

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE EXTENSION OF A CONTRACT**

CONTRACT NO: CW33009
CAPTION: Science Alt CAS
PROPOSED CONTRACTOR: NCS Pearson, Inc.
PROGRAM AGENCY: Office of the State Superintendent of Education

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700, 1701, and 2005.6 (b)

2. MINIMUM NEED:

The Government of the District of Columbia, Office of Contracting and Procurement (OCP) on behalf of the Office of the State Superintendent of Education (OSSE), Office of Data Management (ODM), seeks to contract with NCS Pearson, Inc. (Contractor) to continue to provide comprehensive administration of the District of Columbia Comprehensive Assessment System Alternate Assessment (DC CAS-Alt) (Program). These services must be continued without interruption during the school year which is in session from September through June. As a part of these services, the contractor is required to maintain, review and as necessary, revisions of alternative achievement standards; development of assessment schedule, parameters and criteria; provision of relevant professional development to State educators and educational leaders (e.g., instructional design, identification of eligible students, collection and scoring of student work, etc.); development of interactive DC CAS-Alt website; valid and reliable scoring of DC CAS-Alt portfolios; evaluation of DC CAS-Alt technical quality and submission of technical reports per federal requirements; cooperation with edCount, LLC around exchange of data necessary for completion of the General Supervision Enhancement Grant (GSEG) study of the DC CAS-Alt validity; modifications to DC CAS-Alt per GSEG validity study findings and in consultation with OSSE's Office of Assessment and Accountability; secure electronic storage of scanned portfolios from SY 2008-2009 through end of contract period. In addition, the Agency is currently researching several options of redevelopment of the new requirement to include a more extensive scope of work which will include new provisions geared to enhance the services.

The program follows section 38-2601.01 of the District of Columbia Code, OSSE serves as the State Education Agency (SEA) for the District of Columbia and performs the functions of an SEA under applicable federal law, including grant-making, oversight, as well as state educational agency functions for standards, assessments and federal accountability requirements for elementary and secondary education. Within OSSE's Division of Elementary and Secondary Education (Division), the Assessment and Accountability office is responsible for the development, publication, and administration of the State assessment system, which includes standards-based summative assessments in reading, math, science and writing/composition as well as alternate assessments in reading, math and science. The Division is also responsible for the collection, maintenance, and reporting of all state data required by the Elementary and Secondary Education Act of 1965 (ESEA), including

the Adequate Yearly Progress (AYP) status of schools and the State; information on highly qualified teachers; attendance and dropout data; and assessment data that has incorporated all of the conditions mandated under the ESEA for meeting approved proficiency levels. Finally, the Division provides data related to a wide variety of state program evaluations, and compliance reports including data and reports for special education, English language learners, and other federal programs.

The Department of Education ensures compliance with these mandates through peer reviews of state-submitted evidence documenting the State's adherence to Federal guidelines and criteria for development and administration of assessments and reporting of assessment results. The Department issues guidelines to inform states of useful evidence for demonstrating compliance with ESEA requirements for standards and assessments and to guide teams of peer reviewers who will examine evidence submitted by the states.

Federal law requires that all students, including students with disabilities, be included in all state and Local Education Agency (LEA)-level accountability systems. In April 2007, final regulations regarding alternative assessments were promulgated, giving states the option to develop an alternate assessment based on alternate achievement standards. This assessment option is for a small group of students with disabilities who can make significant progress, but who may not reach grade-level achievement within the time period covered by their Individualized Education Program (IEP) (U.S. Dept. of Education, 2007).

3. ESTIMATED REASONABLE PRICE:

The estimated fair and reasonable price for the Sole Source contract is \$480,350.04 with Period of Performance Nov. 28, 2014 to Nov. 27, 2015. This price is based on the revised pricing schedule submitted by the vendor.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

NCS Pearson, Inc. (the incumbent) is the only available company requiring no start up time and capable of continuing this service without interruptions. The interruption of these services would pose as a major threat to the District and jeopardize the education school year, welfare and safety of the student's population, as well as possibly pose a liability to the District Government. The incumbent contractor has the proprietary ownership of the rigorous content standards and high-quality, standards-based assessments for general population students and special population students that have been administered since the beginning of the contract.

Market research was not done due to ODM wanting to keep NCS Pearson, Inc. as the current vendor to not disrupt the academic school year of 2014-2015. Science Alt for the highly specialize student is a portfolio based assessment that is cumulative for four to six months during the academic school year. OSSE is currently working in collaboration with OCP to come up with a completed and acceptable Scope of Work addressing all required services for the highly specialized student population to then generate a new RFP which will be solicited in the competitive open market comes academic school year 2015-2016.

In Fiscal Year 2014, in anticipation and planning of the expiration of the current contract, the Office of Contracting and Procurement (OCP) together with OSSE and ODM developed a Request for Proposals (RFP) for the DC CAS-Alt for Science in order to make an award through a competitive sealed proposal process. However, due to the newly adopted state

science standards there wasn't enough time for ODM and a new vendor to develop and align assessment for this highly specialized student population.

5. CERTIFICATION BY AGENCY HEAD:

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

Date

Jesús Aguirre
State Superintendent,
Office of the State Superintendent of Education

6. CERTIFICATION BY CONTRACTING OFFICER:

Based on the findings, I hereby determine that the extension of the Sole Source award of these services to NCS Pearson, Inc. is in the best interest of the District and that the price is fair and reasonable. I recommend that the Office of Contracting and Procurement (OCP) Chief Procurement Officer approves the use of the Sole Source Extension Procurement method for the continuation of these services. 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 extend a Sole Source Contract was published on November 5, 2014 in accordance with Section 404 (c) of the District of Columbia Procurement Practices Reform Act (PPRA) of 2010 (D.C Official Code §2-354.04) and [no response was received] [the response received was rejected because _____]. The Contracting Officer spoke with the prospective vendor and assured them that a competitive RFP would be forthcoming in the near term, and the vendor was satisfied with the response. I recommend that the Chief Procurement Officer approve the use of the extension for sole source procurement method for this proposed contract.

Date

Marie Niestrath
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 303, 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, 2-354.03 or 2-354.04 Sec 404 (a)(b)(c) DCMR

1701.01, D.C. Law 18-371). Accordingly, I determine that the District is justified in Contracting with using the Sole Source Method of Procurement.

Date

James D. Staton, Jr.
Chief Procurement Officer