**California Department of Education**

# Solicitation of Proposals for the American Rescue Plan Act Emergency Assistance to Non-Public Schools Program



Release Date—January 21, 2022

Agreement Term: May 1, 2022–June 30, 2024

Title I Policy, Program, and Support Office

California Department of Education

Attention: Carrie Lopes

1430 N Street, Suite 6208

Sacramento, CA 95814

916-319-0917

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## Questions and Contact Information

Prior to submitting questions to the California Department of Education (CDE), Student Achievement and Support Division, please ensure that you have:

* Read the Solicitation of Proposals (SOP) in its entirety
* Reviewed Frequently Asked Questions (FAQs) located at: <https://www.cde.ca.gov/fg/cr/eans.asp>.

All questions and correspondence should be submitted by email through the Emergency Assistance for Non-public Schools (EANS) Program email mailbox at EANS@cde.ca.gov using “Solicitation of Proposals” in the subject line.

**The original proposal packet must be received by the CDE by 4 p.m. on**

**January 31, 2022. Post mark will not be accepted. Mail the application packet to the address below. In addition to the original, printed hard copy with “wet” signature in blue ink, an electronic copy of the proposal packet must be submitted to the CDE at** EANS@cde.ca.gov **by 4 p.m. on January 31, 2022.**

Title I Policy, Program, and Support Office

Attention: Carrie Lopes, Education Administrator

California Department of Education

Attention: Solicitation of Proposals

1430 N Street, Suite 6208

Sacramento, CA 95814-5901

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### Solicitation of Proposals for the American Rescue Plan Emergency Assistance to Non-public Schools Program Critical Dates for the Application Process

| **Dates** | **Critical Events** |
| --- | --- |
| January 21, 2022 | Solicitation of Proposal (SOP) is posted on the California Department of Education (CDE) Available Funding web page at: <https://www.cde.ca.gov/fg/cr/eans.asp>. |
| January 31, 2022 | The original, printed hard copy, “wet” signature, **using blue ink** proposal packet must be mailed and received by the Title I Policy, Program, and Support Office (TIPPSO) on January 31, 2022, by 4 p.m.**Additionally, an electronic copy of the proposal packet must be submitted to the CDE at** EANS@cde.ca.gov **also by 4 p.m. on Monday, January 31, 2022.****Due to the Coronavirus Disease 2019 (COVID-19) restrictions, in-person delivery of applications to the CDE is not currently allowed.** |
| February 1−3, 2022 | Proposals are processed and screened. Proposers are notified if they have been disqualified based on the CDE’s screening of applications and eligibility criteria. |
| February 4−8, 2022 | Proposals are reviewed and scored. |
| February 9−11, 2022 | Proposer interviews (based on passing score). **All proposers need to be available for an interview on these dates.** |
| February 16, 2022 | Intent to Award(s) posted on the CDE website. |
| February 17, 2022 | Development of Agreement. |
| May 1, 2022 | Proposed Start Date of Agreement. |

###

### Purpose

The CDE Student Achievement and Support Division is soliciting proposals from eligible proposers to provide eligible services or assistance to all eligible non-public schools (NPS) that enroll a significant percentage of students from low-income families and are most impacted by the COVID-19 emergency in compliance with the American Rescue Plan (ARP) Act Emergency Assistance for Non-public Schools (EANS) requirements. This SOP may result in multiple awards depending on service or assistance type.

The selection of proposals shall use a standardized scoring criterion and notwithstanding any other law, the funds provided under the EANS Program pursuant to Section 2002 of the ARP Act of 2021 (Public Law 117-2) shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code. Any contract executed to implement this section shall be exempt from the Public Contract Code and the State Contracting Manual, shall not be subject to Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code, and shall not be subject to the approval of the Department of General Services.

The CDE shall follow the process in the SOP to award one or multiple awards. Each vendor selected through this SOP process must accept the state’s grant, contract, or other procurement forms and required terms and conditions based on award type, under which they will offer eligible services and assistance to all eligible NPS. The eligible NPS shall have the discretion to submit orders to the CDE or CDE’s designee for services or assistance from any vendor awarded through this SOP. Each vendor shall provide the services or assistance ordered by the eligible NPS as requested by CDE or CDE’s designee, up to the remaining amount of the NPS’ award. Upon completion of services or assistance, the CDE will reimburse the vendor for actual costs in accordance with the vendor’s award (i.e., grant, contract, or other) in arrears.

### Background

**American Rescue Plan Emergency Assistance for Non-public Schools**

As part of the ARP Act, 2021, Public Law 117-2 (March 11, 2021), Congress set aside $2.75 billion of the Governor’s Emergency Education Relief Fund specifically to provide emergency assistance to students and teachers in NPS, as defined below, through the ARP EANS Program. The purpose of the ARP EANS Program is to provide services or assistance to the NPS that enroll a significant percentage of students from low-income families and are most impacted by the COVID-19 emergency.

The ARP Act extends the EANS Program authorized under section 312(d) of division M of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), with two exceptions: (1) a state educational agency (SEA) may only provide services or assistance under ARP EANS to NPS that enroll a significant percentage of students from low-income families and are most impacted by the COVID-19 emergency, and (2) an SEA may not use ARP EANS funds to provide reimbursements to any NPS.

For more information please visit the CDE ARP EANS web page at <https://www.cde.ca.gov/fg/cr/eans.asp>.

#### Determining Non-public Schools That May Receive Services or Assistance

Under section 2002(a) of the ARP Act, services or assistance to NPS under the ARP EANS Program are limited to the following:

* NPS that enroll a significant percentage of students from low-income families and are most impacted by the COVID-19 emergency.

The CDE has made the following determinations, which are published on the EANS web page located at <https://www.cde.ca.gov/fg/cr/eans.asp> as required:

* Twenty percent has been identified as the threshold the state will use to determine if an NPS enrolls a significant percentage of students from low-income families. In order to arrive at this threshold, the CDE calculated the aggregated sum of students who reported low income counts by the total enrollment across the CRSSA EANS schools. This percentage would provide emergency assistance and services to more students by allowing a larger number of private schools in California that have been impacted by the COVID-19 emergency to apply under the ARP EANS Program.
* The CDE will accept one or more of the following data sources regarding the number and percentage of low-income families enrolled in the NPS for the 2019–20 school year, provided the poverty threshold is consistent across sources and does not exceed 185 percent of the 2020 federal poverty level:
	+ Data on student eligibility for free or reduced-price lunch under the Richard B. Russell National School Lunch Act.
	+ Data from the E-rate program administered by the Federal Communications Commission.
	+ Data from a different source, such as scholarship or financial assistance data, including proportionality.
* COVID-19 Impact—In order to determine the impact COVID-19 has had on an NPS, the CDE will use the number of COVID-19 infections per capita in the community or communities served by the NPS to measure impact.

### Funding and Scope of the Project

Types of eligible services or assistance: An NPS may receive services or assistance under the ARP EANS Program to address educational disruptions resulting from the COVID-19 emergency for:

* Supplies to sanitize, disinfect, and clean school facilities;
* Personal Protective Equipment (PPE);
* Portable air purification systems;
* Training and professional development for staff on sanitation, the use of PPE, and minimizing the spread of infectious diseases;
* Physical barriers to facilitate social distancing;
* Other materials, supplies, or equipment to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention (CDC) for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff during the COVID-19 emergency;
* Expanding capacity to administer coronavirus testing to effectively monitor and suppress coronavirus, to conduct surveillance and contact tracing activities, and to support other activities related to coronavirus testing for students, teachers, and staff at the NPS;
* Educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) to assist students, educators, and other staff with remote or hybrid learning;
* Redeveloping instructional plans, including curriculum development, for remote learning, hybrid learning, or to address learning loss;
* Leasing of sites or spaces to ensure safe social distancing to implement public health protocols, including guidelines and recommendations from the CDC;
* Reasonable transportation costs; and
* Initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss.

As noted above, pursuant to the ARP EANS statutory requirements and unlike the EANS Program authorized under section 312(d) of the CRRSA Act, an SEA may not use ARP EANS funds to provide reimbursements to any NPS. This SOP seeks proposals that describes how proposers plan to offer eligible services and assistance to eligible NPS under the ARP EANS Program.

If awarded, the vendor will be responsible to work with the CDE and other CDE designees (may include other vendors or CDE Contractors/Grantees) to develop and finalize any required award, agreement, or other required procurement forms, including but not limited to the scope of work, budget, schedule and other documents, in a timely manner in order to ensure agreement execution by the proposed start date of May 1, 2022, or upon CDE’s approval.

### Eligibility Requirements

Proposers submitting proposals must be in good standing with the State of California Franchise Tax Board, and California Secretary of State to submit a proposal for the purposes of this SOP. As part of the screening process (prior to the reviewing and scoring process), the CDE will check any contracts or evaluations on file with the State of California. If performance by the proposer as a previous contractor for the State of California was unsatisfactory, they will be deemed ineligible.

Preference in selection will be given to proposers who meet the following:

1. Proposers whose proposal contains proof that they have provided over $500,000 in the same or similar services to California schools over the past three years, together with letters of recommendation from three California schools for whom such services were provided; and/or
2. Proposers whose proposal contains proof that they have provided over $100,000 in reimbursed services to California or other states under the EANS Program authorized under section 312(d) of the CRRSA Act, together with letters of recommendation from three schools for whom such services were provided.

### Proposal Review and Evaluation

Phase I: Each proposal will be reviewed to ensure completeness and adherence to the checklist in Attachment 1—Required Proposal Checklist. Criteria will be met on a pass/fail basis. Only those proposals which pass Phase I will move on to Phase II.

Phase II: Each proposal will be read and scored by a consensus score.

Only proposals receiving a Sufficient, Comprehensive, and Outstanding quality designation by two readers will be asked to participate in an interview. If during the review and scoring process two readers do not calibrate on the quality of the proposal, a third reader will be asked to read and score the application to determine the final quality score.

**Outstanding quality—**Answered questions and provided an exceptional workplan with information that was insightful with full details. Additionally, the proposal clearly and fully described the advanced experience and expertise in the area of kindergarten through grade twelve (K−12) education, and a full plan of the work.

**Comprehensive quality—**Answered questions and provided a workplan with responses that clearly described the experience and expertise of the provider in the area of K−12 education.

**Sufficient quality—**Answered questions succinctly and provided a workplan that demonstrated the proficient understanding of the ARP EANS Program. Additionally, the proposal could have more clearly described its experience and expertise in the area of K−12 education.

**Developing quality—**Answered questions and provided a work plan; however, some answers did not fully address the questions and/or were vague. Additionally, the proposal could have more clearly described its experience and expertise in the area of K−12 education.

**Weak quality—**Answered questions with answers that seemed general and inadequate.

The CDE may select one or more proposals meeting the quality guidelines set forth above in order to provide a mix of various services and assistance that it determines best meets the needs of the state and the NPS in a manner that minimizes the administrative burden on the CDE.

### Required Signatures in Blue Ink and Assurances

An original, hard copy, “wet” signature, **using blue ink**, is required on the application Cover Page from the person authorized to bind the organization is due at the time of application submittal to the CDE by January 31, 2022, by 4 p.m. **Signature stamps, electronic stamps,** or any form of **reproduced stamp** will not be accepted.

Applications without a valid authorized signature **will be disqualified**. Original signatures on the Cover Page represent a certification that all of the forms submitted through this SOP have been reviewed, acknowledged, and completed and will be binding and enforceable upon the proposer. All proposers are required to retain copies of signed documents for their records and for audit purposes.

### Cancellation, Modification, Rejection, Waiver and Disqualifications

1. The CDE reserves the right to cancel the solicitation and evaluation. The CDE is not required to award an agreement and may award several agreements.
2. The CDE may modify this SOP by posting an addendum.
3. The CDE reserves the right to reject any or all proposals for any reasonable cause or reason. Such reasons for rejection include, but are not limited to: conditional or incomplete proposals, proposals containing alterations of form or other irregularities, proposals that do not address all stated requirements or that are otherwise unresponsive, proposals that do not meet technical standards, proposals from a proposer who has a conflict of interest or an unresolved dispute with the CDE or State Board of Education (SBE), proposals that include the costs for developing proposals or other costs incurred prior to the effective date of the agreement, and proposals submitted from proposers for whom there is a risk of potential collusion.
4. The CDE, at its sole discretion, reserves the right to waive immaterial defects, request proposers to correct an immaterial defect or provide clarification at any time during the solicitation and evaluation process. The CDE’s waiver of an immaterial defect shall in no way modify the SOP document or excuse the proposer from full compliance with all requirements, if awarded.
5. The following items will disqualify applications from the funding process:
* Application due date: Any proposal received past the due date of

4 p.m. on Monday, January 31, **will be disqualified.** Due to COVID-19 restrictions, in-person delivery of applications to the CDE is not currently allowed.

* Any proposer with an unsatisfactory performance evaluation for a previous contract or agreement with the State of California **will be disqualified.**
* Application Cover Page: Any application without an original Designee “wet” signature, **using blue ink**, **will be disqualified**.
* Applications must be submitted complete. Any submittals with any missing required documents, proposal sections or unanswered questions **will be disqualified**.
* Any other failure to comply with the requirements of this SOP. Before submitting documents, each proposer should carefully proof-read its proposal for errors and adherence to the solicitation requirements.

### Proposal Requirements

Each proposal submitted must contain all the required items described in this section. Any proposal that does not include all the required items may be disqualified from consideration. **Proposals should not exceed 15 pages** excluding any resumes/curriculum vitae of identified personnel. Proposals can utilize tables and/or bullets to more clearly demonstrate main ideas. Proposals should be organized and submitted according to the order outlined in the Required Proposal Checklist (Attachment 1).

**Proposal Elements:**

Provide complete responses to the following elements.

1. Description of Organization and Experience (50 percent weighted score)
	1. Include the name and contact information for your organization (address, telephone number, fax number), as well as the name and contact information (telephone number and email address) of the principal contact for your application. Provide a brief history of the organization, including:
		* Number of years in business/practice.
		* Senior member(s) and length of association.
		* Whether the organization may have been known by a different name while under substantially the same management.
		* Location of office.
		* List of basic services generally provided by the organization.
	2. Describe and demonstrate the organization’s capacity and ability to perform and administer all activities related to this project in compliance with all federal and state requirements.
	3. What is the experience of the proposed project lead personnel that will demonstrate the organization’s qualifications and a description of the key work each will be performing as part of this project? Current resumes for key personnel must be included in the proposal per the application checklist and will not be counted in the page limits.

**Note:** If selected and an agreement awarded, the assigned personnel, including the project lead, cannot be changed or substituted without CDE review and approval (an amendment may be required).

1. Proposed Project Workplan (30 percent weighted score)

Based on the evaluation and project tasks outlined in **Section IV. Funding and Scope of Work**, describe in detail the workplan to accomplish providing at least one or more of the services and assistance described to NPS. At a minimum the workplan shall include the following:

* + 1. Time estimates and tasks associated with the proposal;
		2. The number of staff to be assigned (including supervisors where appropriate); the level of each of the staff members to be assigned, any specialists or subawards who will be assigned; and
		3. Descriptions of how information and updates will be shared with the CDE during the project.
1. Proposed Budget and Costs (20 percent weighted score)
2. Provide an annual breakdown of the proposed fees and costs (including any organization personnel cost or administrative cost) for the services or assistance program. This annual breakdown will include the following fiscal years: 2021−22, 2022−23, and 2023−24.
3. Provide an estimate of the total amount of services or assistance you predict you will be able to provide.
4. Describe in detail any subaward arrangements you would use to provide eligible services or assistance, including an annual breakdown of the subaward costs.
5. Conflict of Interest (Not scored or rated, but required. Failure to include may lead to a disqualification or termination of award)
	* 1. Disclose any past or current business, family or other relationship with the CDE, or SBE (including staff or board members), any NPS, and/or any proposed subaward.
6. References (Not scored or rated, but required. Failure to include may lead to a disqualification)
7. Provide a list of clients (including name, address, email address, and telephone number of contact person, as well as a description of the work performed) for whom proposer has performed similar services.
8. Preference will be given to proposers who submit letters of recommendation from at least three California schools, school districts or county offices of education.

### Payment and Invoicing Schedule

Once an agreement has been awarded as part of this SOP it will contain the final and binding payment and invoicing terms, if applicable. Generally, once services or assistance has begun, the vendor may submit invoices in arrears for services or assistance actually provided for CDE’s review, approval, and payment. The CDE will process all payments in accordance with the Prompt Payment Act. For some agreements, each invoice may be subject to a 10 percent withholding that will be released to the vendor after all services have been satisfactorily provided and accepted by the CDE monitor and the agreement is otherwise fully performed and concluded.

### Appeals

Proposers who wish to appeal the email notification of the CDE screening disqualification decision must submit a Letter of Appeal to the CDE within 15 days of the CDE’s action. **Appeals are limited to the ground that the CDE’s action(s) violate(s) a state or federal statute or regulation.** The professional judgment of the application reviewers will not be considered on appeal absent a showing that the CDE violated a state or federal statute or regulation. A proposer may be represented by counsel.

The Letter of Appeal must have an original, hard copy, “wet” signature, **using blue ink**, from the Authorized Signature or the Designee. The appeal should be mailed to:

Title I Policy, Program, and Support Office

Attention: Carrie Lopes

California Department of Education

Re: Solicitation of Proposals Appeals—ARP EANS

1430 N Street, Suite 6208

Sacramento, CA 95814

**The CDE must receive the Letter of Appeal** **within 15 calendar days of the email notification. Emailed letters of appeal will not be accepted.**

The Letter of Appeal must include:

1. A clear and concise statement of the action being appealed;
2. The legal authority (statute and or regulation) replied upon for the appeal positions;
3. The specific evidence being submitted to support the appeal; and
4. The specific remedy sought.

## Attachment 1—Required Proposal Checklist

Each of the items listed below must be included in both the hard copy and electronic emailed copy of the proposal submitted per section **I.** **SOP for the ARP EANS Program** **Critical Dates for the Application Process** or the proposal will be DISQUALIFIED.

* This Application Checklist (all lines checked and **page signed in blue ink**)
* Application Cover Page (Attachment 2) signed with “wet signature” in blue ink by designee (refer to section VII. Required Signatures in Blue Ink and Assurances)
* Complete Proposal:
	+ Description of Organization and Experience
	+ Proposed Project Workplan
	+ Proposed Budget and Costs
	+ Conflict of Interest
	+ References
	+ Proposal does not exceed 15 pages (excluding any resumes/curriculum vitae of identified personnel).

By signing this Application Checklist, I am affirming that this proposal is complete. I understand that incomplete submittals with any missing proposal requirements per Section VIII. Cancellation, Modification, Rejection, Waiver and Disqualifications **will be disqualified**.

Name and Title: [Insert name and title of Designee]

Organization: [Insert name of the organization]

Authorized Signature: [Write authorized signature in blue ink]

Date: [Write the date this form is signed]

## Attachment 2—Application Cover Page

**Solicitation of Proposals**

**The American Rescue Plan Act Emergency Assistance to Non-Public Schools**

**Mail to:**

Student Achievement and Support Division

California Department of Education

Attention: Carrie Lopes

1430 N Street, Suite 6208

Sacramento, CA 95814

**Email proposal copy to:**

EANS@cde.ca.gov

Organization Name: [Insert Organization Name]

Federal Employer Identification Number: [Insert Federal Employer Identification Number]

Designee Name: [Insert Designee Name]

Designee Professional Title: [Insert Designee Professional Title]

Designee Address: [Insert Designee Address]

Designee City, State, Zip Code: [Insert Designee City, State, Zip Code]

Designee Telephone Number: [Insert Designee Telephone Number]

Designee Email Address: [Insert Designee Email Address]

I hereby certify that I have read, acknowledged, and agreed to the terms as stated in the Solicitation of Proposals, as well as on all forms contained herein not requiring individual signature. I also understand that if the proposal receives a passing score, representative(s) of the organization that have full knowledge of the proposal need to be available for an interview on February 9−11, 2022.

Designee Signature (wet signature required in blue ink): [Insert Designee Signature]

Date: [Insert Date]

## Attachment 3—Scoring Rubric

**Proposal Element: Description of Organization and Experience (with 50 percent weighted score)**

| **Outstanding****10 points** | **Comprehensive****8 points** | **Sufficient****6 points** | **Developing****4 points** | **Weak****2 points** |
| --- | --- | --- | --- | --- |
| The proposal clearly and fully described the advanced experience, understanding, and expertise in the area of K−12 education. Proposers have provided over $500,000 in similar services or assistance to California schools over the past three years and/or provided similar services or assistance of at least $100,000 under the requirements of CRSSA EANS. Letters of recommendation were included. The experience of personnel demonstrates the organization is highly qualified. | The proposal fully described the experience, understanding, and expertise in the area of K−12 education. Proposers have provided over $500,000 in similar services or assistance to California schools over the past three years and/or provided similar services or assistance of at least $100,000 under the requirements of CRSSA EANS. Letters of recommendation were included. The experience of personnel demonstrates the organization is highly qualified. | The proposal was complete but could have more clearly described the experience, understanding, and expertise in the area of K−12 education. Proposers have provided similar services or assistance to California schools over the past three years and/or provided similar services or assistance under the requirements of CRSSA EANS. Letters of recommendation were included. The experience of personnel demonstrates the organization is qualified. | The proposal did not fully address the questions and/or were vague, and showed a basic understanding of K−12 education. The experience of the proposed project lead personnel is lacking. | Answered questions with answers that seemed general and inadequate for the needs of the project to be executed. |

**Proposal Element: Proposed Project Workplan (with 30 percent weighted score)**

| **Outstanding****10 points** | **Comprehensive****8 points** | **Sufficient****6 points** | **Developing****4 points** | **Weak****2 points** |
| --- | --- | --- | --- | --- |
| The proposal clearly and fully described a detailed and thoughtful workplan with realistic time estimates, full details on how services and/or assistance will be provided, and clearly stated staff assignments. Additionally, the proposal gave a clear description of how the vendor will communicate with the CDE and its approach with working with participating non-public schools.  | The proposal described a detailed workplan with realistic time estimates, details on how services and/or assistance will be provided, and staff assignments. Additionally, the proposal gave a clear description of how the vendor will communicate with the CDE and its approach with working with participating non-public schools.  | The proposal was complete but could have more clearly described a workplan with realistic time estimates, details on how services and/or assistance will be provided, clearly stated staff assignments. Additionally, the proposal gave a description of how the vendor will communicate with the CDE during and its approach with working with participating non-public schools. | The proposal did not fully address the questions and/or were vague, and showed a basic understanding of a project workplan. | Answered questions with answers that seemed general and inadequate for the needs of this project to be executed. |

**Proposal Element: Proposed Budget and Costs (with 20 percent weighted score)**

| **Outstanding****10 points** | **Comprehensive****8 points** | **Sufficient****6 points** | **Developing****4 points** | **Weak****2 points** |
| --- | --- | --- | --- | --- |
| The proposal clearly and fully described a detailed budget with an annual breakdown of the proposed fees and costs using budget lines and full descriptions. | The proposal described a detailed budget with an annual breakdown of the proposed fees and costs using budget lines and full descriptions. | The proposed budget was complete but could have provided a more descriptive budget. | The proposed budget proposal did not fully address the needs of the project and lacked details. | Provided a general and inadequate budget for the needs of this project to be executed. |