



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

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

**MOUNTAIN STATES SCHOOL BOOK DEPOSITORY
CCSD-SSMSSD102326**

The Cache County School District ("CCSD") Department of Purchasing is publishing this notice pursuant to the Utah Procurement Code. The Conducting Procurement Unit submitted this form claiming that it intends to award a contract without competition if it is determined by the Department of 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 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.

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.

In the subsequent pages, the Conducting Procurement Unit has provided its justification for seeking to award a contract without following 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; 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 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.

DO NOT CONTACT THE CONDUCTING PROCUREMENT UNIT. Any questions regarding this notice, including requests for additional information, can be directed to the CCSD Purchasing Department 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

REQUESTED INFORMATION

- *If submitting a contest, the vendor certifies that they have read all of the documents attached to this notice*
- *Contesting vendors must upload the required information per the Part 8 document in response to this question.*
- *Provide your firm's contact information, including the name, phone number, and email address of your firm's representative.*



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All information provided on this document may be used for public notice and comment when required. Therefore, please be complete in your answers. The Purchasing Department will not approve documents which are deemed to lack sufficient information/evidence to support the request.

AWARD OF CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS REQUEST FORM-CCSD-#SSMSSD102326

Department/Division Name:	Cache County School District		
Contact Person and Title:	Brittany Foster, Director of Teaching and Learning		
E-mail Address:	brittany.foster@ccsdut.org	Telephone Number:	435-792-7605
Does the requestor or anyone at the requesting department/school have any personal, financial, or fiduciary relationship with the proposed vendor? No			

DEPARTMENT/SCHOOL CONTACT INFORMATION ITEM OR SERVICE

Description of procurement item to be purchased:		Textbooks
Estimated value of the contract/purchase order:		\$15,000,000
Freight Cost (F.O.B. Destination, Freight Prepaid):		NA
☒	Agency Contract	1. Insert requested term of contract: <u>5</u> years and renewal options: <u>5</u> years. 2. The Department/School 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 the Purchasing Department.
☐	Purchase Order	1. 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.

VENDOR INFORMATION

Vendor Name:	Mountain State Schoobook Depository
Vendor Contact Person:	Scott Cressall
Vendor Email Address:	scott.cressall@mssd.com
Vendor Telephone Number:	801-773-3200
Vendor Ordering Address:	Freeport Center, Bldg, N-7, PO Box 160250, Clearfield, UT 84016
Vendor Remittance Address:	Same as above
<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):	
Type of Vendor:	

CHECK THE BOX THAT IDENTIFIES WHY A CONTRACT/PURCHASE ORDER SHOULD BE AWARDED WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS:		
☒	There is only one source for the procurement item.	Complete section A
☐	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
☐	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.)
	<i>The State of Utah Board of Education requires that publishers offer a depository within the State of Utah, or that they maintain their own depository for school books purchased by the various school districts within the state, for access to materials and to avoid long waiting periods to obtain additional materials or pay exorbitant fees.</i> <i>This is per (2)(a) A publisher seeking to sell recommended materials to Utah schools or school districts shall have 10 books and tangible adopted materials or such other amount as required by a depository based on anticipated need on deposit within the state at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.</i> <i>(b) A publisher shall submit verification of compliance with Subsection (2)(a) to the Superintendent through the publisher's contracted depository prior to the Superintendent posting a review of the materials on RIMs.</i> <i>(3) A publisher may make a depository agreement with one or more depositories.</i> <i>(4) Notwithstanding the provisions of Subsection (2), a publisher may sell instructional materials to schools or school districts in Utah directly or through means other than a designated depository.</i>
2.	Could the procurement item be reasonably modified to allow for competition?
	<i>Not for depositories, schools' only other option is direct from the publisher purchases of texts.</i>
3.	Explain the market research performed.
	<i>Searched the internet for other depositories in the State of Utah, spoke with other school districts, and the Department of Education.</i>
4.	What research have you conducted to ensure the requested procurement item is not available on an existing district or state cooperative contract?
	<i>Reviewed State Contracts and District contracts</i>
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,
	NA

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.
2.	Please supply the following:
a.	Procurement method that was used to purchase the existing equipment/service? (IFB, RFP, Sole Source):
b.	Bid number, P.O. number, Requisition number, or sole source number for the existing equipment/service:
c.	Contract number for the existing equipment/service:
3.	Complete "Attachment A - Cost-Benefit Analysis", as <u>required</u> 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:
c.	Contract number for the existing equipment/services

Administration Approval:	
Authorized Department/School Administrator	Date

Recommend Award:		Final Approval by Purchasing Director:	
CCSD Purchasing Agent	Date	Karma Leatham, Purchasing Manager	Date

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. ☐
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 Published: ☐ Not Published: ☐
c.	Publication is not required for a procurement pursuant to a trial use contract. ☐
d.	Publication is waived for an award of contract without engaging in a standard procurement process procurement: ☐ For any procurement item identified in Utah Administrative Code R33-8-101(7)(b)(i-viii); ☐ 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; ☐ 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:

District Contract:	☐ Goods ☐ Services ☐ IT for DTS only ☐ Att. B IT Non-DTS (include DTS Exception Form, if applicable)
Purchase Order:	☐ Goods ☐ Services ☐ IT for DTS only ☐ 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:	

R277. Education, Administration.

R277-469. Instructional Materials Commission Operating Procedures.

R277-469-2. Definitions.

(4) "Depository" means a business dedicated to storing and distributing resources or materials in sufficient quantities to insure rapid and efficient delivery to LEAs.

(5)(a) "Instructional materials" means systematically arranged content in text, digital, Braille and large print, or audio format which may be used within the state curriculum framework for courses of study by students in public schools.

(b) "Instructional materials" include:

(i) textbooks;

(ii) workbooks;

(iii) computer software;

(iv) online or internet courses;

(v) CDs or DVDs; and

(vi) multiple forms of communication media.

(c) "Instructional materials" may be used by students or teachers or both as principal sources of study to cover any portion of a course.

(d) "Instructional materials":

(i) are designed for student use;

(ii) may be accompanied by or contain teaching guides and study helps;

(iii) shall include all textbooks, workbooks, student materials, supplements, and online and digital materials necessary for a student to fully participate in coursework; and

(iv) shall be high quality, research-based materials for supporting student learning.

R277-469-10. Agreements and Procedures for Publishers.

(1) A publisher desiring to sell primary instructional materials to Utah school districts shall comply with the requirements of Section 53E-4-408 and this R277-469.

(2)(a) A publisher seeking to sell recommended materials to Utah schools or school districts shall have 10 books and tangible adopted materials or such other amount as required by a depository based on anticipated need on deposit within the state at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.

(b) A publisher shall submit verification of compliance with Subsection (2)(a) to the Superintendent through the publisher's contracted depository prior to the Superintendent posting a review of the materials on RIMs.

(3) A publisher may make a depository agreement with one or more depository.

(4) Notwithstanding the provisions of Subsection (2), a publisher may sell instructional materials to schools or school districts in Utah directly or through means other than a designated depository.

(5) A publisher need not store digital and online resources within the state, but shall guarantee timely resource availability

of a placed order and shall provide digital and online resource orders without shipping charges.

(6) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

(a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the Superintendent for examination purposes; and

(d) the publisher submits a revised electronic edition in NIMAS file format to the NIMAC if the Superintendent approves the substitution request.

(7) The Commission shall make the final determination about the substitution of a new edition for a previously recommended edition with assistance from the Superintendent.

(8) A publisher's contract price for materials recommended by the Commission and the Board shall apply for five years from the contract date.