

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE PROCUREMENT**

CONTRACT NO: CW46606

CAPTION: Maintenance and Support of Existing Software Systems

PROPOSED CONTRACTOR: Incapsulate, Inc.

PROGRAM AGENCY: Office of the State Superintendent of Education

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700 and 1701

2. MINIMUM NEED:

The Office of Contracting and Procurement on behalf of the State Superintendent of Education, seeks the services of Incapsulate, Inc., for system enhancements, management, and continued maintenance and support of OSSE's HOD Tracker Database formally known as the Blackman Jones Database (BJDB).

3. ESTIMATED REASONABLE PRICE:

The estimate fair and reasonable price is \$479,968.00. The period of performance will be October 1, 2016 - September 30, 2017.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

- a. Pursuant to authority granted, OSSE assumed responsibility for compliance with certain judicial decrees involving state education functions, including the Blackman Jones Consent Decree (*Blackman, et al., vs. District of Columbia, et al. Civil Action No. 97-1629* consolidated with *Jones, et al. vs. District of Columbia, Civil Action No. 97-2402*). Among other provisions, the Blackman Jones Consent Decree required the OSSE and the District of Columbia Public Schools ("DCPS") to meet certain data specific and non-data specific requirements for special education due process hearing requests, the issuance and, as appropriate, implementation of decisions and settlement agreements resolving complaints and other responsibilities related to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 *et seq.* This purchase applies to OSSE's Blackman Jones Data System, and all related reporting frameworks and related databases that manage special education related information, e.g. SLED and Medicaid.

- b. Incapsulate, Inc. is the sole owner of the intellectual property that is licensed to OSSE. Incapsulate, Inc. has developed and refined the model for OSSE (annually) since 2012. Due to the scope of services and the protected intellectual proprietary property rights, the maintenance and support is not available through any other entity.
- c. Only Incapsulate, Inc. personnel with direct knowledge and expertise of the systems developed for OSSE are able to administer, maintain and consult on the functionality of these systems and their proper usage and implementation in order to maintain compliance with all relevant regulations.

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and complete.

Date

Hanseul Kang
State Superintendent, OSSE

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with 27 DCMR 1304. I recommend that the Chief Procurement Officer approves the use of the sole source procurement method for this proposed contract.

Date

Alvin N. Stith
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

George A. Schutter
Chief Procurement Officer