



# Waterloo Central School District

Terri Bavis, Superintendent of the Waterloo Central School District  
Jennifer Hayden, Asst. Superintendent for Curriculum and Instruction  
109 Washington Street Waterloo, NY 13165  
(315) 539-1502

February 23, 2023

Dear Child Care, Nursery School, Early Education and/or Community Agency Provider,

The Waterloo Central School District will apply for funding from the New York State Education Department (NYSED) to implement the following pre-school educational programs for the 2023-2024 school year:

1. Universal Pre-Kindergarten, Full-Day for 4 Year Olds
2. SUFDPK, Full-Day for 4 Year Olds

New York State has consolidated the formerly stand-alone EPK, EPK3, 3PK, and UPK grants into a single grant: UPK. In an effort to ensure equity, Waterloo Central School District has established a set rate 4 year old PreK programming. Rates for Statewide (SUFDPK) will follow the same formula. See rates below:

Program	Per Seat Rate
4 Year Old Full Day- Taught by a Certified Teacher	\$10,000

Waterloo Central School District plans to contract with eligible agencies to provide educational programs for resident four-year-old children. Interested agencies will need to apply to Waterloo Central School District for inclusion in any/all of the above listed programs by completing and submitting the following information:

- o Agency Application Cover Page
- o Agency Information Packet
- o NYS Program Application Packet (*one for each program applying for*)
- o Budget Page (*one for each program applying for*)

All applicants are encouraged to view specific program requirements in their entirety at the NYSED website (<http://www.p12.nysed.gov/earlylearning>).

Waterloo Central School District will review all proposals and reserves the right to make final determinations as to the ability of an agency to provide high quality early childhood programming. Factors used to determine the acceptance of an agency's request to collaborate with the District are set forth in the RFP below.

Please carefully review the attached directions for completing your application and submit **one original and two copies** of all applicable application packet items to the Waterloo Central School District office no later than April 3, 2023 at 4:00 p.m.

Thank you for your interest in the Waterloo Central School District's Early Childhood Programs. If you have questions regarding the preparation of your agency's application, please contact the Assistant Superintendent for Curriculum and Instruction, Jenn Hayden at (315) 539-1502.

Sincerely,

Jennifer Hayden, Assistant Superintendent for Curriculum and Instruction



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## PART I: RFP INFORMATION

### Section 1 - Introduction and Purpose

- (a) The Waterloo Central School District (“District”) is located in Seneca County, New York. The District desires to enter into an agreement with an eligible agency to provide universal prekindergarten services to four year (4) old District students.
- (b) The District seeks proposals by eligible agencies (“Proposer”) as defined in Section 3602-e of the Education Law and in the Regulations of the Commissioner of Education (8 NYCRR 151-1) to serve as an independent contractor to collaborate with the District in providing a pre-kindergarten instructional program for the District during the 2023-2024 school year.

### Section 2 - Time Line and Receipt of Proposals

- I. Release of RFP's to Potential Vendors February 27, 2023
- II. Return of Proposals April 3, 2023
- III. Review of Proposals and Selected Vendor Presentations April 13, 2023
- IV. Implementation July 1, 2023-June 30, 2024

- 2.1 One original and two copies of the proposal and other required documents must be sealed in an envelope marked with the name and address of the Proposer and must be received **no later than** 4:00pm on April 3, 2023, at the offices of:

**WATERLOO CENTRAL SCHOOL DISTRICT  
109 WASHINGTON STREET  
WATERLOO, NEW YORK 13165  
ATTN: JENNIFER HAYDEN,  
ASSISTANT SUPERINTENDENT FOR CURRICULUM AND INSTRUCTION**

- 2.2 The proposal submitted by the individual Proposer(s) is the document upon which the District will make its initial judgment regarding the Proposer's qualifications, understanding of the District’s scope and objectives, methodology, and ability to



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complete services under the Contract contained at Exhibit "A" (the "Contract").

- 2.3 Those submitting Proposals do so entirely at their expense. There is no express or implied obligation by the District to reimburse any firm or individual for any costs incurred in preparing or submitting Proposals, preparing or submitting additional information requested by the District, or for participating in any selection interviews.
- 2.4 Submission of any Proposal indicates acceptance of all of the terms and conditions contained in the Request for Proposal ("RFP"). Any exceptions must be highlighted and noted in an addendum to the proper submittal.
- 2.5 The District reserves the right to reject any and all Proposals, in whole or in part, submitted in response to its RFP.
- 2.6 The District reserves the right to waive any and all informalities and to disregard all non-conforming, non-responsive or conditional Proposals.
- 2.7 The District may, at any time by written notification to all Proposers, change any portions of the RFP.
- 2.8 During the evaluation of Proposals, the District may require clarification of information and may invite Proposers to an oral presentation to amplify and/or validate Proposal contents.

## **Section 3 - Proposal Submission**

- 3.1 The Proposal shall include all of the information requested in this RFP.

## **Section 4 – Contract Term:**

- 4.1 The initial contract period shall be for one year. The District may at the end of this period extend the agreement for one additional year. The parties will mutually agree to the fee for services and the actual service deliverables for the additional period.
- 4.2 The Proposer acknowledges and agrees to be bound by all the terms and conditions as set forth in the RFP and Contract Document contained in Exhibit "A".
- 4.3 The Successful Proposer shall execute a contract with the District in substantial



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conformance with this RFP.

## Section 5 - Restriction on Disclosure and Use of Data:

- 5.1 Upon submission, proposals and other materials submitted by Proposers become records subject to the Freedom of Information Law (FOIL) of New York State. The District may deny public access to such records or applicable portions which are trade secrets and are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise, are specifically exempted from disclosure by state or federal statute, or are otherwise exempted from disclosure under FOIL. Proposers should mark confidential only those portions of their proposals which they believe are not required to be disclosed under FOIL. The District, however, may be obligated to disclose information consistent with the requirements of FOIL notwithstanding any such markings made by Proposers.

## Section 6 - Proposal Evaluation:

- 6.1 Waterloo Central School District will review all proposals and reserves the right to make final determinations as to the ability of an agency to provide high quality early childhood programming. Factors used to determine the acceptance of an agency's request to collaborate with the District include, but may not be limited to:
- Information provided in the RFP;
  - Information provided in the budget form, including the total dollar amount required by the agency to implement the program;
  - Information gathered at a site visit(s) and from an interview with agency official(s) following submission of the written application;
  - Strength/sustainability of current agency program(s);
  - Potential number of Waterloo resident pre-school children who will have access to the NYS funded pre-school program(s);
  - Agency's ability to provide Teachers and Teaching Assistants with appropriate NYS Certification
  - Agency's ability to provide a Supervisor Certified in Teacher Evaluation with Charlotte Danielson's Framework for Teaching



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- Agency's ability to meet NYSED and Waterloo Central School District's written programmatic regulation/standards
  - The eligible agency's capacity to effectively, efficiently and immediately provide needed services;
  - The ease of utilization and accessibility of the program to parents and/or guardians;
  - Capacity to provide ongoing staff development;
  - Staffing patterns and qualifications;
  - Documentation that all applicable health and safety codes and licensure or registration requirements are met;
  - Anticipated fiscal share and other resources will be contributed to the universal prekindergarten program;
  - Current program design and experience in providing developmentally-appropriate programs;
  - Fiscal solvency;
  - Stability of staff, rate of turnover and ability to fill vacancies in a timely manner;
  - Articulated mission/philosophy statements;
  - Record management and documentation procedures followed by the agency;
  - Administrative structure;
  - Capacity and experience in serving children with disabilities;
  - Capacity and experience in serving children and their parents and/or guardians when they are limited English proficient;
  - Children's progress as demonstrated by assessments; and
  - Demonstrated effectiveness of the eligible agency's program.
- 6.2 Proposals will remain valid until the execution of a contract by the District, unless otherwise rejected consistent with this RFP.



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- 6.3 The District will award a contract resulting from this solicitation to the most responsible Proposer or Proposers whose proposal, in the sole judgment of the District, will be most advantageous to the District, after cost and other factors, specified elsewhere in this request are considered.
- 6.4 The Proposer shall allow the District to conduct at a minimum one site visit prior to contracting for services.

## **Section 7 - Alternatives and Deviations:**

- 7.1 Proposer may include in its Proposal items not specified in this RFP, which it would consider pertinent. All such alternatives must be listed separately from the Proposal and the cost thereof must be separate and itemized. Any and all deviations from the terms and conditions of this RFP must be set forth in detail in an attachment to the Proposal.

## **Section 8 - Specification Clarification:**

- 8.1 All questions about the meaning or intent of the specifications must be submitted in writing via email to:

Jennifer Hayden, Assistant Superintendent for Curriculum and Instruction

Email: [Jennifer.hayden@waterloocsd.org](mailto:Jennifer.hayden@waterloocsd.org)

Replies will be issued in writing and will be provided to all other known recipients of this RFP.

## **Section 9 - Withdrawal of Proposals:**

- 9.1 Proposals may be withdrawn by written notice received at any time before award. Proposals may be withdrawn in person by a Proposer or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the proposal before award.
- 9.2 Each proposal shall constitute a firm offer for a period of ninety (90) days from the Proposal opening date. After expiration of the firm offer period, if no contract award has been made, a Proposal may be withdrawn if the Proposer does so in writing directed to Jennifer Hayden, Assistant Superintendent for Curriculum and Instruction; otherwise, Proposals remain in effect consistent with the terms of Section 6.2 of this RFP.



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## Section 10 - Insurance and Security Requirements:

10.1 The Successful Proposer shall be required to produce and maintain, at its own expense, the following insurance coverage

(a) Workers' Compensation and Employer's Liability Insurance: As statutorily required by New York State Workers' Compensation Law.

(b) Public Liability and Property Damage Insurance: A policy or policies with limits of not less than:

<u>Limit of Liability:</u>	\$1,000,000	for injury or death, per person or Incident;
	\$1,000,000	for property damage

10.2 Each policy of insurance required shall be of form and content satisfactory to the District and shall be noncancelable without ten (10) days prior written notice to the District.

10.3 A duplicate original of such insurance policy or a certificate of insurance shall be given to the District upon request.



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## PART II: AGENCY/ORGANIZATION INFORMATION





# Waterloo Central School District

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Program agency is applying to participate in (*please check any/all that apply*):

<b>Waterloo Central School District – New York State Funded Pre-Kindergarten Programs For the 2023-2024 School Year</b>	
<b>Agency Application Cover Page</b>	
Agency/Organization's Legal Name:	
Agency/Organization's DBA Name (if different than above):	
Mailing Address:	
State of Organization:	
How the Agency/Organization is Organized (corporation, partnership, LLC, etc.):	
Phone:	Fax:
Federal Tax ID Number:	Years the Agency/Organization has been doing business:
Physical Address of Principal Location ( <i>if different from mailing address</i> ):	
Addresses of Additional Locations (if any):	
Agency Email:	
Name/Title of Person Completing this Application:	
Chief Executive Officer:	Phone:
Contact Person:	Title:
Phone:	Email:



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- Universal Pre-Kindergarten (UPK)
- SUFDPK

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**Directions:** Please complete this form (Agency Application Cover Page) and attach all required application pages to it. **One (1) original and two (2) copies** of all application materials must be submitted to the address below no later than **April 3, 2023 at 4:00pm.**

**Waterloo Central School District Office of Curriculum and Instruction**  
**109 Washington Street**  
**Waterloo, NY 13165**  
**Phone: (315) 539-1502**





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4. How many Waterloo resident children do you currently serve? Please delineate by age groups:
  
  
  
  
  
  
  
  
  
  
5. Please list licensure/certification/affiliations held by your agency and attach copies of these documents to this packet (i.e. OCFS, Quality Stars, NAEYC, DSS, etc.):
  
  
  
  
  
  
  
  
  
  
6. Please list and attach administrative/educational certification(s) held by on-site administrator/supervisor(s). If the agency operates classrooms at more than one physical location, please identify for each site:
  
  
  
  
  
  
  
  
  
  
7. Please describe and attach copies of your agency's recruitment, screening and hiring procedures for classroom staff. Please address how your agency ensures NYS mandated fingerprint clearance of employees:



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Page Break

8. Does your agency collaborate with any other agencies? If yes, please identify and describe those collaborations:

9. What professional development opportunities do you provide for your staff? Are these required of all employees or voluntary? Please describe professional development mandates/structures within your agency, as well as the credentials of the professional development provider(s):

10. Please identify the plan for appropriate classroom coverage (maintaining adult/child ratio as well as appropriate certification) in the event of staff absences:



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11. Please describe the employee evaluation process/frequency utilized by your agency:



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Waterloo Central School District – New York State Funded Pre-Kindergarten Programs

For the  
2023-2024 School Year

## New York State Program Application Packet

### *Universal Pre-Kindergarten (UPK)*

Agency/Organization Name:

Physical location/address of proposed classroom(s)\*:

*\*please attach a separate page for each additional physical location*

Number of proposed <b>full day 4 Year Old UPK</b> seats at this location	
Hours of full day program operation	
Number of NYS certified teachers for this location	
Number of teaching assistant/aides for this location	

What is the average classroom square footage per child at this location?	
--	--

Is there an <b>indoor</b> gross motor space available at this location?	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
<ul style="list-style-type: none"> <li>If <b>yes</b>, please describe space and available equipment:</li> </ul>	
<ul style="list-style-type: none"> <li>If <b>no</b>, please describe plans to meet programmatic gross motor requirements:</li> </ul>	



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Is there an <b>outdoor</b> gross motor space available at this location?	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
<ul style="list-style-type: none"><li>• If <b>yes</b>, please describe space and available equipment:</li></ul>	
<ul style="list-style-type: none"><li>• If <b>no</b>, please describe plans to meet programmatic gross motor requirements:</li></ul>	

Please describe the services your agency/organization will provide to the District:

Please provide a detailed narrative on how your agency/organization will meet the goals and objectives of the District's universal prekindergarten program:

Please describe a typical instructional day in your proposed classroom(s) under this program ( <i>a sample schedule may be attached</i> ):





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Please describe plans to implement WCSD/NYSED curricular requirements under this program (include literacy, math, social emotional, gross motor, technology integration, and on-going student assessment, etc.):

--

Please describe how your program would use both formative and summative assessment for both academics and social emotional learning to support small group and individualized instruction for students:

--

Please describe how your curriculum is in alignment with the WCSD Kindergarten curriculum and how your agency would work with WCSD to ensure a seamless transition to Kindergarten for students and families:

--

Please describe your agency's plan to provide classroom staff with release time to attend WCSD provided professional development sessions:

--

Please describe how your agency would integrate the WCSD's program for Positive Behavioral Interventions and Supports:

--



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Please describe your agency's plan to provide classroom teachers with time to meet/plan with WCSD Early Childhood Instructional Coaching staff on a regular basis:

--

Please describe your agency's plan for providing instructional supervision of classrooms by an on-site, NYS certified professional who is certified in Teacher Supervision using the District's approved rubric for Annual Professional Performance Review. ***(attach credentials of certified on-site supervisor)***:

--

Please describe your agency's plan for ensuring that children are in attendance for the full duration of program hours daily:

--

Please describe your agency's plan for entering/reporting student attendance in the WCSD *SchoolTool* platform on a daily basis:

--

Please describe your agency's experience with preschoolers with disabilities:

--

Please describe your agency's experience with preschoolers who are multi-language learners:

--



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Please describe your agency's experience with preschoolers who qualify for McKinney-Vento services:

--

Please describe how your agency will support the Waterloo Central School District's Personalized Learning and Technology Integration Initiatives:

--

Please describe services/supports your agency provides to families (***attach supporting documentation***):

--

Please describe your agency's plan for parent engagement (***attach supporting documentation***):

--

Please describe how your agency will benefit from the proposed collaboration with the Waterloo Central School District:

--

Program Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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## PART III: PROPOSED BUDGET

Waterloo Central School District – New York State Funded Pre-Kindergarten Programs  
for the  
2023-2024 School Year

### Agency Budget Form

### UPK

(# Students X \$ Rate = \$ Total)

Program	#		\$ Rate		\$ Total
Proposed 4 Year Old FD Seats		X	\$10,000	=	\$

Total Proposed Budget Request = \$ \_\_\_\_\_

Please provide a narrative description of reasonable, appropriate and necessary expenditures:

Profession salaries detail:

\_\_\_\_\_ Total dollar amount for professional salaries = \$ \_\_\_\_\_

Support Staff salaries detail:

\_\_\_\_\_ Total dollar amount for support staff salaries = \$ \_\_\_\_\_

Employee benefits detail:

\_\_\_\_\_ Total dollar amount for employee benefits = \$ \_\_\_\_\_

Supplies and materials detail:

\_\_\_\_\_ Total dollar amount for supplies & materials = \$ \_\_\_\_\_



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**Equipment detail:**

\_\_\_\_\_ Total dollar amount for equipment = \$ \_\_\_\_\_

**Indirect costs detail:**

\_\_\_\_\_ Total dollar amount for indirect costs = \$ \_\_\_\_\_

**Purchases services detail:**

\_\_\_\_\_ Total dollar amount for purchased services = \$ \_\_\_\_\_

**Program Director Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Chief Executive Officer Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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## EXHIBIT A

### TEMPLATE CONTRACT

#### Waterloo Central School District Universal Prekindergarten Agreement

Made this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the Waterloo Central School District, with District Office at 109 Washington Street, Waterloo, NY, hereinafter referred to as "District", and [INSERT NAME OF PROVIDER] with offices at [INSERT ADDRESS OF PROVIDER] hereinafter referred to as "Provider",

**WHEREAS** the District desires to contract with an eligible agency for pre-kindergarten program services; and

**WHEREAS** Provider represents it is an eligible agency as defined in Section 3602-e of the Education Law and in the Regulations of the Commissioner of Education (8 NYCRR 151-1); and

**WHEREAS** Provider has proposed to offer Universal Pre-Kindergarten program (hereinafter referred to as "UPK" program) services as an independent contractor of the District for the school year 2023-24 **in District Facilities**; and

**WHEREAS** said proposal satisfactorily meets the terms of the District's UPK Program.

**NOW THEREFORE** in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Program. The Provider shall operate the UPK program for the 2023-24 school year for up to the number of children agreed upon by the District and Provider. The Service shall be provided to those children designated to the Provider by the District as eligible for the Service. The District may change such designation and/or number of children from time to time or at any time, with corresponding adjustment in compensation.

Instruction shall be provided on all days that the District is in session; which is equivalent to a minimum of 180 days of service. Days of instruction must be provided within the public school calendar year (September through June) and cannot extend past June 30th.

2. Term. The term of this agreement shall commence as of September 1, 2023, and terminate on June 30, 2024.

3. Compensation. The District shall pay Provider ten monthly installments for



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students enrolled commencing with September 2023 as follows.

- a. The sum of \$ \_\_\_\_\_ per month (or a proportionate amount for a partial month) for each of \_\_\_ students.
  - b. If the New York State Education Department changes its per student funding level for the District at any point in the school year, the District shall pay Provider at the new per student rate.
  - c. No parent or any other person shall be required or requested to make any payment for tuition, maintenance, transportation, in addition to the payments made by the District pursuant to this Agreement for the provision of services contracted by the Provider.
  - d. Provider shall be solely responsible for employing and compensating the instructors and other personnel necessary for the service.
4. Insurance. Provider shall be solely responsible for the registration of all students in the program, shall provide the District with a Certificate of Insurance listing the District as an additional insured with liability limits of not less than \$1,000,000 per person and \$3,000,000 per occurrence. Provider shall also provide Workers Compensation Insurance in accordance with New York State law at all times during the term of this Agreement. Provider shall have access to District's cafeteria and recreation facilities as agreed by the District.
5. Copying. Provider shall pay District's costs for copying service.
6. Compliance. Provider's services shall be in accordance with Section 3602-e of the NY Education Law and 151-1 of the Regulations of the Commissioner of Education as now in effect or hereinafter amended and shall comply with any other applicable federal, state and local laws. It is understood and agreed by the parties that failure to do so shall render this Agreement void, in which case, the Provider shall be entitled to no compensation for the portion of the school year in which such approval ceases to be maintained and shall reimburse the District any amount already received for that portion of such school year. The Provider's instructor shall hold a valid New York State Pre-K Teacher Certification. Provider shall observe and require that all employees maintain applicable requirements relating to confidentiality of records and information.
7. Renewal. Both parties agree that the continuation of this program depends upon the State's renewal or appropriate funding for the UPK program. Once the state has committed to providing funds for this program, the parties may renew the program for an additional year by written agreement executed by both parties.
8. Parents' Bill of Rights. The Provider will comply with all applicable provisions of state and federal law pertaining to the storage, maintenance, dissemination and



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administration of information governed by this agreement, including but not limited to the requirements regarding the confidentiality of student/teacher/principal data/records (hereinafter such data and records are referred to as, “Confidential Educational Information”) that may be received from the Provider or the School District, including the Family Educational Rights and Privacy Act (hereinafter, “FERPA”) and the regulations of the United States Department of Education. Further, Provider agrees to comply with any applicable provisions of Sections 2-c and 2-d of the New York State Education Law (hereinafter, “2-d”) any rules and regulations of the New York State Education Department issued thereunder, and the School District’s parents’ bill of rights for data privacy, (available on the School District’s website:

<https://www.waterloocsd.org/cms/lib/ny02211672/Centricity/Domain/241/Parents%20Bill%20of%20Rights%20for%20Data%20Privacy%20and%20Security.pdf>), and security, including any amendments to any of these, the terms of which are incorporated herein by reference to the extent required by law. Accordingly, Provider will use, store, and disseminate Confidential Educational Information only as authorized herein, and will ensure that any third party that receives Confidential Educational Information from Provider will comply with all restrictions pertaining to the use, storage, and dissemination of Confidential Educational Information that apply to Provider pursuant to this agreement. Challenges to the accuracy of Confidential Educational Information applicable to such information in the possession of an “Educational Agency,” as defined in 2-d, as may otherwise be provided for by FERPA and/or 2-d, shall not be applicable to Confidential Educational Information provided to Provider by the School District, unless otherwise required by law. Provider shall provide all notifications required by 2-d in accordance with 2-d in the event of an unauthorized release of Confidential Educational Information. Provider shall ensure that staff provided access to Confidential Educational Information are appropriately trained and qualified to facilitate compliance with 2-d in regard to Confidential Educational Information. Any changes or amendments to the agreement herein shall comply with the requirements of 2-d. Upon the expiration or termination of the agreement herein between the School District and Provider, Confidential Educational Information will be retained, returned to the School District, and/or shall be disposed of, in accordance with 2-d.

9. Family Educational and Privacy Rights Act (FERPA). The Provider shall comply with FERPA in establishing appropriate procedures for the granting of a request by parents for access to the education records of their children, as well as, for preventing unauthorized disclosure of student’s education records.
10. Reports and Records.
  - a. Provider agrees to be subject to inspection or review upon request by the District.
  - b. Provider shall furnish and/or maintain the following information on staff and children enrolled in its programs, including, but not limited to:





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- i. Documentation that its services are delivered by a New York State certified teacher. A copy of such certification will remain on file with the District throughout the entire school year that services are provided.
    - ii. UPK students' attendance records.
    - iii. UPK financial records.
    - iv. Any child specific information, to include health records, progress reports and completed assessments using the District's approved assessment form.
    - v. Daily/weekly lesson plans.
    - vi. School or program calendar for attendance days.
    - vii. Parental activity calendar.
    - viii. Certificate of Occupancy.
    - ix. Certificate(s) of Insurance.
    - x. Fire Drill Log and procedures.
  - c. All UPK mandated paperwork shall be collected, maintained and made available to the District as deemed necessary by District or New York State Education Department personnel.
  - d. The Provider shall provide any other reports and information as may be required by the District's Superintendent (or designee) regarding implementation of the UPK program.
11. Indemnification. The Provider agrees to defend, indemnify and hold the District, its officers, employees, and agents, harmless, at all times during and after the term of this Agreement, from the against all claims, damage, losses, and expenses (including without limitations, reasonable attorneys' fees) arising from, or in any way connected with the negligent or intentional acts or omissions of, or a breach of any term of or condition contained in this Agreement by the Provider, its employees, agents or representatives.
12. Independent Contractor Status. It is understood and agreed that the Provider, and its employees and agents, is an independent contractor and that it cannot bind the District to any obligation, or subject it to any liability whatsoever. As an independent contractor, the Provider and any persons engaged by it shall not be entitled to any medical, health, pension, retirement, disability, unemployment, workers compensation or other insurance or coverage, or any other benefit, similar or dissimilar, from the District. Both parties shall make all tax or other governmental reports in accordance with their status as independent contractors.
13. Termination. Notwithstanding any of the attached provisions, the District (Waterloo Central School District) reserves the right to cancel this contract, on a 30 day written notice to the Provider for the Universal Pre-K – Program.
14. Fingerprinting. Provider agrees to use best efforts to cooperate with the District to have any individuals providing services who will have a direct contact with students on



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District premises to furnish fingerprints and submit to a criminal background check and clearance by the State Education Department’s Office of School Personnel Review and Accountability (OSPRA) prior to performing services. These best efforts may include, but are not limited, to completing paperwork and filing such paperwork with an appropriate agency, e.g., BOCES, for the purpose of submitting fingerprints for criminal clearance. Provider shall be solely responsible for any costs associated with the required fingerprinting and criminal clearance. Provider shall provide a complete roster of all persons who will and/or may be providing services under this Agreement and shall further be responsible for providing updated lists as necessary.

15. Miscellaneous:

- a. Neither party may assign it rights or obligations under this agreement without the written consent of the other party. Any attempt to assign or transfer any of the rights or obligations hereunder is void.
- b. This agreement constitutes the entire Agreement between the parties. No change may be made in any of its terms without the written consent of the parties.
- c. Paragraph headings have been provided for convenience of reference only and shall not control, affect the meaning or be used in the interpretation of any provisions of this Agreement.
- d. To the extent that any portion of this Agreement is deemed by a Court of competent jurisdiction to be unenforceable, the unenforceable provisions shall be deemed eliminated, but only to the extent necessary to permit the remaining provisions to be enforced.
- e. This Agreement shall be governed by and construed under the laws of the State of New York. Seneca County, New York shall be the venue of any action or proceeding arising from or related to this Agreement.

**[INSERT NAME OF PROVIDER]**

By: \_\_\_\_\_  
[POSITION]

Waterloo Central School District

By: \_\_\_\_\_  
Superintendent

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF SENECA    )



# Waterloo Central School District

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On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared, \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/heir capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individuals acted, executed the instrument.

\_\_\_\_\_  
Signature and office of individual taking acknowledgement

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF SENECA

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared, \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/heir capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individuals acted, executed the instrument.

\_\_\_\_\_  
Signature and office of individual taking acknowledgement



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## EXHIBIT B

### NON-COLLUSIVE CERTIFICATION

By submission of this proposal, each applicant and each person signing on behalf of any applicant certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

The prices in this proposal have been arrived at independently without collusion, consultation, communication, or relationship, for the purpose of restricting competition, as to any matter relating to such prices with any other applicant or with any competitor;

Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the applicant prior to opening, directly or indirectly, to any other applicant or to any competitor;

No attempt has been made or will be made by the applicant to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

NAME: \_\_\_\_\_  
(Individual or legal name of firm or corporation)

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY/STATE/ZIP CODE: \_\_\_\_\_

BY: \_\_\_\_\_  
(Signature of representative of firm or corporation)

DATED: \_\_\_\_\_



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## EXHIBIT C

### IRAN DIVESTMENT ACT CERTIFICATION

#### **Certification of Compliance with the NEW YORK STATE IRAN DIVESTMENT ACT OF 2012**

*(Must be signed and returned with RFP)*

By submitting a bid or proposal in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should the Waterloo Central School District (the "School District") receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the School District will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the School District shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

The School District reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of this certificate as to compliance with the New York State Iran Divestment Act of 2012:

NAME (PRINT OR TYPE) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_



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