



Wes Moore, Governor · Aruna Miller, Lt. Governor · Atif Chaudhry, Secretary

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**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 Maryland State Department of Education for IXL Learning's web-based learning platform for nonpublic school students and teachers, 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.

*Cheryl Howard-Bond* 4/3/2023  
Procurement Officer, DGS OSP / Date

*map*  
[Mike Hatley \(May 1, 2023 13:49 EDT\)](#)

Chief Procurement Officer / Date

*Atif Chaudhry*

Secretary, DGS / Date

Attachment

For Review by: Mr. Tallur





Date Submitted: 3/20/2023

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Please forward to State Superintendent Choudhury for signature upon approval

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Please return to Ms. Beverly Mable upon approval

<b>Action</b>	Approve and forward to Superintendent Choudhury for signature.					
<b>Deadline</b>	March 31, 2023					
<b>Urgency</b>	<u>  X  </u> High <u>      </u> Medium <u>      </u> Low					
<b>Purpose</b>	Request for Superintendent's signature on the Procurement Officer's Determination for the Intergovernmental Cooperative Agreement (ICPA) # R00R3600944 – Digital Software Licenses – EANS Program.					
<b>Summary</b>	This Sole Source Procurement Officer's Determination (POD) is a requirement for an ICPA and for DGS OSP to approve the award package for this procurement request.					
<b>Legal Sufficiency</b>	Brett is included on this routing sheet for legal sufficiency.					
<b>Primary Contact</b>	Name: Jenna Meinel Title: Business Services Partner Email Contact: Jenna.Meinl1@maryland.gov Phone: 443-610-1493					
<b>Name</b>	<b>Name</b>	<b>Name</b>	<b>Name</b>	<b>Name</b>	<b>Name</b>	<b>Name</b>
<b>Pulliam-Smith</b>	<b>Meinl</b>	<b>Sander</b>	<b>Tallur</b>			
<b>Date</b>	<b>Date</b>	<b>Date</b>	<b>Date</b>	<b>Date</b>	<b>Date</b>	<b>Date</b>
<b>Initials</b>	<b>Initials</b>	<b>Initials</b>	<b>Initials</b>	<b>Initials</b>	<b>Initials</b>	<b>Initials</b>
		 <small>Brett Sander (Mar 23, 2023 10:05 EDT)</small>	 <small>Krishnaanda Tallur (Mar 23, 2023 10:40 EDT)</small>			

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**DATE:** March 20, 2023

**TO:** Mike Haifley, Acting Chief Procurement Officer  
Office of State Procurement, Department of General Services

**FROM:** Adrain Pulliam-Smith, Business Services Coordinator, MSDE

**SUBJECT:** Procurement Officer's Determination for the Use of Intergovernmental Cooperative Purchasing Agreement Per COMAR 21.05.09.04 – EANS Program – IXL Learning – Contract # FY23-OIT-018

The Maryland State Department of Education (MSDE) requests approval to use The Interlocal Purchasing System (TIPS) contract to purchase IXL Learning's web-based learning platform for nonpublic school students and teachers through an Intergovernmental Cooperative Purchasing Agreement (ICPA).

IXL Learning is a web-based personalized learning platform for Math, English Language Arts (ELA), Science, Social Studies, and Spanish for grades K-12. IXL also offers on-site, virtual, and on-demand professional development for effective implementation. With comprehensive K-12 curriculum, individualized guidance and real-time analytics, IXL tries to meet the unique needs of each student.

### **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.

On March 11, 2021, the American Rescue Plan (ARP) Act was signed into law. It is a \$1.9 trillion package of assistance measures, including \$2.75 billion for the American Rescue Plan's Emergency Assistance to Non-Public Schools (ARP EANS) program. These funds are available to Governors under the ARP EANS program to provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency. On July 9, 2021, the U.S. Department of Education posted final requirements regarding the implementation of ARP EANS. Under the ARP EANS program, the Department will award grants by formula to each Governor with an approved application to provide services or assistance to eligible non-public schools to address the impact that the COVID-19 emergency has had, and continues to have, on non-public school students and teachers in the State.

The ARP Act extends the EANS program authorized under the CRRSA Act. The requirements of ARP EANS are the same as those listed previously with two exceptions:

A. A State educational agency (SEA) may only provide services or assistance under ARP EANS to non-public schools that enroll a significant percentage of students from low-income families and are most impacted by COVID-19; and

B. An SEA may not use ARP EANS funds to provide reimbursements to any non-public school as authorized under section 312(d)(4)(M) of the CRRSA Act.

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:

- 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 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**

IXL Learning is a web-based personalized educational learning platform designed for grade levels K-12. IXL Learning uses advanced adaptive learning technology in combination with student analytics and diagnostic tests to improve skill and knowledge deficits, while giving parents and educators a complete picture of their student's strengths and weaknesses across a variety of subjects and topics. IXL Learning offers features that benefit the student engagement process; while connecting with core components, and interactive fundamental concepts. MSDE has conducted market research on additional literacy and language programs such as Benchmark Education Company, and Brainchild. Both programs are endorsed as leading providers of literacy and language programs with professional teaching resources. Mutually both programs have research-proven programs with content rich leveled books, coupled with intervention programs for core curriculum.

Benchmark Education Company digital package platform price scale stands at \$24.00 per student and license that offers statewide achievement tests for Maryland students for grades K through 6. However, despite the competition Brainchild houses individualized learning plans for elementary and middle school curriculums designed for grades 1 through 8. Nonetheless, the web-based educational platform price range competitively stands at \$29.95 per student and license. In addition, MSDE consulted with a third competitor, Renaissance Learning Inc. for supplementary market research analysis; unfortunately, an itemized proposal was not produced. Furthermore, IXL Learning price point of \$43.00 per child offers instructional materials to prepare students with diagnostic testing that improves skill and knowledge deficits giving parents a complete picture of their student strengths and weaknesses across the board covering core subjects such as Math, English Language Arts (ELA), Science, Social Studies and Spanish. IXL Learning course topics are adaptive, and meaningful, with programmatic and real-time performance measures developing the student's skill set in a more precise and progressive method.

Finally, IXL's analytics offer far deeper insights into a student's strengths and weaknesses, including how their current skill and knowledge compares to grade-level and state standards. Therefore, if you're inclined to engage in a supplemental educational platform for K through 12. IXL Learning is the best choice, especially for homeschoolers and parents who are interested in creating a custom learning experience for their child. Immeasurably, if a child prefers video learning to interactive text/audio, both services can be integrated into the student's learning environment through IXL Learning.

<b>CONTRACT</b>	<b>PRICING</b>
IXL Learning – Grade Levels K-12 (Includes Math, ELA, Science, Social Studies, Spanish with Professional Development package)	\$43.00 per student per school year
Brainchild - Grade Levels K-8 (Includes ELA, Math, Science and Social Studies, but does not include Professional Development Package)	\$29.95 per student per school year
Benchmark Education Company – Grade Level K-6 (Includes ELA, Math, Science and Social Studies, but does not include Professional Development package)	\$24.00 per student per school year

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.

*Adrain Pulliam-Smith*

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Adrain Pulliam-Smith  
Business Services Coordinator

March 22, 2023

Date

*Jenna Meinel*

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Jenna Meinel  
Business Services Partner

March 22, 2023

Date

*Brett Sander*

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Brett Sander (Mar 23, 2023 10:05 EDT)

Brett Sander  
Attorney General

March 22, 2023

Date

*Krishnanda Tallur*

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Krishnanda Tallur (Mar 23, 2023 10:40 EDT)

Krishnanda Tallur  
Deputy State Superintendent

March 22, 2023

Date

*Mohammed Choudhury*

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Mohammed Choudhury (Mar 23, 2023 11:55 EDT)

Mohammed Choudhury  
State Superintendent of Schools

March 22, 2023

Date



# QUOTE

QUOTE # 1206873-8  
DATE: MARCH 17, 2023

IXL Learning  
777 Mariners Island Blvd., Suite 600  
San Mateo, CA 94404

**TO:**  
 Victoria Stinson  
 Maryland Department of Education  
 200 W BALTIMORE ST  
 BALTIMORE, MD 21201

**COMMENTS OR SPECIAL INSTRUCTIONS:**  
 This quote represents purchases of IXL Learning students licenses at the following schools, within the purchasing limits approved by MSDE:

Bnos Academy Mother Mary Lange Catholic School St. Francis International School Academy of St. Mattias the Apostle Glenelg Country School Our Lady Star of the Sea School Pathway School Edgewood St. Joseph's Regional School St. Jude Regional Catholic School St. Martin of Tours School St. Mary's School in Landover Hills St. Michael - St. Clement School Torah School of Greater Washington Sheppard Pratt School (formerly Frost School) Sister Academy of Baltimore Baltimore Junior Academy St. Agnes School Don Bosco Cristo Rey High School Mother Seton Academy Children's Guild School of Baltimore Truth Christian Academy Children's Guild School of Prince George's County Al-Huda School Alim Academy	Al-Rahmah School Arrow Center for Education Riverside Arrow Center for Education Tangram Chedar Chabad Chesapeake Christian School Countryside Christian Elizabeth Seton High School Greater Youth Academy Kennedy Krieger - Fairmount Lighthouse Christian Academy Marcia D. Smith School Pathways School Horizon Rock Church Academy Saint Francis Academy Sheppard Pratt School (formerly Forbush at Oakmont Upper) Sheppard Pratt School (formerly Forbush Hunt Valley) Sheppard Pratt School (formerly Forbush PG County) Sheppard Pratt School (formerly Forbush, Glyndon, and Hannah Moore) Sheppard Pratt School (formerly Jefferson at Finan) Sheppard Pratt School (formerly Mann) Shorehaven School St. Michael's School Watson Hall Montessori School Wicomico Day School
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SALESPERSON	Account	RENEWAL PERIOD	QUOTE VALID UNTIL	
Jill Schechter	MSDE	September 30, 2024	May 31, 2023	
Quantity	Description		Unit Price	Total
1	IXL Student licenses (K-12: 6,225 students) Subjects: Math, ELA, Science, Social Studies, and Spanish		\$267,675.00	\$267,675.00
1	<i>K-8 math licenses include complimentary access to IXL's universal screener and unlimited instructor accounts</i>			
1	Multi Year Partnership Discount		-\$26,768.00	-\$26,768.00
1	Professional Development: Standard District success package		\$25,000.00	\$25,000.00
			Subtotal	\$265,907.00
			Sales Tax	
			Total Due	\$265,907.00














# IXL Learning - Transmittal and POD


Final Audit Report

2023-03-23

Created:	2023-03-22
By:	Jenna Meinel (jenna.meinel1@maryland.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAPlwJUYBHNimSqzOdDIVX7s12F1TmPeUw

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Signature Date: 2023-03-22 - 8:22:33 PM GMT - Time Source: server
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Signature Date: 2023-03-23 - 3:55:56 PM GMT - Time Source: server

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# DGS OSP ICPA POD Memo MSDE 2023


Final Audit Report


2023-05-05


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