



Cache County School District  
Purchasing Department  
84 E 2400 N, North Logan, UT 84341  
Phone: 435-752-3925 [www.ccsdut.org](http://www.ccsdut.org)

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## AWARD OF A CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS REQUEST

### INDEPENDENT STUDY ONLINE CURRICULUM CCSD-SS0520026

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1. The Cache County School District (CCSD) is publishing this notice pursuant to the Utah Procurement Code. Cache County School District intends to award a contract without competition if it is determined, in writing, that:
2. Award of a contract/purchase without engaging in a standard procurement process (bids/quotes) is appropriate if it can be determined 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 Utah Administrative Code R33-8, 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, need, or requirement for a procurement item does not justify the award of a contract/purchase without engaging in a standard procurement process.

\*"Transitional costs"- means the costs of changing from an existing provider of a procurement item to another provider of that procurement item; or from an existing type of procurement item to another type; includes training costs; conversion costs; compatibility costs; costs associated with system downtime; disruption of service costs; staff time necessary to implement the change; installation costs; and ancillary software, hardware, equipment, or construction costs; and does not include the costs of preparing for or engaging in a procurement process; or contract negotiation or drafting costs.

The attached document outlines the CCSD department's justification for awarding a contract without engaging in the standard procurement process.

#### 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
- A detailed explanation of the challenge, including documentation showing that there are other competing sources for the procurement item.
- Documentation that your firm can provide a comparable or better procurement item that meets or exceeds the specifications; and
- Documentation that your firm can also provide the same proprietary procurement item or an equivalent procurement item;

- 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 the CCSD or the Purchasing Department, 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. Any questions regarding this notice, including obtaining additional information, can be directed to the Purchasing Department at [karma.leatham@ccsdut.org](mailto:karma.leatham@ccsdut.org) during the publication period. No action is required if you agree with this notice.

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

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

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



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## AWARD OF CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS REQUEST FORM

### DEPARTMENT/SCHOOL CONTACT INFORMATION

|  |                                       |                          |              |
|--|---------------------------------------|--------------------------|--------------|
| <b>Department/Division Name:</b>   | CCSD Teaching and Learning Department |                          |              |
| <b>Contact Person and Title:</b>   | Brittany Foster                       |                          |              |
| <b>E-mail Address:</b>   | brittany.foster@ccsdut.org            | <b>Telephone Number:</b> | 435.792-7065 |
| Does the requestor or anyone at the requesting department/school have any personal, financial, or fiduciary relationship with the proposed vendor?    No |                                       |                          |              |

### ITEM OR SERVICE

|  |                       |  |
|--|-----------------------|--|
| <b>Description of procurement item to be purchased:</b>    |                       | Independent Study/Online Curriculum Site Licenses  |
| <b>Estimated value of the contract/purchase order:</b>     |                       | \$64,629   |
| <b>Freight Cost (F.O.B. Destination, Freight Prepaid):</b> |                       | \$0  |
| <input checked="" type="checkbox"/>                        | <b>Contract</b>       | <ol style="list-style-type: none"> <li>1. <b>Insert requested term of contract: <u>3</u> and renewal options: <u>2</u></b> (The standard contract term is five (5) years. If the requested term will be longer than five years, written justification is required.)</li> <li>2. <b>The Department/School may not make the procurement until the solicitation process is completed and a contract is written and signed by the Department/School, the vendor, and the Purchasing Department.</b></li> </ol> |
| <input type="checkbox"/>                                   | <b>Purchase Order</b> | <ol style="list-style-type: none"> <li>1. <b>If the total purchase will be greater than \$5,000.00 the Department/School may not make the procurement until after the solicitation process is completed, the PO is signed by the Purchasing Department, and the PO is delivered to both the Department/School and the vendor.</b></li> </ol>   |

### VENDOR INFORMATION

|   |   |
|---|---|
| <b>Vendor Name:</b>                                 | BYU Independent Study   |
| <b>Vendor Contact Person:</b>                       | John Kent   |
| <b>Vendor Email Address:</b>                        | john.kent@byu.edu   |
| <b>Vendor Telephone Number:</b>                     | 801-422-8101  |
| <b>Vendor Ordering Address:</b>                     | 350 HCEB<br>770 E. University<br>Provo, UT 84602                |
| <b>Vendor Remittance Address:</b>                   | HSDL, LLC c/o BYU Continuing Education 413 HCEB Provo, UT 84602 |
| <i>All items in the above section are required.</i> |   |

**Complete the following if no vendor number exists in ERP (Munis):**

|   |                                 |
|---|---------------------------------|
| Vendor Federal Tax ID# (TIN): (9 Digits): | Tax ID: 87-0217280              |
| Type of Vendor:                           | Continuing Education/Curriculum |

| <b>CHECK THE BOX THAT IDENTIFIES WHY A CONTRACT/PURCHASE ORDER SHOULD BE AWARDED WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS:</b> |   |                    |
|--|---|--------------------|
| <input type="checkbox"/>   | There is only one source for the procurement item.  | Complete section A |
| <input checked="" 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 Utah Administrative Code R33-8, 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.) |
| 2. | Could the procurement item be reasonably modified to allow for competition?   |
| 3. | Explain the market research performed.  |
| 4. | What research have you conducted to ensure the requested procurement item is not available on an existing district or state cooperative 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,   |

**SECTION B: TRANSITIONAL COSTS – If you have selected Section B you must also complete Attachment A – Cost Benefit Analysis**

|    |  |
|----|--|
| 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.<br><br>The technology consists of BYU Independent Study’s High School and Middle School Suite of courses. Of these, 50 courses have been customized by our online school staff to correlate to our district's needs, scope, and sequence. The original purchase price was \$22,545, and the date of purchase was August 1, 2022. |
| 2. | Please supply the following:<br>a. Procurement method that was used to purchase the existing equipment/service? (IFB, RFP, Sole Source):<br>b. Bid number, P.O. number, Requisition number, or sole source number for the existing equipment/service:<br>PO#80426<br>c. Contract number for the existing equipment/service:  |
| 3. | Complete “Attachment A - Cost-Benefit Analysis”, as <b>required</b> by Utah Procurement Code §63G-6a-802 that demonstrates transitional costs are unreasonable or cost-prohibitive.  |

**SECTION C: STANDARD PROCUREMENT PROCESS IMPRACTICABLE**

|    |  |
|----|--|
| 1. | Cite the applicable rule from Utah Administrative Code R33-8 that provides awarding the contract through a standard procurement process as 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):          |
| b.   | Bid number, P.O. #, Requisition #, or sole source number for the existing equipment/services: PO#80426 |
| c.   | Contract number for the existing equipment/services  |

| <b>Administration Approval:</b>            |      |
|--|------|
|  |      |
| Authorized Department/School Administrator | Date |

| <b>Recommend Award:</b> |      | <b>Final Approval by Purchasing Director:</b> |      |
|-------------------------|------|---|------|
|                         |      |   |      |
| CCSD Purchasing Agent   | Date | Karma Leatham, Purchasing Manager             | Date |



## ATTACHMENT A – COST BENEFIT ANALYSIS

Utah Code Annotated §63G-6a-802 (Utah Procurement Code) anticipates instances where the cost to transition from a product or services is unreasonable or cost-prohibitive. These costs are referred to as transitional costs by definition. Transitional costs means the costs of changing from an existing provider of a procurement item to another provider of that procurement item; or from an existing type of procurement item to another type; includes training costs; conversion costs; compatibility costs; costs associated with system downtime; disruption of service costs; staff time necessary to implement the change; installation costs; and ancillary software, hardware, equipment, or construction costs; and does not include the costs of preparing for or engaging in a procurement process; or contract negotiation or drafting costs.

Because there are vendors who “could” compete for the product or service (this request is not a sole source) if not for the transitional costs, the law requires additional details to support the determination in the form of a cost benefit analysis. The purpose is to flush out the figures to support the determination. This form is to be completed for all proposed contracts/purchases where transitional costs (Section B) are cited for not competing the opportunity. **The form must be completed in its entirety and be submitted with the main form above.**

|                       | Original Purchase of Current Product/Service  | Continuation with Current Provider (no transition costs) | Costs to Transition to New Product/Service   |
|-----------------------|---|--|--|
| Acquisition Price     | \$73,695  | \$64,629   | \$154,215<br>-\$149/course *1035 course enrollments as per advertised price on product’s webpage)  |
| Training Costs        | \$6,125:<br>– Online Specialists: 2 × 6 hrs × \$30 = \$360<br>– Teachers: 11 × 6 hrs × \$40.50 = \$2,673<br>– Counselors: 32 × 2 hrs × \$40.50 = \$2,592<br>– BYU IS training fee = \$500 | \$0  | \$14,216:<br>– Teachers: 11 × 12 hrs × \$45/hr = \$5,940<br>– Counselors: 32 × 6 hrs × \$40.50 = \$7,776<br>– Est. vendor onboarding fee = \$500 |
| Implementation Costs  | \$18,000<br>-2 online specialists × 25 hrs/week × 12 weeks × \$30/hr)   | \$0  | \$19,620<br>(same effort, reallocated to learning/setup with new vendor)   |
| Conversion Costs      |   |  | \$21,000<br>(1,050 student records @ \$20/record export and re-import; includes course progress transfer, gradebook mapping, etc.)               |
| Compatibility Costs   |   |  |  |
| System Downtime Costs |   |  |  |
| Staff Time            | Included above  |  | \$5,200  |

|            |          |          |  |
|------------|----------|----------|--|
|            |          |          | (Admin hours for contract setup, communication, tech support—approx. 130 hrs × \$40/hr across admin, IT, online specialists, and teaching staff)   |
| Other Cost |          |          | <p>\$15,768:</p> <p>Dual-Platform Support Costs so as not to disrupt students currently in courses.</p> <p>1. Adjusted Licensing Cost During Transition</p> <ul style="list-style-type: none"> <li>• Annual cost for current platform= \$21,543</li> <li>• Weekly cost = <math>\\$21,543 \div 52 \approx \\$414/\text{week}</math></li> <li>• 12 weeks × \$414 = \$4,968</li> </ul> <p>2. Online Program Staff Time (duplicated work)</p> <ul style="list-style-type: none"> <li>• 2 online specialists × 15 hours/week (split support across platforms) × 12 weeks × \$30/hr</li> <li>• <math>2 \times 15 \times 12 \times 30 = \\$10,800</math></li> </ul> |
| Total      | \$97,820 | \$64,629 | \$230,019  |

Comments to support the figures provided.

In accordance with Utah Code Annotated §63G-6a-802, the transition costs associated with moving from our current provider, BYU Independent Study, to a new vendor are significant and render competitive procurement impractical and not in the best interest of the district at this time.

A detailed cost analysis shows that transitioning would result in a one-time cost of approximately \$165,390 in addition to a higher acquisition price. These transitional costs include expenses related to training, implementation, data conversion, temporary dual-platform licensing, and staff workload duplication. Maintaining access to the current system during the 12-week transition period would be necessary to avoid disrupting services for over 1,000 enrollments. The cost to continue with our existing provider is both substantially lower and ensures instructional continuity.

**THIS SECTION TO BE FILLED OUT BY CCSD PURCHASING DEPARTMENT**

The public notice period shall be (Check the box that applies):

|    |  |
|----|--|
| a. | 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 type="checkbox"/>  |
| b. | Procurements under \$50,000.00 are not required to be published, but may be published at the discretion of the CCSD Director of Purchasing<br>Published: <input type="checkbox"/> Not Published: <input type="checkbox"/>  |
| c. | Publication is not required for a procurement pursuant to a trial use contract. <input type="checkbox"/>   |
| d. | Publication is waived for an award of contract without engaging in a standard procurement process procurement:<br><input type="checkbox"/> For any procurement item identified in Utah Administrative Code R33-8-101(7)(b)(i-viii);<br><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;<br><input type="checkbox"/> For other circumstances as determined in writing by the chief procurement officer or head of a procurement unity with independent procurement authority. |

**The Terms and Conditions that will be attached to the awarded agency contract/purchase order:**

|                           |  |
|---------------------------|--|
| <b>District Contract:</b> | <input type="checkbox"/> Goods <input type="checkbox"/> Services <input type="checkbox"/> IT for DTS only <input type="checkbox"/> Att. B IT Non-DTS (include DTS Exception Form, if applicable) |
| <b>Purchase Order:</b>    | <input type="checkbox"/> Goods <input 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 Department Use After the Public Posting Period:** Agent:

|   |  |
|---|--|
| Notice#:  |  |
| Commodity Code(s):                              |  |
| # of Vendors Sent To:                           |  |
| Additional Research & Comments:                 |  |
| Summary of Contest(s) Received & Determination: |  |