

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

CONTRACT NO: CW45881

CAPTION: Special Education Data System (SEDS)

PROPOSED CONTRACTOR: Telecommunications Development Corporation (TDC)

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 Office of the State Superintendent of Education (OSSE) Office of Data, Accountability and Reporting (DAR), seeks a contract with Telecommunications Development Corporation (TDC) to maintain and manage the Special Education Data System (SEDS).

The SEDS serves as the District of Columbia's system of record for special education students, in accordance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq, tracking data such as individual education plans (IEP) for the purposes of special education compliance. SEDS is used by OSSE and all District of Columbia local educational agencies (LEAs) and must meet the requirements of both District and federal regulations.

In 2008, the District contracted with TDC to create, implement, manage and maintain the SEDS, which TDC is the intellectual property owner. The purpose of this contract is to continue the services of TDC to continue the maintenance and management of the SEDS by performing applications development, business analysis and data quality to OSSE's special education data systems, reporting tools, technical assistance efforts, and other systems that manage special education related information.

3. ESTIMATED REASONABLE PRICE:

The estimate fair and reasonable price for the Base Year is \$2,458,250.40. The Base Year's period of performance will be October 1, 2016 - September 30, 2017.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

- A. In 2008, the District contracted with TDC under the Blackman Jones Consent Decree to create, implement, manage and maintain the SEDS. The services of TDC are needed to continue the maintenance and management of the SEDS by performing applications development, business analysis and data quality, to ensure that the District and LEAs comply with all federal and local regulations.
- B. TDC’s team of developers and analysts provide all specifications and requirements associated with the SEDS and are solely responsible for maintenance, support and management, which ensures effective and timely performance and management of special education services.
- C. TDC is the sole owner of the intellectual property rights to the SEDS. Due to the scope of services and the expertise required to provide them, including a deep technical knowledge in the underlying proprietary technology contained in the SEDS, as well as the proprietary nature and intellectual property rights of TDC’s software systems, the required services are not available through any other entity. Only TDC personnel with direct knowledge and expertise of the SEDS 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, thus, a market survey was not conducted.

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