms under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.

**FOR “NON-BID” CONTRACTS (I.E. SOLE-SOURCE; NOT-PRACTICAL OR FEASIBLE TO BID; OR EMERGENCY CONTRACTS, ETC):**

Each contractor further swears and affirms under penalty of perjury, that:

In accordance with [KRS 121.056](#), and if this is a non-bid contract, neither the contractor, nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of any contract awarded, have contributed more than the amount specified in [KRS 121.150](#) to the campaign of the gubernatorial slate elected in the election last preceding the date of contract award.

In accordance with [KRS 121.330\(1\) and \(2\)](#), and if this is a non-bid contract, neither the contractor, nor officers or employees of the contractor or any entity affiliated with the contractor, nor the spouses of officers or employees of the contractor or any entity affiliated with the contractor, have knowingly contributed more than \$5,000 in aggregate to the campaign of a

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candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract award.

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**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

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In accordance with [KRS 121.330\(3\) and \(4\)](#), and if this is a non-bid contract, to the best of his/her knowledge, neither the contractor, nor any member of his/her immediate family, his/her employer, or his/her employees, or any entity affiliated with any of these entities or individuals, have directly solicited contributions in excess of \$30,000 in the aggregate for the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract.

As a duly authorized representative for the bidder, offeror, or contractor, I have fully informed myself regarding the accuracy of all statements made in this affidavit, and acknowledge that the Commonwealth is reasonably relying upon these statements, in making a decision for contract award and any failure to accurately disclose such information may result in contract termination, repayment of funds and other available remedies under law.

_____ Signature	_____ Printed Name
_____ Title	_____ Date
Company Name	_____
Address	_____
	_____
	_____

Subscribed and sworn to before me by \_\_\_\_\_  
(Affiant) (Title)

of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Company Name)

\_\_\_\_\_  
Notary Public  
[seal of notary] My commission expires: \_\_\_\_\_

**END OF RFP**