

2013

POLICIES AND PROCEDURES

FOR THE

FLORIDA

INSTRUCTIONAL MATERIALS

ADOPTION



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PART I. INTRODUCTION

The following policies and procedures have been approved by the State Board of Education pursuant to Section 1006.34, Florida Statutes, and State Board of Education Rule 6A-7.0710 F.A.C., for use by state instructional materials reviewers and district reviewers who evaluate instructional materials and publishers who submit instructional materials for adoption.

In Florida, specific courses within selected subject areas and grade levels are called for adoption on a rotating basis, usually for a period of five years. Florida adopts instructional materials for those specific courses. Subject areas for the current adoption year and the adoption schedule are posted on the Florida Department of Education Instructional Materials website (referenced in footer). The Florida Department of Education publishes specifications for the subjects to be adopted. These specifications outline the courses, as well as the standards that the materials are expected to meet. Specifications can be downloaded from the Florida Department of Education Instructional Materials website.

For purposes of state adoption, the following definitions apply:

“Instructional materials,” as provided in Section 1006.29(2), Florida Statutes, means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.

“Major tool” refers to:

- Materials that provide instructional content and student learning activities for each of the Next Generation Sunshine State Standards (Common Core) benchmarks that are in the course descriptions for reading, language arts, literature, math, science, social studies, physical education, health, world languages, visual arts, and performing arts;
- Materials that provide instructional content and student learning activities for each of the intended outcomes and/or student performance standards of the Career and Technical Education Curriculum Frameworks;
- Materials that provide instructional content and student learning activities for the course objectives as outlined by the appropriate organizations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education.

“Ancillaries” are those items that were designed to work with the major tool and may be priced or free with order.

“Supplementary” materials are defined as supporting materials that do not qualify as the major tool, and are not designed to accompany the specific major tool with which they were

submitted, but could be used with any publisher's materials. Florida does not have a process for the adoption of supplementary materials.

All materials that are considered during adoption of the major tool, regardless of price, must be provided upon award of the contract.

Each section in this document contains information relative to the duties and responsibilities of each state instructional materials reviewer, district reviewer, and publisher submitting material for the adoption.

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PART II. RELATIONSHIP BETWEEN PUBLISHERS AND STATE INSTRUCTIONAL MATERIALS REVIEWERS/ DISTRICT SCHOOL OFFICIALS

The relationship between the state instructional materials reviewers and the publishers shall be in compliance with Section 1006.30, Florida Statutes.

The relationship between district school board officials, including school officers, administrative personnel, and administrative personnel pursuant to Section 1012.01, and the publishers shall be in compliance with Section 1006.32, Florida Statutes.

For purposes of Section 1006.32(3), Florida Statutes, a “pilot program” is defined as an arrangement in which a school or school district accepts instructional materials from a publisher who will bid those materials in the subsequent adoption either on loan, for free, or at a reduced price, within eighteen months prior to the April 1 adoption date.

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PART III. STATE INSTRUCTIONAL MATERIALS REVIEWERS AND DISTRICT REVIEWERS

1. STATE INSTRUCTIONAL MATERIALS REVIEWERS

The Commissioner of Education shall appoint three state instructional materials reviewers in the content areas submitted for adoption to review each of the instructional materials bid for adoption and evaluate the content for alignment with the applicable Next Generation Sunshine State Standards (Common Core). For the materials which the first two state instructional materials reviewers agree to recommend or not recommend for adoption, an evaluation by the third reviewer will not be required. An evaluation by the third reviewer will only be required for situations in which the first two reviewers disagree as to whether materials should be recommended for adoption. Instructional materials shall be made electronically available to the state instructional materials reviewers, who shall complete an electronic evaluation of the items to assess whether the materials align to Florida's standards.

The state instructional materials reviewers shall be state or national experts in the academic content area being reviewed for adoption. Generally, the Commissioner shall appoint state instructional materials reviewers who hold a graduate degree and/or certification in the field or a related field. The Commissioner may appoint state instructional materials reviewers without a graduate degree and/or certification in content areas in which these credentials may not be applicable or in instances in which the reviewer has a baccalaureate degree and substantial experience and/or recognition as an expert in the field. Such recognition may include, but is not limited to, awards received or publications related to the academic content area.

2. DISTRICT REVIEWERS

The Commissioner of Education shall request each school district superintendent to nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. The district reviewers should be experienced teachers or supervisors with expertise in the content area. Superintendents are encouraged to nominate individuals with a graduate degree in the content area and/or who have been recognized as a Teacher of the Year at any level (School, District, Regional, State, or National). The district reviewers will evaluate only those materials recommended by the state instructional materials reviewers. District reviewers shall be provided electronic access to two or three recommended submissions and shall complete an electronic evaluation of the instructional usability of the materials.

3. REVIEWER TRAINING

Pursuant to Section 1006.29(4), Florida Statutes, the Department of Education developed a training program for the state instructional materials reviewers and district reviewers. Each adoption year, all state instructional materials reviewers must complete the training prior to evaluating the instructional materials. Details will be posted on the Florida Department of Education Instructional Materials website. Training includes content on the use of the online

evaluation system and content directly related to the Next Generation Sunshine State Standards (Common Core) relevant to the current instructional materials adoption.

4. EVALUATION OF MATERIALS

To complete the evaluation process, reviewers will receive electronic access to the following materials:

Instructional Materials Specifications - The specifications describe the courses for which materials are being sought, as well as cite the standards that the instructional materials are expected to meet. In addition, it contains the research base that outlines the components of effective instructional materials.

Evaluation Forms - The evaluation forms are developed from the research contained in the instructional materials specifications document. The Office of Instructional Materials in the Florida Department of Education will provide each reviewer access to the online evaluation instrument. Each reviewer is responsible for completing and submitting an evaluation electronically for each assigned publisher's submission on or before the deadline established by the Department. Each submission shall be evaluated at the individual benchmark level for accuracy and completeness and holistically for overall value as an instructional tool.

For submissions bid as a series, such as a K-5 series, the Department may, if necessitated by the amount of content required for review, divide a submission by grade level, or another appropriate manner, for reviewers to evaluate. In such cases, the reviewers will evaluate all materials which they are assigned and the Department will establish criteria for determining whether the submission as a whole meets the requirements for recommendation.

Publishers' Evaluation Samples - The deadline for the Department to receive access to electronic or digital samples is 5:00 p.m. Eastern Daylight Time (EDT) on the second Thursday in July of the adoption year. Only electronic or digital sample copies of the major tool of instruction will be evaluated for adoption, except during adoptions in which ancillary materials are instrumental to the content area. For these adoptions the Department will instruct the publishers as to the number and types of ancillary materials allowable for review.

Reviewers are required to evaluate all applicable materials submitted for review in digital or electronic format. Only materials available in electronic or digital format as defined in Section 1006.29(3), Florida Statutes, will be evaluated for adoption.

Publisher's Questionnaire (Form IM1) - The Publisher's Questionnaire, prepared by the publisher, will be provided to reviewers at the beginning of the evaluation process. The questionnaire describes and identifies the components of the program submitted in the publisher's instructional materials bid.

Written Correlations (Form IM2) - The Written Correlations, prepared by the publisher, will be provided to reviewers at the beginning of the evaluation process. Written correlations assist the Department of Education and the reviewers in determining the degree to which submitted materials meet the Next Generation Sunshine State Standards (Common Core), intended outcomes, and/or objectives of a course.

Publisher Presentations – Publishers will be afforded the opportunity to provide a virtual presentation to the state instructional materials reviewers on the merits of the materials submitted for adoption. This virtual presentation must be prerecorded for reviewers to access during the evaluation process and must be limited to 15 minutes. The deadline for providing the prerecorded virtual presentation to the Department is 5:00 p.m. Eastern Daylight Saving Time (EDT) on the second Thursday in July of the adoption year.

Reviewer Evaluations (Form IMEI-01) - After state instructional materials reviewers have reviewed the submitted materials, they will complete the electronic evaluation, which includes opportunities for reviewer comments. When the evaluation is complete the reviewer will make a recommendation of whether or not to adopt the instructional materials. Materials which have been recommended by the state instructional materials reviewers will then be made available for electronic review by the district reviewers. The district reviewers shall independently rate the recommended submissions on the instructional usability of the resources and provide an electronic evaluation to the Department. The Commissioner of Education shall review the evaluations of the state instructional materials reviewers and district reviewers, consider the costs of the materials, and then approve, reject, or amend the list of materials.

Public Review – The general public will be allowed electronic access to review instructional materials submitted for adoption. Access to the materials will be granted via the process outlined below.

- Materials which have been recommended for adoption by the state instructional materials reviewers will be made available electronically through the online evaluation system.
- Any member of the general public wishing to view the recommended materials may register as a *guest user* on the Department's online evaluation system.
- The guest user will then be notified that access to the requested materials has been granted.
- The evaluation instrument, which allows the user to complete an online evaluation with comments, will be available for submission on reviewed materials.
- Access to the requested materials will be available via the online evaluation system for two weeks (14 calendar days).
- After the two week (14 calendar days) period has ended, access to the materials will be blocked.
- Any subsequent access will require an additional request to the office of instructional materials at (850) 245-0425 or via e-mail at imstaff@fldoe.org.

PART IV. INSTRUCTIONS TO BIDDERS/PUBLISHERS

GENERAL INFORMATION

The Florida Department of Education shall publish the specifications for the subjects to be adopted. These specifications refer to the criteria, standards, and/or course descriptions for each course for which instructional materials are to be adopted. In addition, these specifications provide information about the kinds of materials that are desired, the grade levels for which the materials should be designed, and the research findings about what makes instructional materials effective.

Bidders may examine the instructional materials specifications to determine whether they have products that cover the criteria, standards, and/or course descriptions and can be used as a major tool for teaching the course as referenced in Part I of the Introduction. These specifications may be found on the Florida Department of Education Instructional Materials website.

Florida adopts the major tool of instruction, along with priced ancillary materials which are designed to work with the major tool. The major tool is comprised only of items necessary to meet the standards and benchmarks in the course description of the course or subject for which it is designed and submitted. Again, a major tool may include a single item, or may include a number of items bundled together, which, when combined, meet the required standards. Ancillary materials, while not necessary to meet the course requirements, are designed to enhance the major tool.

All Florida instructional materials adoptions are dependent upon statutory authority, adequate funding, and the ability of the Department to secure a sufficient number of qualified reviewers to perform the required evaluations.

Items not eligible for bid include supplementary materials, professional development, equipment, and supplies. Supplementary materials are defined as supporting materials that do not qualify as the major tool, and are not designed to accompany the specific major tool with which they were submitted, but may be used with any publisher's materials. Equipment and supplies refer to anything that does not have intellectual content. Examples of items from previous bids that will be removed from the bid unless offered free are: Word Wall Charts, Hanging Vinyl Charts with Pockets, Writing Folders, Cumulative Folders, Page Protectors, Skills Profile Folders, and Website Resource Cards.

Submissions that are comprised of two or more independent, stand-alone programs are not acceptable for adoption consideration.

PROCEDURES FOR SUBMITTING MATERIALS FOR ADOPTION

A submission can be bid for only one course or course category. If the call is for a series, such as an Elementary Series, Grades K-5, then all levels of the Elementary Series, Grades K-5 materials must be bid as ONE submission.

Questions regarding these requirements and all forms and documents required in this process should be addressed to the Office of Instructional Materials in the Florida Department of Education. Contact information is located on the title page of this document.

INTENT TO BID (Form IM3)

Publishers must submit an Intent to Bid using the online Instructional Materials Publisher Registration and Bid Process found on the Florida Department of Education Instructional Materials website no later than 11:59 p.m. Eastern Standard Time (EST) on the fourth Friday of March of the adoption year. Failure to submit an Intent to Bid will prohibit participation in the adoption. To be acceptable, all items specified on the Intent to Bid form must be provided. Submitting an Intent to Bid in no way obligates the publisher to participate in the adoption process. Publishers are encouraged to be as accurate as possible when submitting an Intent to Bid because this information is used to determine the appropriate number of reviewers for each subject area.

BID FORMS OR PROPOSALS (Form IM4 and Form IM5)

Sealed bids, including the Signature Sheet (Form IM5) and Detailed Bid(s) (Form IM4) must be received in the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. After the bid deadline, publishers will not be allowed to revise a bid except for the reduction of price and/or the addition of free items offered. [Section 1006.38(6) and (7), Florida Statutes]

The bid must be submitted on the *State of Florida Instructional Materials Bid Form* (Form IM4). The bid must be uploaded and printed using the Instructional Materials Publisher Registration and Bid Process website.

To be acceptable, all items of information specified on the Bid Form must be provided.

- The signature page, printed at the Instructional Materials Publisher Registration and Bid Process website, must bear the original signature of an authorized company officer. The signature page must clearly list each bid submitted.
- The bid must state the lowest wholesale price at which the materials will be furnished at the contract start date. Variations in price based on volume purchase are not acceptable.
- A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually.

- Beginning in the 2015-2016 academic year, all adopted instructional materials for students in kindergarten through grade 12 must be provided in an electronic or digital format, pursuant to Section 1006.29(3), Florida Statutes.
- Materials bid for adoption must be in final form in time for sampling. If final form will not be ready in time to meet the sampling deadline, the publisher may not submit a bid for those materials.
- Materials bid for adoption must be available for the life of the contract period. Publishers may not specify that an item will only be available for specified years of the contract. For example: “State Specific version available first two years of the contract, national thereafter.” [Section 1006.38(12) and (13) , Florida Statutes]
- Publishers are required to provide any instructional materials free of charge in Florida to the same extent as that received by any other state or school district in the United States. [Section 1006.38(7), Florida Statutes] These free items must be appropriately identified on the Bid Form.
- Free offers that give the teacher, school, or district a specified dollar amount of items from the publisher’s complete catalog will not be accepted.
- The bid, which includes the Signature Sheet and Detailed Bid(s), must be sealed separately from all other items and must be in an envelope marked “SEALED BID” with the Company Name also clearly marked on the outside of the envelope.

The sealed bid must be RECEIVED no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. Bids received after that time will be rejected and returned to the bidder. The bid deadline will not be extended.

Beginning with materials bid for adoption in the 2014-15 adoption year, publishers will be required by law to develop materials which include the capability to search by state standards. Publishers will also be required to incorporate site-level licensing into their bid. In preparation for those requirements, publishers are strongly encouraged, though not required, to develop materials which are searchable by state standard for the 2013-2014 adoption. Publishers are also strongly encouraged to bid their materials for the 2013-2014 adoption with site-level licensing as a purchasing option.

BID OPENING

Bids will be opened within three weeks of the bid deadline. The date, time, and location of the bid opening will be posted on the Florida Department of Education Instructional Materials website. Bidders and their representatives may be present, but attendance is optional. The list of bidders and bid materials will be made available on the Department of Education Instructional Materials website.

BID DEPOSIT

Florida law requires bidders to place a bid deposit with the Florida Department of Education. The amount of the deposit is \$500 for each submission, with a maximum of \$2,500 for five or more submissions. [Section 1006.33 (3), Florida Statutes] Deposits must be submitted in the form of a Cashier’s Check (drawn on the bank, not the company account) or Money

Order. Checks must be made out to the Florida Department of Education and must reference the Company Name as listed in the Publisher Registration.

Bid deposits must be received in the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. The bid deposit must be in a separate envelope from the sealed bid. The mailing address is located on the title page of this document.

The Department reserves the right to reject any bid that fails to comply with the bid deposit requirements or to meet the stated deadline.

RETURN OF BID DEPOSIT

In order to return the bid deposit, publishers/vendors must have on file with the Department of Financial Services, a Substitute W-9 Form (Request for Taxpayer Identification Number and Certification Form, Internal Revenue Service). The Substitute W-9 Form must be completed online.

Please view the State of Florida Vendor Website at <https://flvendor.myfloridacfo.com> to receive the latest information and step-by-step instructions on how to register and complete a Substitute Form W-9 online.

Please direct any questions regarding the Substitute Form W-9 to the Department of Financial Services Vendor Management Section at (850) 413-5519 or via e-mail at FLW9@myfloridacfo.com.

The bid deposit will be returned to successful bidders when the bidder has executed the contract and submitted the required surety bond within thirty (30) calendar days after receipt of the contract. The bid deposit will be returned to unsuccessful bidders as soon as practicable following the completed adoption of state instructional materials. In the event a successful bidder fails to execute the contract and/or furnish a surety bond within thirty (30) calendar days after receipt of the contract, the bid deposit will be forfeited to the State of Florida. [Section 1006.33(3), Florida Statutes]

PUBLISHER REGISTRATION (Form IM7)

The Department of Education requires bidders to register the names and addresses of representatives, agents, or other persons retained for legal or other services to which there will be paid any salary, commission, or royalty for representing the bidder in the State of Florida during the adoption period. The bidder should register these persons by completing the Publisher Registration using the Instructional Materials Publisher Registration and Bid Process website.

Publishers should be advised that it is unlawful for any superintendent, school board member, or any person officially connected with the government of or direction of public

schools, or teacher thereof, to be involved in the sale or promotion of instructional materials. [Section 1006.32, Florida Statutes]

A hard copy of the Publisher Registration printed from the Instructional Materials Publisher Registration and Bid Process website must be received in the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. The mailing address for the publisher registration is the same as the one for bids.

Publishers are required to keep the online registration up-to-date when changes occur.

PUBLISHER ACKNOWLEDGEMENT (Form IM6)

Publishers and their representatives shall submit to the Florida Department of Education a signed form developed by the Florida Department of Education acknowledging Florida's statutes associated with the instructional materials adoption process. These forms must be printed for each representative registered using the Instructional Materials Publisher Registration and Bid Process website. The forms must be received in the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. The mailing address for the Publisher Acknowledgement form is the same as the address for bids.

If additional representatives are added at any time during the adoption period, the publisher is required to submit signed acknowledgements for these individuals and update the online Publisher Registration in a timely manner.

WARRANTY OF PUBLISHER (Forms B, M, and/or Master Service Level Agreement)

Warranty Forms are required to be submitted for all major tool items designed for student use.

The Manufacturing Standards and Specifications for Textbooks (MSST) (2009 Revised Edition) developed by the State Instructional Materials Review Association (SIMRA), are the official minimum standards and specifications for Florida. Textbooks and electronic media must meet or exceed these standards and specifications in order to be considered for adoption. The Department is authorized by law, however, to make an exception for college-level texts that do not meet the MSST for secondary materials if the publisher guarantees replacement during the term of the contract.

Bidders submitting textbooks are required to furnish detailed specifications of the physical characteristics of the books and to comply with the stated specifications if the books are adopted and purchased. Form B (Statement of Publisher Submitting Books for Adoption) will be used for books and Form M (Statement of Publisher Submitting Electronic Media for Adoption) will be used for electronic media such as video or audiotapes or discs, and computer software on DVD or CD ROM. Both forms are incorporated into the MSST and

are provided on the Florida Department of Education Instructional Materials website. A Master Service Level Agreement (MSLA) must be submitted for online products/materials.

The MSST (2009 Revised Edition) is hereby incorporated by reference into this rule. Publishers may also purchase a copy from the Advisory Commission on Textbook Specifications. Ordering information is available at <http://www.nasta.org>. A copy of the MSST is open for inspection in the Office of Instructional Materials in the Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida.

Florida requires that a universal ownership label be affixed to the inside front cover of all textbooks furnished under state contract. A sample of the label is included in the MSST document.

One copy of each Form B, Form M, and/or MSLA must be received by the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. For college texts that not meet the MSST, a letter guaranteeing replacement during the term of the contract must be attached to Form B. Each of the Forms B, M, and MSLA must have an original signature.

Publishers are encouraged to have their manufacturer or other person within the company who is familiar with the MSST complete the warranty form(s). Failure to comply with the requirements for furnishing Form B for textbooks, Form M for electronic media, and/or an MSLA for online materials and/or failure to meet the stated deadline shall result in rejection of the bid.

PUBLISHER'S QUESTIONNAIRE (Form IM1)

The Publisher's Questionnaire must be completed for each submission. If the submission is a series, then one Questionnaire must be completed for the entire series. This required document includes a request for a description of the submitted program. This description must include information about the educational approach of the program, not merely list the materials submitted.

The Publisher's Questionnaire may be prepared and printed using the Instructional Materials Publisher Registration and Bid Process website and must include the preparer's original signature.

- Bidders are required to send the signed and printed hard copy, obtained through the Instructional Materials Publisher Registration and Bid Process website, and any attachments to the Office of Instructional Materials in the Department of Education to be received no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year. The mailing address is the same as the mailing address for bids.
- The Publisher's Questionnaire will be made available electronically to each assigned state instructional materials reviewer.

WRITTEN CORRELATIONS (Form IM2)

Bidders are required to provide Written Correlations of submitted materials to Next Generation Sunshine State Standards (Common Core) benchmarks listed in the course descriptions. To determine which Correlations are required for each subject or course and to download the required form(s), refer to the Required Correlations Chart found at the Florida Department of Education Instructional Materials website.

Correlations must relate each desired outcome to the page(s) or location(s) in which the material is taught.

- Bidders are required to electronically submit the Written Correlations to the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday in May of the adoption year.
- The Written Correlations document will be made available electronically to each assigned state instructional materials reviewer.
- Successful bidders are required to provide hardcopy and/or electronic versions of written correlations as a free ancillary item for use by classrooms teachers.
- Failure to comply with the requirements for furnishing the Publisher's Questionnaire and Written Correlations according to instructions and/or failure to meet the stated deadlines shall result in rejection of the bid.

PROCEDURES FOR PROVIDING EVALUATION SAMPLES

Publishers and manufacturers of instructional materials, or their representatives, shall provide electronic access to sample copies to the Department and each state instructional materials reviewer and subsequent district reviewer. [Section 1006.38(2), Florida Statutes] Only the student and teacher editions of the major tool, in electronic or digital format as defined in Section 1006.29 (3), Florida Statutes, will be reviewed for adoption, except during adoptions in which ancillary materials are instrumental to the content area. For these adoptions the Department will instruct the publishers as to the number of ancillary materials allowable for review.

The electronic samples must include the

- Bid number,
- ISBN number,
- Title of the materials, and
- Instructions for accessing or viewing the materials.

Publishers are required to host the sample materials. Publishers are strongly encouraged to develop samples which are easily accessible and navigable by reviewers. Difficulty in accessing or navigating the samples may be taken into consideration by reviewers when making their recommendation for or against adoption.

Furthermore, samples which have recurrent problems or issues which hinder or prevent reviewers from accessing the materials may be disqualified from the bid process. The

Department expects samples and materials developed for adoption to be thoroughly tested and ready for review. Samples with issues which delay or prevent evaluation may be deemed as deficient, and therefore, not acceptable as the basis of review for adoption.

The Office of Instructional Materials will provide access to the reviewers via the Department's online evaluation system.

Failure to comply with these sampling requirements shall result in rejection of the bid.

MATERIALS TO SAMPLE

Publishers must provide access to the major tool, which must include the student edition and the teacher edition in an electronic or digital format. Additional sampling requirements may be specified by the Department.

These samples must be in final form.

DEADLINE FOR RECEIPT OF SAMPLES

Publishers and manufacturers of instructional materials, or their representatives, shall electronically deliver fully developed sample copies or provide electronic access to sample copies of the student and teacher editions of the major tool to the Department by 5:00 p.m. (EDT) on the second Thursday in July of the adoption year.

STATE APPROVAL OF MATERIALS

When all bids or proposals have been carefully considered, the Commissioner of Education shall select and adopt instructional materials from the list of suitable, usable, and desirable instructional materials recommended by the state instructional materials reviewers. Under law, due consideration is given to the prices which have been quoted and to the reports of the state instructional materials reviewers. The State reserves the right to reject any or all bids or proposals. It may also call for new bids or proposals.

INTEROPERABILITY REQUIREMENTS

The digital instructional materials bid for adoption must be interoperable on commonly available mobile and desktop digital devices, using industry standard protocols such as EPUB or IMS Learning Tools. The digital instructional materials must be accessible through the school districts' Local Instructional Improvement System (LIIS) as required by section 1006.281, Florida Statutes. The minimum standards for the LIIS are adopted by Rule 6A-7.0712, and are available on the Florida Department of Education's website at <http://www.fldoe.org/arra/LIISMS.asp>.

DISQUALIFICATION OF BIDS

Each year, some publishers are disqualified from participation because of failure to comply with the bidding requirements established in this document. It is highly recommended that publishers review carefully all the Policies and Procedures herein prior to submitting a bid.

The Department of Education may waive minor formalities or irregularities in proposals received where such is merely a matter of form and not substance, and the correction or waiver of which is not substantially prejudicial to other bidders. Minor irregularities are defined as those which do not have adverse affects on the Department of Education's interest and do not affect the price of the proposal by giving a bidder an advantage or benefit not enjoyed by other bidders.

CONTRACTS

The term of adoption for instructional materials for the current adoption year will be posted on the Florida Department of Education Instructional Materials website.

Upon agreement between the Department of Education and the publisher, a contract may be extended or shortened for an additional one or two years, pursuant to Section 1006.34(3) Florida Statutes.

A sample contract can be obtained on the Florida Department of Education Instructional Materials website.

All contracts will require that the Department and each adopting district be provided with two (2) physical copies or two (2) site-licenses for the purpose of public inspection as provided in Section 1006.33 (4), Florida Statutes.

SURETY BOND AMOUNTS

\$5,000 per single item, \$10,000 per series up to \$25,000 - *1006.34(3), Florida Statutes*

Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount, as the department requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract.

The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered. The department may at any time, after giving 30 days' notice, require additional security or additional bond.

The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the department.

At the discretion of the department, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

SUBSTITUTIONS

Publishers may request permission to substitute editions of adopted materials as follows:

- Publishers and manufacturers of instructional materials currently under adoption in Florida may request permission to substitute for any such instructional materials on a current contract.
- The substitution must be a revised edition which corrects or updates content; provided that the revised edition can be used satisfactorily with the currently adopted edition simultaneously in the same classroom, is identical, equal, or superior to the specifications of the currently adopted edition, and is available at no increase in price.
- Each request shall be accompanied by one copy of the currently adopted edition; one copy of the revised edition; and one copy of a detailed analysis of each change in the revised edition, citing page references. This analysis shall include all changes in content, illustrations, pagination, and manufacturing specifications. Send all components to the Florida Department of Education, Office of Instructional Materials - Substitutions, 325 W. Gaines Street, Suite 424, Tallahassee, FL 32399-0400.
- Each request shall be filed in writing with the Director of Instructional Materials, who shall forward the request with a recommendation to the Bureau Chief of Curriculum and Instruction.
- Any substitution which is approved shall be effective on the date the action is taken by the Department.
- Materials may not be substituted within the first six months of the contract.