

Mohammed Choudhury
State Superintendent of Schools

To: Michael Zimmerman, Chief Procurement Officer, Office of State Procurement, DGS
From: Jenna Meinl, Business Services Partner
Date: October 20, 2022
Subject: Procurement Officer's Determination for the Use of Intergovernmental Cooperative Purchasing Agreement Per COMAR 21.05.09.04 – EANS Program – Edmentum – Contract # R00B2600108

Introduction

The Maryland State Department of Education (MSDE) requests approval to use The Interlocal Purchasing System (TIPS) contract to purchase Edmentum standards-based online learning program and services for nonpublic school students and teachers through an Intergovernmental Cooperative Purchasing Agreement (ICPA).

Edmentum is a digital curriculum platform that allow nonpublic school students to receive instruction independently and at their own pace. Having the flexibility to learn about new concepts online can be empowering to students, as they can determine where, how, and when they learn best. Edmentum provides parents and teachers a weekly data reports to that show the student's current grades, student pace, progress, performance, and if needed, remediation/interventions.

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 Local Education Agencies (LEAs) 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:

1. The Department collected requests for services and assistance;
2. 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);
3. 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
4. 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 for 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

MSDE felt that it would be beneficial to offer non-public school students the option of virtual learning curriculum and/or tutoring to help supplement the in-person education that the students were receiving. The virtual learning could help non-public students whose development and overall learning was impacted by the COVID-19 pandemic, and continues to have on students and teachers in Maryland

The MSDE conducted research on other companies that offer courses and educational services like Edmentum provides. Calvert Academy is an accredited online school for students from kindergarten to 12th grade. Calvert Academy is a complete diploma-granting program combines the flexibility of at home learning with a rigorous academic curriculum. It can also be offered to supplement homeschooling, private, or public education or customize a specific plan to fit students’ needs. Edmentum offers a complete diploma-granting program with the flexibility of academic curriculum, like Calvert Academy. The Edmentum quote offers virtual learning courses, tutoring services, teacher development, and instructional support services, educational consultation, and assessments for learning. The pricing for both Edmentum and Calvert Academy are provided below.

VENDOR	PRICING
Edmentum TIPS – EdOptions Academy (includes Reading Eggs and Exact Path)	\$1700.25 per student K-12 per school year
Calvert Academy	<p>Grade Kindergarten: \$1498 per student per year (Includes 2 courses of Language Arts and Math)</p> <p>Grades 1-6: \$2072 per student per year (Includes 4 courses of History and Geography, Language Arts, Math, and Science)</p> <p>Grades 7-8: \$2632 per student per year (Includes 5 courses of History and Geography, Language Arts, Math, Science and 1 Elective)</p> <p>Grades 9-12: \$3192 per student per year (Includes 6 courses of History and Geography, Language Arts, Math, Science and 2 Electives)</p>

Edmentum offers curriculum, instructional support, tutoring, coaching for the courses listed below for students in grades K-12, which includes:

1. Core topics: English Language Arts, Math, Science and Social Studies
2. World Languages
3. Electives such as
 - a. Academic Success
 - b. African American History
 - c. Anthropology 1: Uncovering Human Mysteries
 - d. Anthropology 2: More Human Mysteries Uncovered
 - e. Archaeology: Detectives of the Past
 - f. Art History & Appreciation
 - g. Art in World Cultures
 - h. Artificial Intelligence
 - i. Creative Writing
 - j. Creative Writing: Unleashing the Core of Your Imagination
 - k. Gothic Literature: Monster Stories
 - l. History of the Holocaust
 - m. Music Appreciation: The Enjoyment of Listening
 - n. Mythology and Folklore: Legendary Tales
 - o. Philosophy: The Big Picture
 - p. Reading and Writing for Purpose
 - q. Structure of Writing
 - r. The Lord of the Rings: An Exploration of the Films and Their Literary Influences
 - s. Women's Studies: A Personal Journey Through Film
 - t. World Religions: Exploring Diversity
4. Career and Technology Education (CTE)
5. Advanced Placement Courses
6. College and Career Readiness

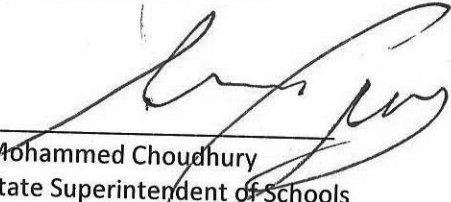
Edmentum does not just offer a set number of courses per student grade level but offers all subjects and courses within their annual student license fee. In addition, Edmentum offers tutoring services, professional development courses for teachers/educators, and instructional support services to students. Calvert Academy does not offer any of these additional options with their annual subscription fees. The Edmentum offers students flexibility and will adapt to students' current educational progress. It can help educators identify where a student or students may need additional assistance in learning. The Edmentum program shows that it is also a more cost-effective option to use than Calvert Academy.

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

10/20/2022
Date



Mohammed Choudhury
State Superintendent of Schools

10/28/22
Date

APPROVED: 

Michael Zimmerman
Chief Procurement Officer

Nov 1, 2022
Date