



Mohammed Choudhury
State Superintendent of Schools

DATE: August 23, 2022

TO: Michael Zimmerman, Chief Procurement Officer
Office of State Procurement, Department of General Services

FROM: Jenna Meinel, Business Services Partner, MSDE

SUBJECT: Procurement Officer's Determination for the Use of Intergovernmental Cooperative Purchasing Agreement Per COMAR 21.05.09.04 – EANS Program – Amplify Education – Contract # R00B2600114

The Maryland State Department of Education (MSDE) requests approval to use The Interlocal Purchasing System (TIPS) contract to purchase digital literacy tutoring assistance for students at nonpublic schools through an Intergovernmental Cooperative Purchasing Agreement (ICPA).

Nonpublic students and teachers will be provided virtual reading tutoring services through Amplify Education. Nonpublic school students receive intensive tutoring in small groups based on the foundational literacy skills they need most, such as initial sounds, blending, segmenting words, and encoding. Amplify Education also offers onboarding support services during implementation and professional development training courses to all educators.

Background and Purpose

The MSDE received grant funding through the Emergency Assistance for nonpublic schools (EANS) program through the United States Department of Education. The EANS program is authorized in the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021, signed into law on December 27, 2020, as part of the Governor's Emergency Education Relief (GEER II) fund. Maryland's EANS program allocation is \$35,878,533, including \$200,000 for administration.

The MSDE cannot pass funds to nonpublic schools to administer for this program. By federal law, the Department must provide services and assistance to nonpublic schools but retain all title and ownership thereof. EANS is not a grant program. Instead, the law requires that the MSDE directly provide services or assistance to nonpublic schools.

The Maryland State Department of Education proceeded as follows to procure requested services and assistance:

- The Department collected requests for services and assistance;
- The Department explored existing State contracts with the Department of General Services and utilized those where able (e.g., for many of the technology and PPE requests);

- The Department then sought vendors available to the Department via intergovernmental purchasing agreements, which is where the Department identified the particular vendor for tutoring assistance; and
- The Department will next execute contracts with those identified vendors upon approval from the Board of Public Works

At no time was the Department planning to initiate an open solicitation for this process. The typical turnaround time for this process, once initiated, is nearly 12 to 18 months. That process would begin after the application and aggregation process. That means nonpublic schools would receive access to services and assistance in spring/summer 2023 at the earliest. Aside from being counter to the goal of the program to provide emergency services and assistance as expediently as possible, this timeline would have run afoul of federal expectations to act swiftly and revert unused funding. However, the Department also sought to balance providing customer service to nonpublic schools while maintaining its fiduciary responsibilities to the taxpayers and avoid utilizing retroactive or emergency procurement. Therefore, the Department identified intergovernmental purchasing consortia, as allowed in the State Finance and Procurement article, to access competitively-bid contracts that could provide the requested emergency services and assistance for nonpublic schools. The EANS Program funding will help to support nonpublic school students and educators and will potentially help to address the educational disruptions caused by the COVID-19 pandemic.

The TIPS Consortium pricing provided through the State of Texas, Educational Service Center Region 8 on a contract that was competitively bid and entered into with hundreds of vendors. This contract allows MSDE to obtain pricing for these requested goods and services from the nonpublic schools at a very competitive rate. For governmental agencies such as public education organizations, higher education entities, and city or county governments, membership in a purchasing cooperative offers access to competitively procured contracts; savings of time and financial resources necessary to fulfill the procurement requirements; access to fair and reasonable pricing offered by the awarded vendors. Being able to purchase a majority of the requested goods and services from the nonpublic schools under the TIPS consortium has helped MSDE to decrease the overall cost of administration and promoted cost savings than if the Department chosen to solicit for all of these items individually. This provides both cost and administrative efficiencies to the state.

MSDE has exercised due diligence in an attempt to utilize one consortium that has multiple vendors and offers competitive pricing for all of the products that the nonpublic schools have requested MSDE to purchase for them. MSDE is also utilizing several Maryland statewide contracts in addition to this ICPA in order to fulfill the requests from the nonpublic schools for furniture, COVID supplies, cleaning supplies, and PPE supplies. MSDE shall contact DGS OSP Chief Procurement Officer (or designee) if there will be any further purchases off of the TIPS contracts in the future.

MSDE will be controlling the items that each nonpublic school requests and received. MSDE will keep track of all of the items as well. If the items are consumable, then they will not need to add to our inventory management system since they are a one-time use. For all IT equipment and hardware, an MSDE tag will be added to the individual item and inventoried in the inventory management system.

Pricing Justification

Amplify Education's quote includes the Literacy Tutoring Special Package to nonpublic school students. The Literacy Tutoring Special Package includes:

- Individual student licenses for high-quality instructional materials: mCLASS DIBELS 8th Edition assessment and mCLASS Intervention lessons
 - mCLASS DIBELS 8th Edition is a nationally normed early literacy diagnostic, and the benchmark exams and reporting allow us to identify individual student's strengths and needs related to early literacy foundational skills.
 - mCLASS Intervention is a research-based curriculum aligned to the science of reading. Smart technology identifies small groups of students with similar needs and recommends targeted lesson sequences for tutors to teach. It includes built-in progress monitoring to track student progress. Each lesson is designed to be delivered in a 30-minute session.
 - Teachers and administrators will also have access to information about their students' tutoring instruction and data.
- Tutoring, delivered to small groups of students in up to three 30-minute tutoring sessions per week throughout the contract duration
- A consistent virtual tutor per group
- A virtual tutoring platform, including a video-based virtual classroom and tutoring attendance reporting
- Dedicated Amplify program staff, including an Amplify Program Manager to serve as primary point of contact for schools and an Amplify Tutor Coach who provides ongoing coaching and professional development to tutors to ensure high-quality instruction.
- Amplify Tutoring is a comprehensive, effective, and data-driven full-service tutoring solution that supports K-5 students in strengthening their early literacy skills. Amplify provides comprehensive program management, including the management of tutors, session delivery, attendance tracking and reporting, and licensing of materials on behalf of schools.

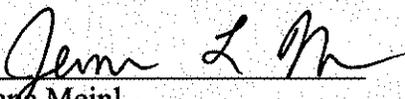
The Maryland State Department of Education conducted research for online tutoring services. Online tutoring services prices ranged anywhere from \$25 to \$50 per hour per student. MSDE reviewed another company, Sqoasha, that offers tutoring services and are under the TIPS consortium. Sqoasha had an annual license fee that cost \$1.50 per student per year and the hourly tutoring rate was \$50 for a 1-hour tutoring session. This quote also offers 4 hours of professional development, updating nonpublic school of students' progress, and tutoring worksheets.

Amplify Education offers tutoring engagements that span an entire school year (30 weeks). The tutoring engagements are priced at \$1750 per student for the school year, which includes three (3) 1/2-

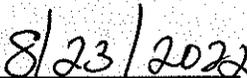
hour tutoring sessions a week for the 30-week period. The cost comes out to \$19.44 per ½-hour session. Amplify Education also includes the following in their cost: instructional materials to prepare students for assessments, consistent virtual tutor, virtual tutoring platform, professional development training for teacher, and educational materials for both students and teachers. There is also designated Amplify program staff to the nonpublic schools, including an Amplify Program Manager to serve as the primary point of contact for nonpublic schools and an Amplify Tutor Coach who provides ongoing coaching and development to tutors to ensure high quality instruction to the students.

Amplify's hourly rate for tutoring would be \$38.88/hour per student compared to Sqoasha at \$50/hour. Amplify Education also offers the three 30-minute sessions per week in order to keep the students on task and working consistently on the designated material in the tutoring sessions. Sqoasha does not set a tutoring schedule like Amplify Education does. The school, parent, and/or student must identify the student's tutoring needs and schedule to the tutoring company, which could cause potential scheduling conflicts or lack of services for a remainder of time if a structured schedule is not set ahead of time. Amplify's three scheduled 30-minute sessions for a 30-week time period, would help assist the student in keeping focused in a structured environment, and on schedule with their tutoring needs, whereas if you go with another tutoring service, like Sqoasha, then the student or teacher may not be able to identify what is a good schedule for the student in order for them to thrive.

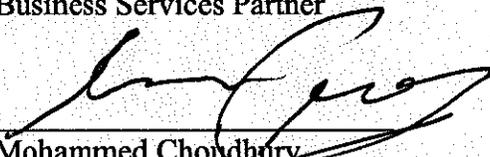
This contract will provide, through the use of TIPS consortium contract, to purchase academic coaching, tutoring, and digital courses and services for nonpublic school students and teachers. The use of this ICPA procurement method is determined to be in the best interest of the State. It will facilitate a more efficient and effective delivery of goods, services and/or solutions, greatly reduce the time period between the purchase and delivery of the goods and solutions to nonpublic schools, provide cost saving to the State, reduce the administrative burden on the State, and promote Intergovernmental Cooperation by using the TIPS consortium. The use of the Intergovernmental Cooperative Procurement method is not intended as a means to evade the purposes set forth under COMAR21.01.01.03 or State Finance and Procurement, Section 13-110. No other procurement method contemplated in regulation would suffice as an alternative, due to the tight timeline of the EANS Program and the hardship that the nonpublic schools would endure if the Department had to solicit for these goods and services. This ICPA is in the best interest of the State and is not intended to evade the purposes set forth under COMAR 21.01.01.03 or State Finance and Procurement, Section 13-110.



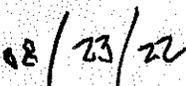
Jenna Mehl
Business Services Partner



Date



Mohammed Choudhry
State Superintendent of Schools



Date



Aug 26, 2022

APPROVED:

Michael Zimmerman
Chief Procurement Officer

Date