**Request for Proposals (“RFP”)**

**For**

**Special Education Related Services**

This RFP is Being Issued by:

**Mountain Heights Academy**

9067 South 1300 West, Suite 204

West Jordan, Utah 84088

Tel. (801) 721-6329

Date of RFP Issue: April 26, 2024

Deadline to Submit Proposals: May 22, 2024 by 3:00 p.m.

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###### I – KEY DATES

A. **Date of RFP Issue:** April 26, 2024.

B. **Deadline to Submit Proposals**: May 22, 2024 by 3:00 p.m. MDT.

C. **Opening of Proposals**: May 23, 2024 at 12:00 p.m. at Mountain Heights Academy, 9067 South 1300 West, Suite 204, West Jordan, Utah 84088.

D. **Review of Submitted Proposals:** Approximately May 23, 2024 through May 31, 2024.

E. **Anticipated Contract Award Date**: Approximately June 5, 2024.

F. **Anticipated** **Contract Term:** Up to five years.

G. **Commencement of Services**: Beginning approximately July 1, 2024.

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**II – GENERAL INFORMATION**

A. **Introduction.** Mountain Heights Academy (“MHA” or the “School”) is an online full-service public charter school that serves about 1000 full-time students and 350 part-time students in grades 7-12. Only full-time students qualify for related services. MHA has been in operation since 2009. MHA’s mission is to develop connected and successful learners.

Instruction at MHA is individualized to allow students to work at their pace. MHA’s delivery of education is structured to provide maximum flexibility that is student-centered and responsive to the needs of each learner, thus eliminating the negative aspects of a one size fits all system. MHA’s technology sets it apart. It is data-driven, providing real time information that instantaneously tracks the student and their performance. Unique to MHA is its commitment to share the curriculum it has developed as an open educational resource.

B. **Past Services.** MHA has been contracting with existing special education related services provider since 2017.

C. **Purpose of RFP**. The purpose of this RFP is to solicit special education related services including mental health therapy, speech language therapy, physical therapy, occupational therapy, and behavioral therapy from reputable, experienced, and skilled providers. Specifically, MHA is seeking proposals from providers that can serve our current and future students in a skilled, professional, and timely manner that complies with applicable legal requirements.

D. **Award of Contract.** The contract will be awarded to the offeror whose proposal is determined to provide the best value to MHA, taking into consideration all substantive evaluation criteria outlined in this RFP as well as cost. No other criteria will be used in the evaluation. Please note that the Utah Procurement Code requires that most cost information be evaluated independently from the substantive evaluation criteria. The final determination shall be in writing and shall be determined at the sole discretion of MHA’s Board of Directors. The contract file will contain the basis on which the award is made. However, to the extent permitted by law, MHA may reject any and all proposals and may waive any informality or technicality in any proposal received if MHA’s Board of Directors determines it would serve the best interests of the School.

E. **Term of Contract.** In the interest of maintaining continued services, reducing administrative burdens in procuring, negotiating, or administering contracts, and potentially obtaining a volume or term discount, MHA intends to award a contract for these services for a period up to, but not to exceed, five (5) years. However, the contract must contain termination and/or renewal provisions acceptable to MHA as well as include the provisions in Utah Code Ann. § 63G-6a-1204(3)-(5) applicable to the contract.

F. **Written Contract.** If selected by the MHA’s Board of Directors, the successful offeror must be prepared to enter into a written contract consistent with the acceptable services, terms, and conditions outlined in the successful proposal and the requirements set forth in this RFP. In addition, the written contract must incorporate the below-described “Disclaimer & Acknowledgment” and contain financial terms that require regular payments from MHA on a monthly basis.

G. **Disclaimer & Acknowledgement.** Authorization to continue operating MHA as a Utah public charter school is expressly contingent on MHA’s charter not being terminated by the Utah State Charter School Board. MHA reserves the right to cancel any and all marketing/PR/advertising contracts executed pursuant to this RFP in the event the School’s charter is terminated for any reason. All offerors must agree to cancellation of said contracts and to hold MHA, its directors, officers, employees, and agents harmless for any loss of potential profits and costs/expenses incurred in the event the School’s charter is terminated for any reason. Submission of a proposal in response to this RFP shall be deemed an acknowledgment and consent by the offeror to the cancellation provisions contained in this paragraph.

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 **III – PROPOSAL INFORMATION**

1. Proposals must be submitted in compliance with **Section IV** of this RFP. Proposals not submitted in compliance with **Section IV** of this RFP may not be considered.
2. The content of a proposal must address the specifications described in **Section V** below. Only one proposal from each offeror may be submitted and considered. Offerors may include in their proposals any special or unique services they plan to provide.
3. Submission of a proposal will be construed to mean that the offeror understands the requirements contained herein and that the offeror anticipates being able to supply the described services for the pricing proposal contained in their submitted proposal.
4. As stated above, proposals will be opened publicly at Mountain Heights Academy at 12:00 p.m. on May 23, 2024. Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. Only the names of offerors who submitted proposals will be identified at the opening of proposals. However, a register of proposals will be prepared and shall be open for public inspection after the contract for this project is awarded. MHA will cooperate with all potential offerors, to the extent reasonably possible, in their attempt to obtain information.
5. MHA’s Evaluation Committee may, for the purpose of assuring full understanding of and responsiveness to the RFP’s requirements, enter into discussions or conduct interviews with, or attend presentations by, offerors who submit proposals. Offerors may be required to sign a non-disclosure agreement in connection with such activities.
6. **It is understood that MHA’s issuance of this RFP does not obligate MHA to accept any of the proposals submitted in response to this RFP, nor does it guarantee that MHA will in fact accept any of the said proposals. To the extent permitted by law, MHA’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 proposal or in the proposal process****deemed to be in the best interest of MHA. No agreement exists on the part of MHA and any offeror until a written contract is approved and executed by MHA’s Board of Directors and the offeror.**
7. **This RFP does not obligate MHA 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 proposal. All submitted proposals, responses, and supporting documentation shall become property of MHA. Further, MHA 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.**
8. At any time during the evaluation process, MHA’s Evaluation Committee may, with appropriate approval, request best and final offers, as provided for in Utah Code § 63G-6a-707.5, from responsible offerors who submit responsive proposals that meet any minimum qualifications, evaluation criteria, or score thresholds identified in this RFP.

**IV – PROPOSAL REQUIREMENTS**

Potential offerors are hereby invited to submit a proposal for marketing/PR/advertising services for MHA.

1. **Cover Letter.** It is mandatory that each proposal contain a cover letter which includes the following:
2. The legal company name of the offeror;
3. The complete company address;
4. The company contact person’s name, phone number, and email address;
5. The company’s website address;
6. The signature of the company’s authorized representative, including position/title; and
7. The date of submission.
8. **Specifications.** Proposals must address the Proposal Specifications set forth below in **Section V**.
9. **Proposals must be delivered by May 22, 2024, at 3:00 p.m. Proposals may be hand-delivered to Mountain Heights Academy, Attn: Whisper Rood, Mountain Heights Academy, 9067 South 1300 West, Suite 204, West Jordan, Utah 84088, OR delivered by email to Whisper Rood at** **wrood@mountainheightsacademy.org.**
	1. **Instructions for Hand-Delivered Proposals.** Proposals provided by hand-delivery must be in writing and separated by cost and non-cost related information. All non-cost related information of a proposal (the information provided by an offeror in response to **Section V(A)(1)-(4)**) must be contained in a sealed envelope that includes the phrase “Non-Cost Related Information for Special Education Related Services Proposal.” All cost-related information of a proposal (the information provided by an offeror in response to **Section V(A)(5)(a)**) must be contained in a different sealed envelope that includes the phrase “Cost-Related Information for Special Education Related Services Proposal.” No cost information may be submitted in the sealed envelope identified as “Non-Cost Related Information for Special Education Related Services Proposal.”
	2. **Instructions for Emailed Proposals.** Proposals provided by email must be in PDF format and separated by cost and non-cost related information. All non-cost related information of a proposal (the information provided by an offeror in response to **Section V(A)(1)-(4)**) must be contained in a PDF file(s) and clearly identified as “Non-Cost Related Information for Special Education Related Services Proposal.” All cost-related information of a proposal (the information provided by an offeror in response to **Section V(A)(5)(a)**) must be contained in a different PDF file(s) and clearly identified as “Cost-Related Information for Special Education Related Services Proposal.” No cost information may be submitted in the same PDF file identified as the “Non-Cost Related Information for Special Education Related Services Proposal.” The subject line of the email should indicate that the email contains a proposal for Special Education Related Services to MHA.
10. **Interactive Content.** Proposals may include interactive content. Such content may, for example, be saved on an external storage device or set up on a password protected web-based platform. External storage devices containing such interactive content must be hand-delivered with a proposal in accordance with **Subsection (C)(1)** above.

E. **Submission of Protected Information.** Protection of disclosure of information submitted by an offeror in response to this RFP is governed by Utah’s Government Records Access and Management Act in Utah Code § 63G-2-101 *et seq*.and Utah Administrative Code Rules R33-7-105 and R33-7-106. An offeror that desires to request protected status of any information it submits to the School in response to this RFP must specifically identify the information that it desires to protect and the reasons that the information should be afforded protected status under the law. In making this request, the offeror shall comply with the requirements in Utah Code § 63G-2-305, Utah Code § 63G-2-309, and Utah Administrative Code Rule R33-7-105. In turn, the School will comply with Utah Code § 63G-2-309 and Utah Administrative Code Rule R33-7-106 with respect to disclosing such information. Submission of protected information in response to this RFP shall be deemed an acknowledgment and consent by the offeror that the offeror agrees with this paragraph and will indemnify, defend, and hold harmless the School, its members, directors, officers, staff, and agents from any and all liability relating to the proper disclosure of information provided by the offeror in response to this RFP, even if the offeror requested protected or other confidential status for the information.

F. **Submission of Proposals with Protected Business Confidential Information.** In accordance with Utah Administrative Code Rule R33-7-107, if an offeror submits a proposal that contains information claimed to be business confidential or protected information, the offeror must submit two separate proposals as follows:

1. One redacted version for public release, with all protected business confidential information either blacked-out or removed, clearly marked as “Redacted Version;” and

2. One non-redacted version for evaluation purposes clearly marked as “Protected Business Confidential.”

Please note that pricing may not be classified as business confidential and will be considered public information. In addition, an entire proposal may not be designated as “protected,” “confidential,” or “proprietary” and shall be considered non-responsive unless the offeror removes the designation.

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**V – PROPOSAL SPECIFICATIONS**

A. **Content of Proposals.** Offerors must address the following in their proposals:

* 1. **Description and Past Experience of Organization.**
		1. Provide description of the nature of your organization’s services and activities. Specifically address your organization’s experience providing counseling, speech language pathology, physical therapy, occupational therapy, and behavioral therapy, particularly within the education arena, specifically regarding charter schools and charter school students, and online schools and online students, if any.
		2. List all schools, districts, and education-related clients (if allowed) for whom your organization has performed work during the past 12 months and certify that there is no conflict of interest between any existing contract or client relationship and the ability of your organization to provide the requested services to MHA.  Client relationships that could potentially be a conflict of interest must be listed together with a discussion of how your organization will resolve the potential conflict of interest.
		3. Disclose whether your organization, its providers, or its clients have received any warning, sanction, criticism, fine, or similar reprimand from any regulatory agency for the work performed by your organization. Also disclose whether any of your organization’s owners, officers, employees, or agents have ever been subject to the same type of reprimand or scrutiny. If not, provide a clear statement to that effect.
		4. List out which services your organization does in-house and which ones it out-sources to other organizations or individuals.  If your organization works with other organizations to provide some services, please include them in your personnel and management overview described below, as well as their experience in the relevant categories.
	2. **Personnel/Management.**
		1. Identify all individuals on your organization’s team who will manage the contracted services for Utah students and who will provide the contracted services.
		2. Describe each individual’s overall experience and skill in counseling, speech language pathology, physical therapy, occupational therapy, and behavioral therapy, in addition to services which you provide that may not be listed. Provide each individual’s current resume/biography.
		3. Provide each individual’s education, experience, and expertise with pertinent information demonstrating qualifications for successfully carrying out a proposal submitted in response to this RFP.
		4. Provide the length of time that each individual has been employed by your organization.
	3. **Plan for Providing Services**
		1. Provide a proposed plan that demonstrates how your organization would provide mental health therapy, speech language therapy, physical therapy, occupational therapy, and behavioral therapy to MHA’s students in a skilled, professional, and timely manner, in addition to services not specifically listed. Specifically, demonstrate that you have adequate staffing and availability to ensure that MHA’s needs for these services will be met. Include plan for continuity of service for students at MHA in the event that a service provider leaves your organization. Additionally, include technology platforms you use and whether you could integrate seamlessly within the Mountain Heights Academy Google Suite and Open Learning Management platforms.
	4. **Financial Stability.**
		1. Provide evidence of your organization’s financial stability.
	5. **Pricing.**
		1. Provide the total anticipated hourly rate and/or annual price to be charged by your organization to the following services to MHA:
			1. Speech/language pathology
			2. Counseling service
			3. Occupational Therapy
			4. Behavioral Therapy
			5. Psychological evaluation
			6. Additional services not listed above
		2. MHA understands that because it does not know precisely which services will be required, all total pricing proposals submitted by offerors in response to this RFP will only be reasonable estimates and anticipated fees and costs. However, the fees charged per hour or per service should be final and will be included in the written contract entered into by MHA’s Board of Directors and the winning offeror.
1. **Selection and Scoring.** Selection of a provider for the requested services will be based on offerors’ responses to these proposal specifications in relation to the Evaluation Criteria set forth in **Section VI**. The successful proposal will address each of the required specifications and clearly demonstrate how the offeror will meet or exceed MHA’s needs. The Evaluation Criteria set forth in **Section VI** contains a numerical score for each of the proposal specifications and proposals will be ranked based on their score. The Evaluation Committee will first subjectively score the non-cost portion of each proposal (the Evaluation Criteria Unrelated to Cost) based on offerors’ responses to the specifications contained in **Section V(A)(1)-(4).** The Evaluation Committee will then objectively score the cost portion of each proposal (the Evaluation Criteria Related to Cost) by using the following formula: *Total Cost Points Possible x (Lowest Proposed Price ÷ Proposal Price Being Evaluated)*. The offeror with the lowest proposed price (which proposed price is provided by offerors in response to the specification in **Section V(A)(5)(a)**) meeting the requirements of the RFP will receive 100% of the cost points (25) and all other offerors will receive a portion of the cost points based on the formula above. **Note:** Proposals that are not compliant with **Section V** may not be considered.

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**VI – EVALUTION CRITERIA**

**Evaluation Criteria Unrelated to Cost**

1. **Offeror’s Description and Past Experience (20 points possible).** This criterion is based on the information provided in response to the specifications contained in **Section V(A)(1)**.
2. **Offeror’s Personnel and Management (25 points possible)**. This criterion is based on the information provided in response to the specifications contained in **Section V(A)(2)**.
3. **Offeror’s Plan for Providing Services (20 points possible)**. This criterion is based on the information provided in response to the specifications contained in **Section V(A)(3).**
4. **Offeror’s Financial Stability (10 points possible)**. This criterion is based on the information provided in response to the specifications contained in **Section V(A)(4).**

**Evaluation Criteria Related to Cost**

1. **Pricing (25 points):** This criterion is based on the pricing proposal provided in response to the specifications in **Section V(A)(5)(a)**.

Total points possible based on Evaluation Criteria: 100 points

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