

Alabama State Department of Education



Request for Proposals RFP ALSDE 2016-07 Special Education Services

Independent IDEA Mediators

Note: FAXED OR E-MAILED APPLICATIONS WILL NOT BE ACCEPTED

Inquiries and response submissions related to this RFP are to be addressed to:

Mr. Jacky P. Todd
Administrator – Office of Operations
Alabama State Department of Education
50 North Ripley Street, Room #P305
Gordon Persons Building
Montgomery, AL 36104
Telephone 334-242-9760
E-mail: jtodd@alsde.edu

Deadline:

Applications **must be received no later than 4:00 p.m. on May 25, 2016.**
It is required that each vendor clearly mark the envelope RFP# ALSDE 2016-07 in the lower left corner of the envelope (Response packages that are not marked will be rejected).

The application package must contain the following:

1. Original application plus four copies with original signatures (the proposal must be signed by an official authorized to legally bind the vendor to the information provided).
2. Information to certify that the vendor is currently registered with the Alabama Department of Finance, Division of Purchasing, as a State Vendor and provide the STAARS VSS Portal Vendor Number.
3. A completed affidavit for business entity/employer/vendor. Verification of enrollment in E-Verify should be presented on the form found in Appendix A.

**Proposal Public Opening
Thursday May 26, 2016
9 a.m.
Gordon Persons Building,
Special Education Services Room # 3305
50 North Ripley Street
Montgomery, AL 36104**

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SECTION 1.00 ADMINISTRATIVE OVERVIEW

1.01 Purpose and Background

Purpose:

The Alabama State Department of Education (ALSDE) is seeking proposals from eligible applicants to contract as independent IDEA mediators for special education dispute resolution under Part B of the *Individuals with Disabilities Education Act* (IDEA). The purpose of these contracts is to fulfill the ALSDE's responsibility to provide this IDEA procedural safeguard in accordance with 20 U. S. C 1400, et. seq., (IDEA, P. L. 108-446) CFDA 84.027A, 34 *Code of Federal Regulations* (C.F.R.) Part 300 and *Alabama Administrative Code* (AAC) 290-8-9.08(9)(b) State Education Mediation Procedures. The ALSDE seeks to offer contracts to four eligible applicants to serve as independent IDEA mediators for special education dispute resolution under Part B of the IDEA.

The contract will be for a one-year period with an option for a second year. Vendors will be paid at an hourly rate and the total contract amount may not exceed \$75,000. Per hour fees may not exceed \$75 per hour for non-attorney mediators or \$125 per hour for mediators who are licensed to practice law. Travel time will be reimbursed at a flat rate of \$35 per hour. In-state and out-of-state travel and travel-related expenses will be reimbursed according to the standard rates and practices as set by the state of Alabama.

Background:

The major goal of this project is:

- To establish a contract for independent IDEA mediators for special education dispute resolution regarding Part B of the IDEA. In accordance with the AAC 290-8-9.08(9)(b), State Education Agency Mediation Procedures, any time the public agency and the parents disagree on special education matters, either party may request a mediation.

Those eligible to apply must:

- Be licensed to practice law, or have specific training and certification in IDEA mediation, or have extensive experience successfully completing IDEA mediations.
- Not be a person, as of August 1, 2016, who is an employee of the SEA or the LEA that is involved in the education or care of the child, or a person having a personal or professional interest that would conflict with his or her objectivity during a mediation session.
- Possess knowledge of and the ability to understand the provisions of the IDEA and state regulations pertaining to the IDEA.
- Possess the knowledge and ability to conduct mediation sessions in accordance with appropriate standard practice.
- Possess the knowledge and ability to complete mediation agreements.

The execution date for the contract is for the period of August 1, 2016, to September 30, 2017. The approved contract will become effective on the date it is signed by all parties. A person who conducts a mediation session is not an employee of the ALSDE solely because he or she is paid by the ALSDE to serve as an independent IDEA mediator. There is no entitlement to any state

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merit system benefits to anyone working under this agreement. This agreement is subject to termination in the event of proration of the fund from which payment under this agreement is to be made or may be terminated by either party upon receipt of a thirty (30) day written notification. This agreement shall not be subject to modification or amendment except by written agreement with the appropriate authorized signatures. Neither party shall have the right to assign or transfer its rights or obligations under this contract without the written consent of the other party.

1.02 Anticipated Time Table:

May 25, 2016	Proposal Submission Deadline
May 26, 2016	Bid Opening

1.03 Application Evaluation:

An Evaluation Team will review the proposals and make the selection. The criteria listed below will be used to evaluate the proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP.

Evaluation Criteria:

Professional Experience	40 points
Qualifications	40 points
Cost per hour	10 points
References	10 points

Best and Final Offers:

The ALSDE may either accept a vendor's initial proposal by award of a contract or enter into discussions with vendors whose proposals are deemed to be reasonably acceptable for consideration of an award. After discussions are concluded, a vendor may be allowed to submit a "Best and Final Offer" for consideration.

The ALSDE will make all decisions regarding evaluation of the RFP. The ALSDE reserves the right to judge and determine whether a request is compliant with and has satisfactorily met the requirements of the RFP. The ALSDE reserves the right to waive technical defects if, in its judgment, the interest of the ALSDE so requires. Any further information disclosed about the RFP during this process will be provided to all applicants.

For the purpose of verifying the contents of the applications, the ALSDE may request additional information, vendor interviews, and content presentations or materials. Discussions may be conducted with applicants that submit RFPs determined to be reasonably suitable of being selected for the purpose of clarifying and assuring full cooperation in meeting the required terms. The ALSDE reserves the right to reject at its sole discretion the proposals it deems non-cooperative applications.

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Method of Payment:

Payment will be made upon receipt of an itemized, signed invoice documenting the dates and hours of the mediation and related travel. Supporting documentation must be submitted if requested by the ALSDE. Final claims must be received no later than thirty (30) days following the completion of the mediation session. Invoicing for professional development days and related travel expenses will be invoiced using the standard set by the state of Alabama.

Rejection of Proposal:

The ALSDE reserves the right to reject any or all proposals that are deemed to be non-responsive, late in submission, or unsatisfactory in any way. ALSDE shall have no obligation to award a contract for work, goods, and/or services as a result of this RFP.

Confidentiality:

All information contained in the RFP is considered to be the exclusive property of the ALSDE. Recipients of this RFP are not to disclose any information contained within the RFP unless such information is publically available. This RFP is provided for the sole purpose of allowing vendors to respond to these specifications.

Selection Process:

Final selection of the successful vendor will not be solely based on cost. The vendor product will be evaluated primarily on the scope of activities linked to the associated costs. RFPs will be reviewed to ascertain that the minimum requirements have been met. The ALSDE reserves the right to conduct discussions with potential vendors in order to clarify information contained in their proposals, but the ALSDE has no obligation to do so.

Professional experience evaluation criteria includes:

- Number of years as a licensed attorney.
- Number of years as a teacher, educational administrator, or postsecondary instructor.
- Number of years as a mediator.
- Number of years as an IDEA mediator.

Qualifications evaluation criteria includes:

- Juris Doctor Degree.
- Additional or specialized legal certification or mediation endorsement.
- Additional earned Doctorate degree.
- Membership(s) in professional organization(s).
- Teaching or Education Administration certification.

Fee per hour criteria includes the following:

- Dollar amount bid per hour. The per hour amount bid will be aggregated based on attorney or non-attorney status.

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Disclaimer Notice:

The ALSDE will not be liable for any costs associated with the preparation of proposals or negotiations of a contract incurred by any party.

Availability of Funds:

It is expressly understood and agreed that the obligations of the ALSDE to proceed is conditioned upon the continued availability of funds that may be expended for these purposes.

1.04 Conditions and Terms

Contract Terms:

The contract resulting from this RFP is renewable for one additional year pending agreement of the vendor and ALSDE. The contract will commence pending Legislative Review Committee approval and the Governor's signature.

Responses should reference each element in the RFP by number on the cover of each copy and be arranged in the same sequence. All fees and costs are to be stated in United States currency. Respondents must reply to each element of the RFP.

SECTION 2.00 SCOPE OF WORK

2.01 Scope of Provider's Work and Responsibilities

Independent IDEA mediators:

The vendor shall provide mediation services for the ALSDE in accordance with the following provisions and requirements:

- The vendor shall provide services in compliance with, but not limited to, 20 U. S. C 1400, et. seq., (IDEA, P. L. 108-446) CFDA 84.027A, 34 *Code of Federal Regulations* (C.F.R.) Part 300 and *Alabama Administrative Code* (AAC) 290-8-9.08(9)(b) State Education Mediation Procedures.
- The vendor must conduct mediation sessions in accordance with appropriate practices.
- The vendor must maintain the confidentiality of discussions that occur during the mediation process.
- The vendor must promptly contact the parties to confirm that both parties voluntarily consent to participate in mediation.
- The vendor must schedule the mediation in a timely manner.
- The vendor must schedule the mediation for a location that is convenient to the disputing parties.
- The vendor will notify the ALSDE within 24 hours of assignment if he/she is not able to accept the mediation assignment.
- When necessary, the vendor will assist the parties to execute a legally binding written agreement setting forth the resolution of the disputed matter(s).

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- When a mediation is assigned that is also part of a due process hearing request, the vendor will immediately notify the hearing officer of his or her assignment and promptly update the hearing officer of any change in the status of the mediation.
- The vendor will promptly notify the ALSDE confirming voluntary consent, and the date and location of the mediation.
- When a mediation is assigned in lieu of a 15-day resolution meeting or as part of a State Complaint, the vendor will schedule the mediation at a date that falls within the regulatory timelines.
- Upon completion of the mediation, the vendor will promptly notify the ALSDE and provide the ALSDE, when appropriate, a copy of the signed mediation agreement.
- In general, the vendor should attempt to schedule mediation sessions on consecutive days and the mediation session should not exceed three days.

2.02 Scope of Alabama State Department of Education’s Work and Responsibilities

Specific responsibilities of the ALSDE are stated below:

- Maintain a list of individuals who are qualified mediators and are knowledgeable in laws and regulations relating to the provision of special education and related services.
- Assign a mediator from the roster.
- Bear the cost of the mediation process.
- Maintain comprehensive tracking and filing regarding each mediation to include, but not be limited to, mediation assignments, agreements, and mediation status.
- Provide professional development for independent IDEA mediators.
- Provide for an annual review of the independent IDEA mediators work and responsibilities.
- Provide for payment of the independent IDEA mediators.

SECTION 3.0 GENERAL REQUIREMENTS

3.01 Requirements of Proposal

The vendor must provide the following mandatory information. **Failure to provide this information may be cause for the proposal to be rejected.** Qualifications, experience, and cost will be evaluated for contract award. The proposal may be submitted under the same cover with Vendor Requirements and Cost Proposal in two distinct sections. E-verify information is required to be submitted for all employees to include contractors of the vendors if necessary and applicable.

Part I

Signed Cover Letter:

The cover letter that shall serve as the first page of the applicant’s proposal. The vendor shall complete the cover letter and attach it to the application in response to the RFP. The cover letter must be signed by an official authorized to legally bind the applicant. It will state that the applicant is a legal entity that will meet the specifications. The cover letter must accompany the submitted application. The letter accompanying the application must have original signatures and must include contact numbers and e-mail addresses for the authorized official signing the letters.

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Part II

Vendor Qualification and Experience:

Vendor shall provide satisfactory evidence of the vendor's capability to coordinate the types of activities and to provide the services described in the RFP in a timely manner. Special attention should be given to the discussion of qualifications. The discussion shall include a description of the vendor's background and relevant experience as related to the required activities in the RFP.

Part III

Vendor shall provide a detailed plan describing how the services will be performed to meet the requirements of the RFP. The description shall encompass the requirements of this RFP. The application must be prepared and organized in a clear and concise manner that is easily understandable.

Vendor Organization:

Describe your organizational structure and explain how your organization qualifies to be responsive to the requirements of this RFP.

References:

The vendor shall provide a minimum of three (3) references that can support and validate the vendor's professional experience, including names of persons who may be contacted, position of the person, addresses, and phone numbers who can support and validate the qualifications and ability to provide service as an IDEA mediator.

Executive Summary:

An executive summary is required. This summary will condense and highlight the contents of the vendor's application.

Part IV

Cost Proposal:

Vendor shall include the fee structure and pricing for the hourly rate.

Subcontractor Disclosure:

If the execution of work to be performed requires the hiring of Subcontractors, **you must clearly state this in the bid response and provide qualifications for such individuals.** Subcontractors must be identified and the services they will provide or work they will perform must be clearly defined. The ALSDE retains the right to refuse the Subcontractor you have selected. The contractor and associated personnel shall remain solely responsible for the performance of all work, including work that may be subcontracted.

Describe your rationale for utilizing Subcontractors including relevant past experience partnering with stated Subcontractor(s). Documents for E-verification of subcontractors are the sole responsibility of the contractor and must be available upon request to ensure compliance.

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SECTION 4.0 GENERAL TERMS AND CONDITIONS

4.01 Governance

This RFP and its terms shall be governed and construed according to the laws of the State of Alabama. Any dispute arising out of this RFP shall be brought in the State of Alabama, with venue in Montgomery County, Alabama. Applicants agree to comply with all applicable federal and state laws and regulations.

4.02 Immigration

The proposal must contain a statement that the entity is aware of the requirements of the *Beason-Hammon Alabama Taxpayer and Citizen Protection Act* and a statement that the Proposer is enrolled in the E-Verify as required by Section 31-13-9 (b), *Code of Alabama*, 1975, as amended.

**BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT
COMPLIANCE**

The *Beason-Hammon Alabama Taxpayer and Citizen Protection Act* (31-13-1 et seq, *Code of Alabama*, 1975 as amended by Act 2012-491) regulates illegal immigration in the State of Alabama. All contracts with the State or political subdivision thereof must comply with that law.

For the purposes of this RFP and any responding Proposal, the following sections of that law impose specific requirements: Section 9 (a) of the Act provides “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ an unauthorized alien within the State of Alabama.”

Section 9(b) of the Act requires “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees within the State of Alabama, the business entity or employer is enrolled in the E-Verify program.”

As provided in the Act a “**business entity**” is *any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit* and an “**employer**” is defined as *any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control of custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.*

A proposal must include a statement that the Proposer has knowledge of this law and is in compliance. Before a contract is signed, the Contractor awarded the contract must submit a

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Certificate of Compliance using the form in Appendix A to this RFP, unless exempt because it has been issued by the United States Department of Homeland Security upon enrollment in the E-Verify Program. E-Verify enrollment can be accomplished at the Web site of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 10 for additional language required by Section 10(k) of the Act to be included in the contract. *Rev.5-24-13*

4.03 Conflict of Interest

The applicant attests that no employee, officer, or agent of the applicant shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. A conflict would arise when the employee, officer, agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein has a financial or other interest in the organization selected for an award. The officers, employees, and agents of the applicant, if selected as the vendor, shall neither award nor offer gratuities, favors, nor anything of monetary value from vendors or subcontractors.

4.04 Discrimination

Alabama Non-Discrimination Statement:

No person shall be denied employment, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity on the basis of disability, gender, race, religion, national origin, color, age, genetic information, or any other category protected under the law. Ref: Sec. **1983, Civil Rights Act, 42 U.S.C.; Title VI and VII, Civil Rights Act of 1964; Rehabilitation Act of 1973**, Sec. 504; Age Discrimination in Employment Act; the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008; Equal Pay Act of 1963; Title IX of the Education Amendment of 1972; Title II of the Genetic Information Nondiscrimination Act of 2008. Title IX Coordinator, P.O. Box 302101, Montgomery, Alabama 36130-2101 or call (334) 242-8165.

Federal Non-Discrimination Statement:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

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Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

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APPENDIX "A"

State of _____)

County of _____)

**CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND
CITIZEN PROTECTION ACT (ACT 2011-535, as amended by Act 2012-491)**

DATE: _____

RE Contract/Grant/Incentive (*describe by number or subject*):

_____ **by and between**

(Contractor/Grantee)

**(State Agency, Department
or Public Entity)**

The undersigned hereby certifies to the State of Alabama as follow:

1. The undersigned holds the position of _____ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT2011-535 of the Alabama Legislature, as amended by Act 2012-491) which is described herein as "the Act".
2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. "Business entity" shall include, but no be limited to the following:

- a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
- b. Any business entity that possess a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

_____(a)The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

_____(b)The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

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As of the date of this Certificate, Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;

Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this _____ day of _____ 20 ____.

Name of Contractor/Grantee/Recipient

By: _____

Its _____

The above Certification was signed in my presence by the person whose name appears above, on this _____ day of _____ 20 ____.

WITNESS: _____

Printed Name of Witness