

Sole Source/Bid Waiver Justification

Below are the following Sole Source /Bid Waiver Criteria. If your purchase does meet any of the following criteria, please Christopher Kopp, Chief Procurement Officer for further instruction via email at ckopp1@ccc.edu or phone (312) 553-3420.

What is a Sole Source Procurement?

A “sole source” procurement can be defined as any contract entered into without a competitive process, based on a justification that only one known source exists or that only one single supplier can fulfill the requirement. Although states generally do not permit non-competitive procurements by statute, exceptions are allowed where competition is not feasible.

Examples of acceptable exceptions from the competitive procurement process may include:

- X Only one known source exists for supplies of services or products as determined by documented research.
- ☐ No other reasonable alternative source exists that meets the CCC requirements.
- ☐ Only one source meets the business needs of the CCC (e.g., compatibility, unique feature to meet CCC’s business need, etc.)
- ☐ Procurement of public utility services.

What’s not a Sole Source Procurement?

- ☐ A CCC requirement for a particular proprietary product or service does not automatically justify a sole source procurement if there is more than one potential bidder of offer for that item.
- ☐ A CCC preference for a brand name product does not justify a sole source procurement.
- ☐ A good’s or service’s “uniqueness” alone may not qualify the producer or supplier of the good or service as a sole provider of a good or service.

What are acceptable considerations for sole source procurements?

CCC reasons for sole sources vary greatly but should fall within the following:

- ☐ Only one known source that can provide the commodity or service.
- X Unique source (commodity/service is unique/special in nature)
- ☐ Compatibility (e.g., a public safety CCC requiring a specific piece of equipment to be compatible with an existing equipment system)

- ☐ Limited or proprietary systems (i.e. additional licenses, updates, specialized replacement parts, etc.)
- ☐ A professional expert is requested.
- ☐ Sales territories or product availability within limited geographic boundaries.

Sole Source/Bid Waiver Justification Application

Name of Requestor: Barbara Sitkiewicz

Bulletin or Reference Number: _____

Department/School: Adult Education

Vendor: Data Recognition Corporation/ Curriculum Publications Clearing House.

Project Title: Adult Education Testing Materials

Email Address: bsitkiewicz@ccc.edu

Value of Initial Term, or if a Renewal, Value of this Renewal: \$ \$200,000 annually ☐ Actual ☒ Estimated- this is based on enrollment and our ability to purchase in bulk.

Number of Potential/Remaining Renewals: _____

Choose one of the following:

Length of Each Renewal in Months: 36

☒ New Sole Source (CPC)

☐ Sole Source Renewal (DRC)

Value of All/Remaining Renewals: \$ _____

☐ Change Order or Amendment to an Existing Sole Source

Provide a description of the supplies or services required: Data Recognition Corporation supplies the Test of Adult Basic Skills (TABE) for Adult Education student placement in Adult Education Adult Basic Skills and Adult Secondary Education classes which is required by ICCB

Select the Type of Funding to be Used: ☒ Educational Funds ☐ Capital Funds ☒ Grant Funds
☐ Other (Explain): _____

This purchase is economically only available from a single source because it is:

- ☐ Art or Entertainment Services or Athletic Events
- ☐ Compatibility with Existing/current Equipment, Accessories, Replacement Parts or Service
- ☐ Critical Changes to the Existing Contract Are Necessary and Best Accomplished by the Original Contract Holder
- ☐ Federal/CCC Grant Requires Contract with Vendor (attach Grant Award Agreement)
- ☐ Item is Copyrighted or Patented and the Item is Only Available From the Holder – Copyright or Patent Number(s): _____

- ☐ Media for Advertising
- ☐ Organization Memberships (Dues, Fees, Conference Charges Including Mandated Travel and Related Expenses)
- ☐ Public Utility Regulated Services
- ☐ Radio and Television Broadcast Rights

Software License/Upgrade/Maintenance

- ☐ Other (Explain): State approved tests in compliance with state and federal law for the Adult Education Program

Items Are Needed for Trial Use or Testing

Has CCC purchased these supplies/services in the past? ☒ Yes ☐ No

If yes, STARTING WITH THE MOST RECENT CONTRACT AND WORKING BACKWARD, for the entire relationship with this vendor for this supply or service, list each term, value, short description and type of procurement of each:

Term	Term From:	Term To:	Value	Description	Vendor Selection
One	08/4/2016	07/31/2020	\$200,000	Testing Materials (BR 33049/33516)	Sole Source
Two	07/01/2013	06/30/2016	\$200,000	Testing Materials (Board Report 31900/32316)	Sole Source
Three					

Four					
Five					
Six					
Seven					
Eight					
Nine					
Ten					

If more than 10 years, explain: _____

Business Rationale

- Provide a detailed explanation of the need for the supplies or services: The TABE test is the Illinois Community College Board (ICCB) mandated test for placing Adult Education students in Adult Education classes
- What are the unique features of the supplies or services that are not available in any other product or by any another vendor? Provide specific, quantifiable factors/qualifications: The TABE test is the ICCB established test for accessing student academic level for placement, and is only available from Data Recognition Corporation.
- If professional services, what are the unique qualifications this vendor possesses? Provide specific, measurable factors/qualifications: TABE scores align with the National Reporting System (NRS) outcome-based reporting system for federally funded adult education programs
- Were alternative supplies or services evaluated? ☐ Yes ☒ No If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility: _____
 - If no, why were alternatives not evaluated? The TABE test is mandated by ICCB to place Adult Education students in Adult Education classes is only available from a single source.
- What efforts were made to get the best possible price? Purchasing the **online TABE licenses** in bulk semi-annually results in the best possible price. For example purchasing 500 – 1,500 test licenses costs \$3.50 each, for 1,501 - 3,000 costs \$3.45 each, 3,000 – 6,000 costs \$3.10 each, 6,001 – 10,000 costs \$2.80 each, 10,000 – 30,000 costs \$2.25 and 30,000 + costs \$2.40 each. CCC purchases at the 30,000 + rate for a cost of \$2.40 each, the lowest price available. **PAPER TESTING MATERIALS:** TABE tests are available through DRC and are a flat rate, regardless of quantity. However, most recently Data Recovery Corporation has signed an MOU with Curriculum Publication Clearinghouse (CPC) to purchase and resell the paper tests to WIOA providers. The attached documentation provides greater details on this MOU.
- Will this purchase obligate the CCC to this vendor for future purchases such as maintenance, licensing or continuing need? ☐ Yes ☒ No
 - If yes, please provide details regarding future obligations and/or needs: _____
- Why is the price for this purchase considered to be fair and reasonable? **ONLINE TEST LICENSES-** As outlined above, the larger the number of licenses purchased, the greater the bulk discount price is for online test licenses and is therefore considered reasonable. **PAPER TESTING MATERIALS:** Curriculum Publications Clearinghouse (the only authorized reseller of TABE materials) purchases bulk TABE testing paper materials from DRC 3 to 5 times per year for an 19% percent savings for ICCB WIOA providers The attached documentation provides greater details on this MOU.
- If this is a renewal, describe why circumstances are such that competitive selection is still not an alternative since awarding the original contract: DRC is the only provider of the TABE test which is required by ICCB.
- What will be the financial or other impact to the CCC if this sole source is not approved and a competitive bid is required? Inability to properly assess student academic level and properly place students in classes to accelerate the obtainment of the High School Equivalency certificate resulting in delayed academic progress and loss of enrollment in CCC credit and workforce programs

Curriculum Publication Clearinghouse:

Although Data Recognition Corporation (DRC) is the sole provider, publisher, and holds the copyright all editions of TABE testing (paper and electronic), they have recently executed an MOU with Curriculum Publications Clearinghouse (CPC). Under this MOU, CPC is authorized to buy, and resell, the paper TABE tests **only** to Workforce Opportunity and Innovation Act (WIOA) partners under Illinois Community College Board (ICCB). The purpose of this MOU is for CPC to buy tests in large bulk quantities in order to pass on the savings to Adult Education Programs throughout Illinois; i.e. City Colleges of Chicago.

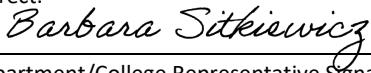
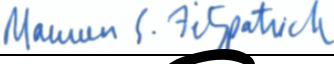
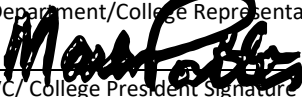
Because DRC is the sole provider, and holds the copyright to TABE tests, CPC themselves cannot be considered a sole source under the typical CCC definition. However, we are asking for consideration and an exception to our standard sole source purchasing to consider CPC as a part of the DRC request, given the limited and defined scope of CPC's reseller capabilities as governed by their MOU with DRC for this renewal period.

The request for this exception is driven by a significant cost saving opportunity for the entire organization. A quick comparison will net an average of 19% savings on paper testing materials. To illustrate this, if each campus purchased \$25,000 (\$175,000 total) worth of paper testing supplies, the savings would net more than \$33,000; more than the cost of 1 campus' supplies.

Arguably, as the world is moving toward technology enabled solutions to learning, the simple resolution would be to only purchase and offer the online version of the tests. However, the paper-based tests are mostly used at our Adult Education off-site locations throughout the city. These particular sites are not owned or operated by CCC, and therefore do not offer the technology necessary to offer online testing. Thereby, limiting our testing capabilities by only offering electronic versions of the tests, and necessitating the need for paper testing.

Department/College Representative Signature Required

I know and understand the contents of this Sole Source /Bid Waiver Justification and attest that all statements are true and correct.

	<u>Barbara Sitkiewicz</u>	<u>5/2020</u>
Department/College Representative Signature	Printed Name	Date
	<u>Maureen L. Fitzpatrick</u>	<u>5/12/2020</u>
Department/College Representative Signature		
	<u>Mark Potter</u>	<u>5/20/20</u>
VC/ College President Signature	Printed Name	Date

CPO Approval and Signature Required



SOLE SOURCE AFFIDAVIT

Before me, the undersigned official, on this day, personally appeared, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Jennifer Eastman, and I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
2. I am an authorized representative of Data Recognition Corporation.
3. Data Recognition Corporation is the sole source of the products listed on Attachment 1 which is made part of this Affidavit.
4. The products listed on Attachment 1 are precluded from competitive procurement by the existence of a copyright which qualifies our firm as a sole source supplier.

COMPANY:	Data Recognition Corporation (dba DRC and DRC CTB)
ADDRESS:	13490 Bass Lake Road
CITY, STATE, ZIP CODE:	Maple Grove MN 55311
TELEPHONE NUMBER:	(800) 538-9547
FAX NUMBER:	(800) 282-0266
CONTACT NAME:	Customer Service
WEB ADDRESS:	www.datarecognitioncorp.com
EMAIL:	Shelfcustomerservice@datarecognitioncorp.com
FEDERAL TAX ID NUMBER:	41-1810970



Authorized Signatory

Jennifer Eastman, General Counsel
Senior Vice President-Contract Management

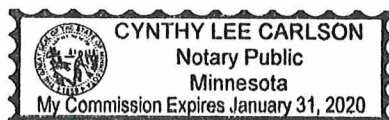
Print Name and Title

January 9, 2020

Date

This document must be notarized.

SUBSCRIBED AND SWORN to before me on this 9th day of January 2020.





NOTARY PUBLIC

Cynthia Lee Carlson

PRINT NAME

January 31, 2020

MY COMMISSION EXPIRES

Attachment 1

Listed below are the products and tests for Data Recognition Corporation ("DRC") is the sole source publisher:

DRC is the sole provider, publisher and holds the copyright for all editions of the following assessments for achievement, aptitude, adult basic skills, and other measures.

Early School Assessment

- InView™ (Gr 2-12)
- PTCS (Primary Test of Cognitive Skills™)

- TerraNova®, The Second Edition
- TerraNova®, The Third Edition
- TerraNova®, Plus Test
- SUPERA®

Language Assessment System™

- LAS Links™
- LAS Links Benchmark Assessments
- LAS Links Instructional Guidance
- LAS Links Placement Test
- LAS Links Español
- PreLAS® 2000
- PreLAS® 2000 Español

Tests of Adult Basic Education (TABE®) Including:

- Building Skills With TABE®, Second Edition
- Getting to Know TABE®
- TABE® Advanced Level Tests
- TABE® 9&10
- TABE® 11/12
- TABE CLAS-E™
- TABE® ESPANOL
- TABE PC® for Windows
- TestMate TABE® for Windows

Online Assessments Including:

- LAS Links® Online
- TABE® Online
- TerraNova® Online
- DRC BEACON

DRC INSIGHT – Proprietary Online Test Engine

Software Products Including:

- ReportMate Clarity™
- TestMate Clarity®

Test Assessing Secondary Completion (TASC™)

- Test Assessing Secondary Completion™
- Test Assessing Secondary Completion
Readiness™

TerraNova® Assessment Series (CTBS®/5, CAT/6) Including:

TEST	DRC Pricing	CPC Pricing	Savings	% of discount
Forms 11 & 12 Locator Test (25/pkg)	92.7	\$76.00	\$16.70	18%
Level L, Forms 11 & 12 Word List	1.71	\$1.00	\$0.71	42%
Level L, Form 11 Consumable Test Books (25	167	\$136.50	\$30.50	18%
Level L, Form 12 Consumable Test Books (25	167	\$136.50	\$30.50	18%
Level E, Form 11 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level E, Form 12 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level M, Form 11 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level M, Form 12 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level D, Form 11 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level D, Form 12 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level A, Form 11 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Level A, Form 12 Test Books (25/pkg)	167	\$136.50	\$30.50	18%
Forms 11 & 12 Locator Test Answer Booklets (25/pkg) 24.10	24.1	\$20.00	\$4.10	17%
Level E, Form 11 Answer Booklets (25/pkg)	25.75	\$21.00	\$4.75	18%
Level E, Form 12 Answer Booklets (25/pkg)	25.75	\$21.00	\$4.75	18%
Level M, Form 11 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Level M, Form 12 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Level D, Form 11 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Level D, Form 12 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Level A, Form 11 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Level A, Form 12 Answer Booklets (25/pk)	25.75	\$21.00	\$4.75	18%
Forms 11 & 12 Locator Test SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 11 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 12 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 11 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 12 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 11 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level E, Form 12 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level M, Form 11 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level M, Form 12 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level M, Form 11 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level M, Form 12 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level M, Form 11 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%

TEST	DRC Pricing	CPC Pricing	Savings	% of discount
Level M, Form 12 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 11 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 12 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 11 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 12 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 11 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level D, Form 12 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 11 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 12 Math SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 11 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 12 Reading SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 11 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
Level A, Form 12 Language SCOREZE Answer Booklets (25/pkg)	59.55	\$48.50	\$11.05	19%
TABE 11 Test Directions	34.85	\$28.00	\$6.85	20%