



OGDEN SCHOOL DISTRICT
AWARD OF CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS
REQUEST FORM

ALL REQUESTS OVER \$1,000 MUST BE PRE-APPROVED BY DISTRICT PURCHASING, UNLESS R33-5-104 OF THE ADMINISTRATIVE RULES APPLIES TO THE PROCUREMENT.

1. Email this completed form along with a copy of the quote from the vendor to purchasing@ogdensd.org.
2. Award of contract without engaging in a standard procurement process is appropriate if Purchasing determines in writing that: there is only one source for the procurement item; transitional costs are a significant consideration in selecting a procurement item; or the award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit.
3. An urgent or unexpected circumstance or requirement for a procurement item does not justify the award of contract without engaging in a standard procurement process.
4. Complete each section and provide as much information as needed to fully respond. Please complete all fields below.
5. **Attach the proposed Scope of Work** that your department has developed as part of this Notice of Intent to Award of Contract Without Engaging in a Standard Procurement Process Request Form.
6. **Attach the quote received from the vendor**, so that Purchasing can confirm the quote. Quotes cannot be marked as confidential, as they may be published.
7. **Attach any provided justification from the vendor**, and any related communication so that Purchasing can verify the Conducting Procurement’s justification.
 - a. Conducting Procurement Unit must demonstrate an internal analysis for its justification that is not derived from vendor material or messaging.
 - b. Any undue support, coaching or coordination provided by the vendor outside general research and inquiries may result in rejection including denial of sole source or vendor being ineligible for contract award regardless of methodology used. See Utah Administrative Rules R33-4-103(3).
8. Requests missing information will be rejected and returned to the contact person for completion. Purchasing may seek additional information from the contact person.
9. Please provide a copy of the terms and conditions you provided to the vendor to Purchasing, if any.

The first two pages will not be posted; however, all of the subsequently numbered pages may be posted, as is, for public notice and comment. Please be complete in your answers.

Complete the following vendor information:

Vendor Name:	Achieve 3000
Vendor Contact Person:	Paul Richins
Vendor E-mail Address:	paul.richins@achieve3000.com
Vendor Telephone Number:	732.367.5505
Vendor Ordering Address:	331 Newman Springs Road Suite 304 Red Bank, NJ 07701
Vendor Remittance Address:	Same
Alio Vendor Number (if available):	NA
<i>All items in the above section are required.</i>	

Complete the following if no Vendor exists in Alio:

Vendor Federal Tax ID# (9 digit TIN):	223772922
Type of Vendor (Corp, Ptr, LLC, Indv):	Corp

Conducting Procurement Unit Contact Information:

Department/Division Name:		Student Achievement / Ogden School District	
Contact Person and Title:		Adam McMickell	
E-mail Address:		mcmickella@ogdensd.org	Telephone Number: 8017377286
<input checked="" type="checkbox"/>	Agency Contract	1. Insert requested term of contract: <u>5 yr</u> and renewal options: <u>5 yrs</u> (The standard contract term for executive branch procurement units is five years. See Utah Administrative Code R33-12-404. If renewals are requested, written justification is required.) 2. The Conducting Procurement Unit may not make the procurement until the solicitation process is completed and a contract is written and signed by the procurement unit, the vendor, and Purchasing.	
<input checked="" type="checkbox"/>	Purchase Order	1. The Conducting Procurement Unit may not make the procurement until after the solicitation process is completed, the PO is signed by Purchasing, and the PO is delivered to both the agency and the vendor.	
Scope of Work:		Has the proposed Scope of Work been attached to this Request Form? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, Purchasing will not process this Request Form until it has received the proposed Scope of Work.)	

THIS SECTION TO BE FILLED OUT BY PURCHASING

The public notice period shall be (Check the box that applies):	
1.	If the cost of the procurement exceeds \$50,000 then the publication of the notice must be made in accordance with Section 63G-6a-112. <input checked="" type="checkbox"/>
2.	Procurements under \$50,000.00 are not required to be published, but may be published at the discretion of the chief procurement officer or head of a procurement unit with independent procurement authority. Published: <input type="checkbox"/> Not Published: <input type="checkbox"/>
3.	Publication is not required for a procurement pursuant to a trial use contract. <input type="checkbox"/>
4.	Publication is waived for an award of contract without engaging in a standard procurement process procurement: <input type="checkbox"/> For any procurement item identified in R33-8-101e.(2a)(i-xii); <input type="checkbox"/> For award to a specific supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item; <input type="checkbox"/> For other circumstances as determined in writing by the chief procurement officer or head of a procurement unit with independent procurement authority.
The Terms and Conditions that will be attached to the awarded agency contract/purchase order:	
Agency Contract:	<input type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> IT <input type="checkbox"/> Att. B IT Non-DTS (include DTS Exception Form, if applicable)
Purchase Order:	<input type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> IT only <input type="checkbox"/> Att. B IT Non-DTS (include DTS Exception Form, if applicable)
For Purchasing's Use After the Public Posting Period:	
Agent: Ken Crawford	
Notice#:	
# of Vendors Sent To:	
Additional Research & Comments:	
Summary of Contest(s) Received & Determination:	

Recommend Award:		Approved by Management for Award:	
	08.19.21		8-18-21
Purchasing Agent	Date	Director, Support Services	Date



OGDEN SCHOOL DISTRICT - DEPARTMENT OF SUPPORT SERVICES

Purchasing Division

1950 Monroe Boulevard, Ogden, Utah 84401

Phone: 801-737-7300

Issuing Procurement Unit:Ogden School District
Conducting Procurement Unit: Student Achievement

NOTICE OF INTENT TO AWARD A CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS

The Purchasing Division of Support Services is publishing this notice pursuant to the Utah Procurement Code. The Conducting Procurement Unit submitted this form to Purchasing claiming that it intends to award a contract without competition if it is determined by Purchasing, in writing, that:

- there is only one source for the procurement item;
- transitional costs are a significant consideration in selecting a procurement item; or
- the award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit.

In the subsequent pages the Conducting Procurement Unit has identified its justification for wanting to award a contract without engaging in standard procurement processes.

Determination of Other Interested Vendors

The intent of this notice is to determine if there are any other interested and qualified vendors that meet the specifications of this notice. Any such vendors must submit the following information:

- The name of the contesting person; and
- A detailed explanation of the challenge, including documentation showing that there are other competing sources for the procurement item.

In addition, a vendor should include:

- Documentation that your firm can provide a comparable or better procurement item that meets or exceeds the specifications;
- Documentation that your firm can also provide the same proprietary procurement item or an equivalent procurement item; and
- If transitional costs are identified as the justification for this notice, submit a cost comparison of the identified transitional costs with your firm’s anticipated transitional costs.

Regardless of any prior communications with Purchasing or the School District, all vendors interested in responding to this notice must submit a response to this posting containing complete responses to all of the information requested above.

DO NOT CONTACT THE CONDUCTING PROCUREMENT UNIT. Any questions regarding this notice, including obtaining additional information, can be obtained through Purchasing during the publication period. No action is required if you agree with this Notice.

If, after the public notice period has passed, Purchasing determines that there are other interested and qualified vendors that meet the specifications of this notice, Purchasing will not award a contract pursuant to this notice.

If, after the public notice period has passed, no valid challenges have been received, then Purchasing may award a contract to the identified vendor without competition.



Please read the entire form very carefully before responding to this notice.

It is anticipated that this procurement will result in a:

	RESULT	ACTION
<input checked="" type="checkbox"/>	Agency Contract	1. The term of this contract will be: <u>5</u> and renewal options: <u>5</u> . 2. The Conducting Procurement Unit may not make the procurement until the solicitation process is completed and a contract is written and signed by the procurement unit, the vendor, and Purchasing.
<input checked="" type="checkbox"/>	Purchase Order	The Conducting Procurement Unit may not make the procurement until after the solicitation process is completed, the purchase order is signed by Purchasing, and the purchase order is delivered to both the agency and the vendor.

Description of procurement item to be purchased:	Achieve 3000 Literacy Software
Estimated value of the contract/purchase order:	\$502,711.27
Freight Cost (F.O.B. Destination, Freight Prepaid):	\$0.00
Vendor Name:	Achieve3000®, Inc.

<p>Explain in detail the service or product to be procured (additional information can be found on the attached Scope of Work):</p> <ul style="list-style-type: none"> • Details of scope of work are found in attached quote • Quote ID: Q-63792 • Quote Date: 06/22/2021 • Valid Until: 08/31/2021 • Contract Period: 08/01/2021 - 06/30/2026 <p>Complete disclosure must be included with this request if the requestor has any personal, financial, or fiduciary relationship with the vendor. (Please Attach) None</p>
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CHECK THE BOX THAT IDENTIFIES WHY A CONTRACT SHOULD BE AWARDED WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS:		
<input checked="" type="checkbox"/>	There is only one source for the procurement item.	Complete section A
<input type="checkbox"/>	Transitional costs are a significant consideration in selecting a procurement item and the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive, and that the award of a contract without engaging in a standard procurement process is in the best interest of the procurement unit	Complete section B
<input type="checkbox"/>	The award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit.	Complete section C

SECTION A: ONLY ONE SOURCE

1.	<p>What is unique about this procurement item to justify an award of contract without engaging in a standard procurement process? (Explain in detail why the service or product is only available from a single supplier.)</p> <p>Achieve3000®, Inc. is the sole source for the Achieve3000 Literacy™, Achieve3000 Math™, Actively Learn, eScience3000®, and Smarty Ants® educational online services as well as the LevelSet™ assessment. Achieve3000 is the only provider of these services, each of which utilizes proprietary, patented technology (USPTO 8,714,986 and 9,652,993), copyrighted materials, trade secrets and source code that are, in various parts, either owned by Achieve3000 or licensed to Achieve3000. As a result, these services may be utilized only with the permission of Achieve3000.</p> <p>Achieve3000 content is personalized and adaptive based on learner Lexile growth & grade level. It assesses students, differentiates learning paths based on individualized needs, and drives acceleration through the proprietary engine that adapts text complexity as students are ready for a greater challenge. The program uses patented technology, including U.S. Patent # 8,714,986 for our proprietary adaptive differentiated instruction and embedded assessment, and U.S. Patent #9,652,993 for our proprietary process for differentiating content based on skill level. The key to the Achieve3000 differentiation method is that it ensures students receive text that is accessible to them, yet challenging enough to enable them to grow, ensuring they are always reading at an independent challenge level that optimizes</p>
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	learning. Further, providing age-appropriate content for all students, regardless of their reading level, is what sets Achieve3000 Literacy apart from other programs. Other platforms might provide students materials appropriate for their reading level, but if the student is reading far below grade level, that child might only be exposed to below grade-level materials. Achieve3000's platform is unique in that we provide differentiated, grade-appropriate text across 12 Lexile levels, and all lessons are aligned to the grade-level standards each student is expected to master.
2.	Could the procurement item be reasonably modified to allow for competition? Achieve 3000 is only available for purchase through a single vendor.
3.	Explain the market research performed. We conducted a thorough investigation into the evidence base for Achieve 3000 in accelerating growth of struggling readers in secondary school settings. We ensured that Achieve 3000 satisfied the program requirements in the Every Student Succeeds Act (ESSA). We spoke with several experts in the field, sought advice from the Utah State Board of Education specialists, and visited districts/schools who are successfully using Achieve 3000 to improve student outcomes.
4.	What research have you conducted to ensure the requested procurement item is not available on an existing state cooperative contract? Services not available on State contract.
5.	If there is only one source for the procurement item, list the names of other similar vendors contacted, contact person, and a summary of their response. None Available.

SECTION B: TRANSITIONAL COSTS

1.	Describe the existing equipment, technology, software, accessories, replacement parts, or service, hereafter referred to as equipment; include the original purchase price and date of purchase for the existing equipment. N/A
2.	Please supply the following: a. Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): None b. Solicitation number, RQS number, or sole source number for the existing equipment: None c. Contract number for the existing equipment: None
3.	Attach the cost-benefit analysis, as required by Utah Code Section 63G-6a-802 that demonstrates that transitional costs are unreasonable or cost-prohibitive.

SECTION C: STANDARD PROCUREMENT PROCESS IMPRACTICABLE

1.	Cite the applicable rule adopted by the applicable rulemaking authority that provides that awarding the contract through a standard procurement process is impractical and not in the best interest of the procurement unit under the circumstances; including any supporting documentation.
2.	Please supply the following, if applicable: a. Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): NA b. Solicitation number, RQS number, or sole source number for the existing equipment: NA c. Contract number for the existing equipment NA

LEASING PERSONAL PROPERTY (Not Real Property)

Lease requests must include an approved *FI 9 State of Utah Lease Obligation Record* form from the Division of Finance. The *FI 9 State of Utah Lease Obligation Record* form can be found on the Division of Finance website finance.utah.gov under Forms. The Finance policy *FIACCT 09-21.00 Fixed Assets – Leases* can be found on the Division of Finance website under Accounting Policies and Procedures.

Approved FI 9 attached.