



**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. The 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:	Myrtha Contracting USA
Vendor Contact Person:	Gehric Ross
Vendor E-mail Address:	aftersales.na@myrthapools.com
Vendor Telephone Number:	941-955-2591
Vendor Ordering Address:	1800 Second Street, Suite 758, Sarasota, FL 34236
Vendor Remittance Address:	1800 Second Street, Suite 758, Sarasota, FL 34236
Alio Vendor Number (if available):	
<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):	
Type of Vendor (Corp, Ptr, LLC, Indv):	

Conducting Procurement Unit Contact Information:

Department/Division Name:		Pools / Ogden School District	
Contact Person and Title:		Logan Murphy - Pools Administrator	
E-mail Address:		murphyl@ogdensd.org	Telephone Number: 801.737.8814
<input type="checkbox"/>	Agency Contract	1. Insert requested term of contract: _____ and renewal options: _____ (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 checked="" 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 checked="" type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> IT for DTS only <input type="checkbox"/> Att. B IT Non-DTS (include DTS Exception Form, if applicable)
Purchase Order:	<input checked="" type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> IT for DTS only <input type="checkbox"/> Att. B IT Non-DTS (include DTS Exception Form, if applicable)
For Purchasing's Use After the Public Posting Period:	
Notice#:	Agent: <i>Brandy Clydesdale</i>
# of Vendors Sent To:	
Additional Research & Comments:	original vendor needs to provide warranty for the original work.
Summary of Contest(s) Received & Determination:	Approved

Recommend Award:		Approved by Management for Award:	
<i>Brandy Clydesdale</i>	11-08-2024	<i>[Signature]</i>	11-06-2024
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:
Conducting Procurement Unit:

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 type="checkbox"/>	Agency Contract	1. The term of this contract will be: ____ and renewal options: ____. 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:	Labor required to provide a full relamination of the BLHS Pool
Estimated value of the contract/purchase order:	\$127,500
Freight Cost (F.O.B. Destination, Freight Prepaid):	
Vendor Name:	Myrtha Contracting USA

Explain in detail the service or product to be procured (additional information can be found on the attached Scope of Work): This is for the material supply only for the full relamination of the BLHS pool. A separate contract will provide the labor for installation. A full breakdown of materials included is provided on the attached quote.
Complete disclosure must be included with this request if the requestor has any personal, financial, or fiduciary relationship with the vendor. (Please Attach)

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.	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.) The pool was originally designed as a Myrtha Pool and now that the pool needs repairs, the only product compatible with the design is solely provided by Myrtha
2.	Could the procurement item be reasonably modified to allow for competition? No, not without significant structural changes to the pool structure.
3.	Explain the market research performed. We reached out to the design team, design consultants, and other local material vendors and all agreed that a Myrtha product was our only option short of a full rebuild.
4.	What research have you conducted to ensure the requested procurement item is not available on an existing state cooperative contract? Myrtha is not listed on the state contract site.



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.
There are no other similar products available according to the pool designers.	

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. Part of construction cost for pool remodel.
2.	Please supply the following:
a.	Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): RFP
b.	Solicitation number, RQS number, or sole source number for the existing equipment: RFQ-4-009
c.	Contract number for the existing equipment: RFQ-4-009
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. Vendor did original work and this is part of the warranty.

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. Part of warranty work.
2.	Please supply the following, if applicable:
a.	Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): RFP
b.	Solicitation number, RQS number, or sole source number for the existing equipment: RFQ-4-009
c.	Contract number for the existing equipment RFQ-4-009

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.