**Salt Lake City School District**

**Purchasing Department**

**995 West Beardsley Place, Salt Lake City, UT 84119**

**Phone: 801-974-8368 Fax: 801-974-8375** [**www.slcschools.org**](http://www.slcschools.org)

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

**Provisions for Use**

1. Award of a contract/purchase without engaging in a standard procurement process (bids/quotes) is appropriate if it can be determined in writing that:
   1. there is only one source for the procurement item;
   2. transitional costs\* are a significant consideration in selecting a procurement item;
   3. 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.
2. 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.

**Authorizations Required BEFORE Making a Purchase**

1. For requests exceeding $1,000 this form must be completed, approved and signed by the applicable Principal/Administrator.
2. Email this completed form along with a copy of the quote from the vendor to the purchasing agent in Purchasing responsible for the needed item
3. Upon notice of approval from Purchasing, a requisition should be entered for the purchase.

**Form Instructions**

1. Complete each section and provide as much information as possible to fully respond. Please click on the grey fields to insert your information. Use your tab key to advance to the next field. Please complete all fields below.
2. For professional service purchases/contracts **–** attach the proposed scope of work, contract, or memorandum of understanding that has been developed as part of this Intent to Award a Contract without Engaging in a Standard Procurement Process Request Form.
3. For products **–** 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.
4. Requests missing information will be rejected and returned to the contact person for completion. Purchasing may seek additional information from the contact person.

**This first page will not be publicly posted; however, all subsequent pages may be posted, as is, for public notice and comment. Please be complete in your answers.**

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

The Salt Lake City School District (SLCSD) Purchasing Department is publishing this notice pursuant to the Utah Procurement Code. The requesting department submitted this form to the Purchasing Department claiming that it intends to award a contract without competition if it is determined by the Purchasing Department, 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 SLCSD.

**In the subsequent pages, the requesting department has identified its justification for wanting to award a contract without engaging in 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 qualified vendor; and
* A detailed explanation, including documentation, showcasing any other competing sources for the procurement item.

In addition, a qualified vendor should include:

* Documentation that vendor can provide a comparable or better procurement item that meets or exceeds the specifications;
* Documentation that vendor 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 vendor’s anticipated transitional costs.

Regardless of any prior communications with SLCSD 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 obtaining additional information, can be obtained through the 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 Division of 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 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.

**Department/School Contact Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Department/Division Name:** |  | | |
| **Contact Person and Title:** |  | | |
| **E-mail Address:** |  | **Telephone Number:** |  |
| Does the requestor or anyone at the requesting department/school have any personal, financial, or fiduciary relationship with the proposed vendor? | | | |

Item or Service

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description of procurement item to be purchased:** | | |  | |
| **Estimated value of the contract/purchase order:** | | |  | |
| **Freight Cost (F.O.B. Destination, Freight Prepaid):** | | |  | |
|  | **Contract** | 1. **Insert requested term of contract:       and renewal options:** (The standard contract term is five (5) years. If the requested term will be longer than five years, written justification is required.) 2. **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.** | |
|  | **Purchase Order** | 1. **If the total purchase will be greater than $1,000.00 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:** |  |
| **Vendor Contact Person:** |  |
| **Vendor E-mail Address:** |  |
| **Vendor Telephone Number:** |  |
| **Vendor Ordering Address:** |  |
| **Vendor Remittance Address:** |  |
| *All items in the above section are required.* | |

**Complete the following if no vendor number exists in BusinessPLUS (IFAS):**

|  |  |
| --- | --- |
| Vendor Federal Tax ID# (TIN): (9 Digits): |  |
| Type of Vendor: | Click to use the drop-down menu to select the 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.) | |
|  | |  |
| 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. | | |
|  | |  | |
| 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 **required** 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:** | |
|  |  |  |  |
| SLCSD Purchasing Agent | Date | Tyler Barnes, Asst. Director of Purchasing (or designee) | Date |

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**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 |  |  |  |
| Training Costs |  |  |  |
| Implementation Costs |  |  |  |
| Conversion Costs |  |  |  |
| Compatibility Costs |  |  |  |
| System Downtime Costs |  |  |  |
| Staff Time |  |  |  |
| Other Cost |  |  |  |
| Total |  |  |  |

Comments to support the figures provided.

|  |
| --- |
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| --- | --- | --- | --- | --- |
| **THIS SECTION TO BE FILLED OUT BY SLCSD 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 SLCSD 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: | | |  | |