




**Intergovernmental Cooperative Purchasing Agreement
Procurement Officer Determination**
COMAR 21.05.09.04

Per COMAR 21.05.09.02, as a Primary Procurement Unit, the DGS Office of State Procurement (OSP) may initially sponsor or participate in, renew, modify, or administer an Intergovernmental Cooperative Purchasing Agreement (ICPA) on its own behalf or on behalf of another agency when a determination is made under SFP §13-110 and COMAR 21.05.09.04.

Based upon the analysis and market research conducted as identified in the attached Procurement Officer's Determination from **MSDE-Maryland State Department of Education (Agency) for Award Review MSDE R00B2600111 EANS Program ICPA Imagine Learning** (*contract title/brief description of project*), I have conducted an independent analysis and determined that it is in the best interest of the State to participate in this intergovernmental cooperative purchasing agreement, that doing so will provide cost benefits to the State, promote administrative efficiencies or promote intergovernmental cooperation, and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.

	2.13.2023
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Procurement Officer, DGS OSP / Date	
	Feb 13, 2023
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Chief Procurement Officer / Date	
	Feb 16, 2023
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Secretary, DGS / Date	

Attachment



Mohammed Choudhury
State Superintendent of Schools

To: Mike Haifley, Acting Chief Procurement Officer, Office of State Procurement, DGS

From: Jenna Meini, Business Services Partner

Date: January 12, 2023

Subject: Procurement Officer's Determination for the Use of Intergovernmental Cooperative Purchasing Agreement Per COMAR 21.05.09.04 – EANS Program – Imagine Learning – Contract # R00B2600111

Introduction

The Maryland State Department of Education (MSDE) requests approval to use The Interlocal Purchasing System (TIPS) contract to purchase educational and digital resources for nonpublic schools through an Intergovernmental Cooperative Purchasing Agreement (ICPA).

Imagine Learning is an online adaptive instructional program that provides language and literacy instruction to English language learners and struggling readers. In particular, the program engages students through a personalized learning pathway. Imagine Learning teaches reading by incorporating the five essentials of reading instruction (phonological awareness, phonics, fluency, vocabulary, comprehension, grammar, and academic language). Nonpublic school students will begin to read grade-level texts independently and communicate ideas effectively. Additionally, the program teaches alphabet and print concepts as well as oral language skills.

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 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 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 Imagine Learning provides. Edgenuity is a provider of online curriculum and blended learning solutions. Edgenuity is a complete program combines the flexibility of at home learning with a rigorous academic curriculum to K-5 students. It can also be offered to supplement homeschooling, private, or public education or customize a specific plan to fit students' needs. Imagine Learning offers a complete program with the flexibility of academic curriculum and instruction and assists students with literacy and language issues. The Imagine Learning quote offers site licenses for K-8 grade students, an on-site professional development training package for up to 200 educators, and a mid-year training "touchpoint" webinar to cover specific needs for each school. The pricing for both Imagine Learning and Edgenuity are provided below.

VENDOR	PRICING
Imagine Learning TIPS	K-8 Educational Licenses \$54.03 per student Professional Development Training Package \$221.66 per educator Purpose PD Webinar (mid-year) \$28.33 per educator
Edgenuity	K-5 Educational Licenses \$62.12 per student Professional Development Training \$266.66 per educator
QuaverEd	K-5 Educational Licenses \$350 per user

Imagine Learning includes the following software programs:

- Imagine Learning and Literacy
- Imagine Espanola
- Imagine Math Facts
- Imagine Math
- Blueprint
- STARR Readiness

Edgenuity and QuaverEd do not offer in person training sessions, only virtual. QuaverEd offers access to professional videos and tips for educators via their licenses. Imagine Learning offers training documents, webinars, live online support, and in person development training sessions to educators to assist students in their daily learning. In addition, Imagine Learning offers student reading assessments, and instructional support services to students. Imagine Learning's adaptive learning programs accelerates reading and language proficiency for students and is designed to provide instruction and practice in all four domains of literacy – reading, writing, listening, and speaking. Edgenuity does not offer the extensive support for the literacy domains like Imagine Learning does. QuaverEd's quote Imagine Learning 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 Imagine Learning program shows that it is also a more cost-effective option to use than Edgenuity.



Jenna Meinl
Business Services Partner

Jan 12, 2023

Date

Brett Sander

[Brett Sander \(Jan 13, 2023 08:11 EST\)](#)

Brett Sander
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Jan 13, 2023

Date



[Krishnanda Tallur \(Jan 13, 2023 10:12 EST\)](#)

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Jan 13, 2023

Date

Mohammed Choudhury

[Mohammed Choudhury \(Jan 13, 2023 21:42 EST\)](#)

Mohammed Choudhury
State Superintendent of Schools

Jan 13, 2023

Date

APPROVED:



[Mike Haifley \(Feb 3, 2023 11:11 EST\)](#)

Mike Haifley
Acting Chief Procurement Officer

Feb 3, 2023

Date






ICPA POD for MSDE Imagine Learning

Final Audit Report

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