

UTAH CHARTER ACADEMIES
REQUEST FOR PROPOSAL
EDUCATION AND BUSINESS SERVICE PROVIDER SERVICES

SECTION I

SELECTION SCHEDULE

Advertisement of Bid Proposal: Published on both the web site of Utah Charter Academies (www.americanprep.org/rfp/) and on www.sciquest.com

Submission of Proposal (Deadline): August 14, 2018 at 10 AM MST

Proposal Opening: All proposals will be held by the attorney for Utah Charter Academies until after the submission deadline, and then emailed to the full board of Utah Charter Academies for review by individual board members.

Review of Submitted Proposal: Not yet finalized. Most likely at a board meeting in late September 2018, as determined by the board for Utah Charter Academies.

Tentative Contract Award Date: October 2018, subject to a satisfactory negotiation of a final contract consistent with the terms and conditions in the RFP.

Contract Duration: Not to exceed five (5) years, and comply with all applicable State and IRS requirements.

Offeror to Begin Service: Approximately October 2018

SECTION II

INTRODUCTION

- A. Utah Charter Academies, doing business as American Preparatory Academy (the "School") is requesting proposals for a public charter School Education and Business Service Provider ("ESP").
- B.

DISCLAIMER & ACKNOWLEDGEMENT

- School reserves the right to cancel any and all ESP service agreements executed pursuant to this Request for Proposals. All offerors must agree to cancellation of said agreements and hold School, its directors, officers, employees, and agents harmless for any loss of potential profits and costs/expenses incurred for any reason or no reason. Submission of an ESP proposal in response to this RFP shall be deemed an acknowledgment and consent to the cancellation provisions contained in this paragraph.**
- C. **TERM OF CONTRACT.** In the interest of maintaining continued services, the School will award the contract for ESP services for a period up to, but not to exceed five (5) years beginning approximately October 2018. The contract entered into by School's Board of Directors for ESP services shall be in writing and shall incorporate the above mentioned "Disclaimer & Acknowledgment."
 - D. **AWARD OF CONTRACT.** The contract will be awarded to the offeror whose proposal is determined to be the most advantageous to School, taking into consideration price and evaluation factors set forth in the RFP. No other factors or criteria will be used in the evaluation. The final determination shall be in writing and shall be determined at the sole discretion of School's Board of Directors. The contract file will contain the basis on which the award is made. School can reject any and all proposals, and it can waive any informality or technicality in any proposal received if School's Board of Directors determines it would serve the best interests of School. School will open proposals publicly, identifying only the names of the offerors. Following the award decision, all proposals become public information.

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SECTION III
PROPOSAL INFORMATION

- A. Proposals must be submitted in compliance with **Section IV** of this RFP.
- B. The services required and offered in a proposal should meet the needs described below. Only one proposal may be submitted and considered. Offerors may include any special or unique services they plan to provide.
- C. General Information about the School: The School has six campuses in Utah: three in Draper, two in West Valley City, and one in Salem. The six campuses had an official enrollment of 4,740 in January 2018, and the School anticipates having an enrollment of approximately 5,048 in October 2018. More information can be found on the School's web site here: <http://www.americanprep.org/>
- D. Submission of a proposal will be construed to mean that the offeror understands the requirements contained herein, and the offeror can supply the described services for the fee contained in their submitted proposal.
- E. Proposals will be submitted by email to the School's counsel, who will not share the submission of any proposal with anyone else until after the submission deadline has passed so as to avoid disclosure of contents to competing offerors during the process of negotiation. The School will cooperate with all potential offerors, to the extent reasonably possible, in their attempt to obtain information. Discussions may be conducted with offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, the solicitation requirements.
- F. If selected by the School's Board of Directors, the successful offeror must be prepared to execute an education services provider agreement containing the services, terms and conditions outlined in the successful proposal.
- G. **It is understood that School's Board of Directors reserves the right to accept or reject any or all proposals and/or to waive any or all formalities in any bid or in the bid process deemed to be in the best interest of the School. No agreement exists on the part of the School until a contract is formally approved and executed by School's Board of Directors.**
- H. Bid proposals received by telephone, fax, hard copy or any other unapproved form, are not acceptable and will not be considered.
- I. This RFP does not obligate School to pay for any costs, of any kind whatsoever, that may be incurred by an offeror/respondent or any third parties in connection with a response proposal. All responses and supporting documentation shall become property of School. Further, School shall not be liable to any offeror, person, or entity for any losses, expenses, costs, claims or damages of any kind arising out of, by reason of, or attributable to, the offeror responding to the RFP.

SECTION IV
PROPOSAL REQUIREMENTS

Potential offerors are hereby invited to submit a proposal for Education and Business Service Provider services for the School.

A. It is mandatory that each proposal contain a cover letter which includes the following:

1. A statement of the offeror's intent to provide the services outlined in the proposal;
2. The legal company name;
3. Complete company address;
4. Company contact person's name, phone number, and email address;
5. Company's Internet Address;
6. The signature of the company's authorized representative, including position/title; and
7. The date of submission.

B. Proposals must be submitted by email to the School's counsel as detailed below. The proposal email should have two files attached in PDF, with the first being the Company's proposal, and the second being the Company's cost information. ALL COST INFORMATION PROVIDED BY THE OFFEROR MUST BE SUBMITTED IN A SEPARATE DOCUMENT AND A SEPARATE ELECTRONIC FILE AND CLEARLY IDENTIFIED AS COST INFORMATION. NO COST INFORMATION MAY BE SUBMITTED WITH THE REST OF THE PROPOSAL.

C. Proposals must be emailed on or before **10 AM MST on August 14, 2018 and addressed to:**

Kirton McConkie PC
Attn: Joel Wright, Counsel for UCA
Email: jwright@kmclaw.com

D. Hard copies of any proposal will not be accepted.

E. Proposals must be signed by the offeror.

F. Any questions regarding this Request for Proposals (or "RFP") should be directed to the School's Counsel at the contact information below. Contacting anyone else affiliated with the School regarding this RFP may result in a proposal being disqualified. School's Counsel can be reached at:

Joel Wright
801-426-2120
jwright@kmclaw.com

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SECTION V

PROPOSAL SPECIFICATIONS

- A. The ESP will be expected to act as an independent contractor in the delivery of educational support services.
- B. School is seeking comprehensive educational support services, also known as charter school management services, to begin in approximately October 2018 with the intent of utilizing the successful offeror's expertise in the effective planning, implementation and delivery of its educational program. The successful offeror must have expertise and experience in applicable state and federal legislation regarding both start-up and day-to-day management of Utah charter schools. Each offeror must provide a response in their proposal, in narrative format, to each of the following management components.
- 1) *Personnel Qualifications.* Please include bios of all key personnel who would provide services to the School, including their education, work experience and experience with charter schools.
 - 2) *Experience.* Provide a narrative demonstrating a proven and successful track record for providing education support services to public charter schools. Preference may be given to offerors who demonstrate a successful operating history with Utah-based charter schools. Evidence of success must include audit performances, proof of qualified staff support, and client references. The narrative should also demonstrate experience in supporting charter school expansions throughout the planning, implementation, and operational stages.
 - a. Include a list of all current client charter Schools, indicate the duration of your contractual relationship with each client School, and provide contact information for the charter School's current board president and principal. Note: School reserves the right to contact the individuals listed herein. If you do not desire School to contact any individual, please indicate it and provide an explanation.
 - b. Include a list of any litigation, arbitration or other alternative dispute resolution the ESP, or any individual or affiliate of the ESP, has had with a charter school client within the past 10 years, as well as a brief explanation of each matter to the extent such information is publicly available. Please note that such matters will not exclude any bid, and the School is most interested in looking at how the ESP handled such matters.
 - c. Include a list of any charter school client of the ESP that has been formally put on probation (pursuant to Utah Rule 277-481-3, or previous applicable Utah Rule), or had their charter terminated, by the Utah State Charter School Board in the last 10 years, as well as the reasons given for why the charter school client was put on probation, and whether such client is still on probation. Please note that such matters will not exclude any bid, and the School is most interested in looking at how the ESP handled such matters.

- 3) *Scope of Offered Services.* Provide a list and brief description of education services/management services offered in this proposal. Describe which, if any of these services relieve School staff and administration from duties they would otherwise be required to perform internally. Additionally, please provide specific responses to the following management elements:
- a. Detail the experience, expertise, and services offered regarding the coordination of required start-up activities e.g. completion and filing of state corporate documents, assistance with IRS Form 1023 Application for Recognition of Exemption Under Section 501(c)3, submission of the Utah Registration for Exemption from Corporate Franchise or Income Tax, marketing, and staff recruitment.
 - b. Detail your expertise and services offered, if any, regarding the process of identifying and addressing a charter school's facility needs.
 - c. Detail your experience, expertise, and services offered regarding charter school human resources needs. This may include advertising for teaching/administrative positions, candidate screening, and interviewing, as well as assistance with employment agreements, employee evaluations, and employee termination.
 - d. Detail the services offered, if any, regarding the scheduling, record keeping, coordination, involvement, and attendance at regular and special meetings of the Board of Directors.
 - e. School recognizes the need to properly maintain and safeguard the School's records. Detail the services offered, if any, regarding the maintenance of school records.
 - f. The successful offeror will be charged with managing the financial affairs of the School. Detail your experience and related expertise as it relates to the preparation of annual budgets, financial forecasts, and strategic financial plans for the board's review, input, and approval. In addition, describe any expertise and experience in maintaining appropriate financial documentation, instituting proper internal controls, and providing financial audit support. Provide additional information regarding specific financial certifications or licenses held by key company employees.
 - g. Detail the services offered, if any, regarding School's accounts receivable, accounts payable, maintenance of School financial records, and other bookkeeping duties.
 - h. Detail the services offered, if any, regarding assistance with solicitation and monitoring of major grants available to School.
 - i. Detail the services offered, if any, regarding assistance with preparation of reports required by School's authorizer or the Utah State Office of Education.

- j. Describe the services offered, if any, regarding assistance with the identification of curricula that support the mission and Charter of the School. If you would like a copy of the School's Charter, please email Joel Wright at jwright@kmclaw.com and request one before the submission deadline.
 - k. Provide a summary of any additional services offered as part of your proposal and not listed above.
- 4) *Compensation – Cost Formula.* ALL COST INFORMATION PROVIDED BY THE OFFEROR MUST BE SUBMITTED IN A SEPARATE ELECTRONIC FILE AND CLEARLY IDENTIFIED AS COST INFORMATION. NO COST INFORMATION MAY BE SUBMITTED WITH THE REST OF THE PROPOSAL. Provide the fee to be charged for the services contained in your proposal as outlined below regardless of whether your fees are based on a flat or per-pupil rate, please compute and provide your fees as follows:
- a. Provide the total fee for a projected enrollment of 5,048 students.
 - 1. Indicate whether your fee is based on a flat or per-pupil rate and explain relevant factors in your fee computation that could modify the proposed fee; and
 - 2. Identify potential or applicable discounts.
 - b. Divide your proposed fee by the projected year one enrollment of 5,048 for a per-pupil cost ("Proposed Fee" ÷ 5,048 = Per-Pupil Cost).
- 5) *Selection.* Selection of the Education Service Provider will be based on the responses to the above-listed management components in relation to the Evaluation Criteria set forth in the following section. The Evaluation Criteria contains a numerical score for each of the service components and the compensation section listed above, and proposals will be ranked based on their score. The successful proposal will demonstrate a complete understanding of each of the service items, as well as a description of how the service items will be accomplished.

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SECTION VI

EVALUATION CRITERIA

- 1) **Personnel Qualifications (20 points):** This criterion is based on the demonstrated qualifications of the offeror's personnel, including the ability to implement the School's Charter, as per Section V(B)(1).
- 2) **Offeror's Experience (20 points):** This criterion is based on the responsiveness to the questions contained in Section V(B)(2). This criterion involves the overall depth and quality of the offeror's experience demonstrated by overall years of experience planning experience, implementation experience, management experience, number of client Schools, length of contractual relationships, financial stability of client Schools, and School reference checks. Also include experience related to the academic program as detailed in the School's Charter.
- 3) **Scope of Services (35 points total):** As detailed in Section V(B)(3).
- 4) **Quality of References: (20 points):** This criterion is based on the information obtained regarding the quality of the offeror's services from the references provided in Section V(B)(2)(a). Information obtained from references that are Utah charter schools currently working with the offeror will be weighted more heavily.
- 5) **RFP Proposal Specifications Compliance (5 points):** Offeror complied with the RFP requirements and provided a detailed response to each item contained the Proposal Specifications.
- 6) Total points available based on Evaluation Criteria: 100 points

NOTE: Due to recent changes to the Utah Procurement Code, cost is evaluated independently from the substantive evaluation factors. ESP's who score 75/100 or higher will be deemed qualified, and their cost proposals will be scored. ESP's who score less than 75/100 will be eliminated and not considered further. The cost proposals from ESP's who score above 75/100 or greater will be eligible to earn up to 10 additional points, with the lowest price of the ESP's who score over 75 being given 10 additional points, and all other qualified ESP's being given a percentage score less than 10 based on their price. Specifically, if there were three qualified ESP's, and one bid \$800 per student, the next bid \$1,000 per student, and the last bid \$1,200 per student, then the ESP that bid \$800 would get 10 points, the ESP that bid \$1,000 would get 7.5 points (with a price 25% higher), and the ESP that bid \$1,200 would get 5 points (with a price that was 50% higher).

Total points available based on Evaluation Criteria and Cost Proposal: 110 points

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