

**Award of a Contract without Engaging in a Standard Procurement Process  
Request Form**

One of the underlying purposes of the Utah Procurement Code is “to foster effective broad-based competition.” Accordingly, USDB utilizes standard procurement processes to award contracts whenever practicable and utilizes non-competitive procurement processes only when the Head of the Procurement Unit determines in writing that an exception may be granted.

**Instructions:**

Complete each section below and provide as much information as needed to fully respond. Page (ii) will be completed by USDB Purchasing Manager. Pages (i) through (ii) will not be posted, but all other pages may be publicly posted. The information provided in this form should be comprehensive and contain sufficient detail to allow vendors to evaluate their own qualification and capabilities against the specification included herein and determine if a challenge to the award is appropriate and justified.

In addition to this form, you must submit the following information to the Purchasing Manager in the Business Office:

1. A quote or other pricing information received from the proposed contractor (these may be publicly posted and therefore may not be marked as “confidential”).
2. Any other documentation supporting award of a contract without engaging in a standard procurement process (e.g., sole source letter from the proposed contractor, a transitional cost analysis, evidence of other unique circumstances making a standard procurement process impractical, etc.).

Request forms that are incomplete or are missing required attachments may be returned to the contact person for completion.

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**Vendor Information:**

Vendor Name: Brackenwood Consulting LC	Vendor Contact Name: Tom Hagan
Vendor E-Mail: tom.hagan@brackenwoodconsulting.com	Vendor Phone #: 801-808-8510
Vendor Ordering Address: 10808 South River Front Parkway, Suite 352 South Jordan, UT 84095	
FINET Vendor Number: VC227144	
If FINET Vendor Number is not available obtain a W-9 form from the vendor	

**USDB Information:**

Department / Division Name: USIMAC	
Contact Name: Cassidy McFarland	Contact Title: Executive Secretary
Email Address: cassidym@usdb.org	Phone Number: 801-629-4795

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**This page is to be filled out by USDB Purchasing Manager. The remaining pages are to be filled out by the person making the request.**

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**This request is/is not being published in accordance with the follow (check one):**

The cost of this procurement exceeds \$50,000 and the publication of the notice must be made in accordance with 63G-6a-112 of the procurement code.

The cost of this procurement is \$50,000 or less and the Head of the Procurement Unit

has determined that publication is necessary to uphold fairness and equity; or

has waived the requirement to publish this notice.

The Head of the Procurement Unit has waived the requirement to publish this notice for a procurement item listed in Utah Administrative Rule R33-8-101e(2)(a).

**The following terms and conditions shall be attached to the proposed contract:**

Agency contract – Standard Terms and Conditions for Goods

Agency contract – Standard Terms and Conditions for Services

Agency contract – Standard Terms and Conditions for Information Technology

Purchase order – Standard Terms and Conditions for Goods

Purchase order – Standard Terms and Conditions for Services

Purchase order – Standard Terms and Conditions for Information Technology

**Purchasing Analysis**

Solicitation Number:	USDB240016
Number of Vendors Notified:	Publicly Posted to over 4,000 vendors
Additional Research and Analysis:	This was published as a sole source
Cost Analysis:	done by USIMAC and determined to be fair
Challenges Received and Determinations:	None
Purchasing Agent Recommendation:	Award to Brackenwood

**Purchasing Approval to Award**

*Chad Hinds*

**Purchasing Manager**

1/16/24

**Date**

## **Award of a Contract without Engaging in a Standard Procurement Process**

The Utah Schools for the Deaf and the Blind (USDB) is publishing this notice in accordance with the Utah Procurement Code and intends to a contract without engaging in a standard procurement process if it is determined by the Head of the Procurement Unit that:

1. There is only one source for the procurement item;
2. Transition costs are a significant consideration in selecting a procurement item and the transitional costs are unreasonable or cost-prohibitive; or
3. The award of a contract is under circumstances, described in rules adopted by USDB that make awarding a contract through a standard procurement process impractical and not in the best interest of USDB.

USDB's justification for awarding a contract without engaging in a standard procurement process is set forth in the subsequent pages below.

### **Identification of Qualified and Interested Vendors**

The purpose of this notice is to determine if there are any other qualified and interested vendors that meet the specifications included in this notice. Any such vendors wishing to challenge the proposed award of a contract must submit to the purchasing agent identified in this notice the following information:

- The name of the person contesting; and
- A detailed explanation of the challenge, including documentation showing that there are other competing sources for the procurement item.
- Documentation that your firm can provide a comparable or better procurement item the 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, a comparison of the transitional costs identified in this notice against your firm's anticipated transitional costs.

Regardless of any prior communication with USDB, all vendors interested in responding to this notice must submit a response to this posting containing all of the information requested above.

All challenges to the proposed contract award must be submitted through the Utah Public Place Supplier Portal, and any questions regarding this notice, including request for additional information, must be submitted through the Supplier Portal during the public notice period. This notice is not a request for proposals, invitation for bids, or request for quotes. No action is required if you have no objections to the proposed award.

If, after the public notice period has passed, the Head of the Procurement Unit determines that there are other interested and qualified vendors that meet the specifications of this notice, USDB will not award a contract pursuant to this notice; otherwise, if no valid challenges are received, then USDB may award a contract to the identified vendor without engaging in a standard procurement process. Please read the entire form very carefully before responding to this notice.

**Proposed Scope of the Procurement Item**

Proposed Vendors Name: Brackenwood Consulting LLC
Estimated Cost: \$124,000.00 for 5 years. The annual cost would be \$24,800.00
Contract: <input checked="" type="checkbox"/> Purchase Order: <input type="checkbox"/>
Length of Contract if Applicable: 5 Years
Detailed Description of the Procurement Item: Five years of maintenance, support, and hosting for the Utah State Instructional Materials Access Center (USIMAC) Production Database. This database is used for USIMAC technicians to enter time and materials for a project assigned to them, and allows business partners to see available inventory, enter and check the status of an order online, and update contact and shipping information. This database is utilized by USIMAC to produce, store, deliver, track, and replace into inventory the educational products needed by Utah students. Support and maintenance for the database would include technology upgrades to the system, support requests, incident management and bug resolution, user training, and ad-hoc report generation.

**Check the boxes that identifies why a contract should be awarded without engaging in a standard procurement process:**

There is only one source for the procurement item – **Complete section A below**

The award of a contract is under circumstances, described in rules adopted by USDB that make awarding a contract through a standard procurement process impractical and not in the best interest of USDB – **Complete section B below**

Transitional costs are a significant consideration in selecting a procurement item and the costs are unreasonable or cost-prohibitive – **Complete section C below**

**Section A – Only One Source**

Describe what unique need(s) or requirement(s) USDB has that can only be met by one vendor? Brackenwood Consulting is the sole creator of the production database. They are the only company able to provide system upgrades, consulting, maintenance, and training for the database. This database was developed and customized by Brackenwood Consulting to meet the needs of USIMAC.
Can the procurement item be modified to allow for competition? No - It would be cost prohibitive to purchase a new system and would require extensive time and funding for customized development and staff training.
Explain the market research performed: A solicitation was conducted in 2019 to select a vendor to create the production database application for USIMAC and USDB.
List the name of vendors contacted to seek competition: The solicitation was posted publicly and a contract was awarded under solicitation number USDB19032 that closed on 2/1/2019.

**Section B – Standard Procurement Process Impractical under USDB Rule R33-8-101c**

Select the rule below that applies:

<input type="checkbox"/> award to a specific supplier, service provider, or contractor is a condition of a donation or grant that will fund the full cost of the supply, service, or construction item
<input type="checkbox"/> public utility services, when only one public utility service is available in an area
<input type="checkbox"/> an item where compatibility is the overriding consideration

a used procurement item that presents a unique, specialized, or time-limited buying opportunity

Describe in detail how the procurement item would qualify for the rule selected above:

**Section C – Transitional Costs**

Describe the transitional costs associated with this procurement including costs from the original purchase:

What procurement method was used during the original purchase:

Solicitation number from original purchase:

Contract or Purchase Order number from original purchase: