

State of Nevada
Department of Administration

Purchasing Division

515 E. Musser Street, Suite 300
Carson City, NV 89701



Brian Sandoval
Governor

Patrick Cates
Director

Jeffrey Haag
Administrator

Purchasing Use Only:	
Approval#:	180503

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

ALL FIELDS ARE REQUIRED – INCOMPLETE REQUESTS WILL BE RETURNED TO THE AGENCY

1a	Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:		
	State Agency:	Department of Education	
	Contact Name and Title	Phone Number	Email Address
	Peter Zutz	687-9166	pzutz@doe.nv.gov

Vendor Information:		
1b	Identify Vendor:	Data Recognition Corporation
	Contact Name:	Doug Russell
	Address:	13490 Bass Lake Road, Maple Grove, MN 55311
	Telephone Number:	763-268-2008
	Email Address:	drussell@datarecognitioncorp.com

Type of Waiver Requested – Check the appropriate type:		
1c	Sole or Single Source:	<input checked="" type="checkbox"/>
	Professional Service Exemption:	<input type="checkbox"/>

Contract Information:			
1d	Is this a new Contract?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Amendment:	#6	
	CETS:	#16894	

Term:			
1e	One (1) Time Purchase:	<input type="checkbox"/>	
	Contract:	Start Date: August 11, 2015	End Date: August 31, 2019

Funding:		
1f	State Appropriated:	269745
	Federal Funds:	
	Grant Funds:	
	Other (Explain):	

1g	Total Estimated Value of <u>this</u> Service Contract, Amendment or Purchase:
	\$65,000.00

2	<p>Provide a description of work/services to be performed or commodity/good to be purchased:</p> <p>A standard setting for the ACT assessment that creates cut scores, or proficiency levels, in English language arts (ELA) and mathematics for the purposes of federal and state reporting as required by state and federal law.</p>
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3	<p>What are the unique features/qualifications required for this service or good that are not available from any other vendor:</p> <p>A vendor for this scope of work must have a proven and thorough knowledge of the Nevada state assessment system from item level considerations to aggregate data analysis. A vendor must possess demonstrated expertise in conducting standard settings and staff the appropriate level of psychometricians to accomplish the complex processes leading to a successful outcome. A vendor must have demonstrated efficiency and cost effectiveness in leading standard settings and must empirically demonstrate the ability to consistently deliver standard settings on time and at the highest level of quality. The ideal vendor for Nevada would have significant experience in the state so as to provide continuity and consistency to the stakeholders engaged in the standard setting process.</p> <p><i>The Data Recognition Corporation (DRC) is the only vendor with all of these unique qualifications. DRC has conducted five successful standard settings in Nevada and has extensive knowledge and experience with the nuances of Nevada education requirements and Nevada stakeholder needs. DRC provides continuity and consistency on the standard setting process leveraging their experience in leading successful standard settings in Nevada and their proprietary knowledge of the Nevada state assessments.</i></p> <p><i>DRC has consistently met challenging timelines maintaining a high level of quality. DRC has been instrumental in helping NDE meet mandated deadlines. A new vendor would require a significant period of acclimation to Nevada assessments at the level required for this work and would critically impair the agency's ability to meet state and federal reporting responsibilities.</i></p> <p><i>DRC is the only entity with the ability to conduct the standard setting in a timely manner to allow Nevada to remain in compliance with federal law and to ensure that Nevada is able to publish "star ratings" for high schools in accordance with state law.</i></p> <p><i>Nevada's education initiatives are rooted in the ability to accurately hold schools and districts accountable for student achievement. The efforts of Nevada's Legislature and Governor have committed tax payer money toward the improvement of Nevada schools. NDE is tasked with providing accountability metrics that will be used to determine the efficacy of these reform initiatives and new resources. Failure to provide this accountability will make the evaluation of these programs impossible.</i></p>
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4	<p>Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:</p> <p>A competitive bid, because of the time required to complete the competitive bid process, will place the agency in a position of non-compliance with our federal reporting requirements for the ESSA §1111(b)(2)(B)(v)(I), and make it impossible to meet state reporting requirements including school ratings and designations. NRS 385A.720 requires that the Department publish school ratings on or before September 15 of each year. The law also requires that the Department provide an opportunity</p>
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6	2016	2017	\$462,183.00	Standard Setting - EOCs and NAA					
	2017	2018	\$450,000	Standard Setting - Science grade 5,8, High School					
	Term Start and End Dates	Value	Short Description	Type of Procurement (RFP#, RFQ#, Waiver #)					
<p>a. If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for this service or commodity, please provide the following information:</p>									
<p>Has the agency purchased this service or commodity in the past? Check One. Note: If your previous purchase(s) was made via solicitation waiver(s), a copy or copies of ALL previous waivers MUST accompany this request.</p>									
<table border="1"> <tr> <td>Yes:</td> <td>X</td> <td>No:</td> <td></td> </tr> </table>						Yes:	X	No:	
Yes:	X	No:							

5	<p>a. If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility.</p>							
	<p>Other vendors could not meet schedule requirements; other vendor provided cost estimates almost four times the estimate provided by DRC.</p>							
<p>b. If not, why were alternatives not evaluated?</p>								
<p>Were alternative services or commodities evaluated? Check One.</p> <table border="1"> <tr> <td>Yes:</td> <td>X</td> <td>No:</td> <td></td> </tr> </table>					Yes:	X	No:	
Yes:	X	No:						

to school districts to review the data upon which the rating is based. This requires that the Department complete its analysis well in advance of the September 15 posting requirement.

DRC has consistently met challenging timelines on all Nevada standard settings and all other scopes of work and has consistently demonstrated a collaborative attitude and a high level of professional sensitivity to our work at the NDE. DRC is also the only vendor with the familiarity of Nevada's K-12 assessment system necessary to place this work in the appropriate context and has established credibility with stakeholders engaged in the standard setting process. Another vendor would not bring this level of continuity to the work. Additionally, for this scope of work, DRC is the only vendor in a position to complete the scope of work in time to avoid impacting required state and federal reporting dates in fall of 2018. Not meeting these dates will impact school allocations, school ratings, and federal and state reporting requirements. DRC is cost effective and when compared to similar work done by other vendors in other states, the work done by the current vendor is at a reasonable price point.

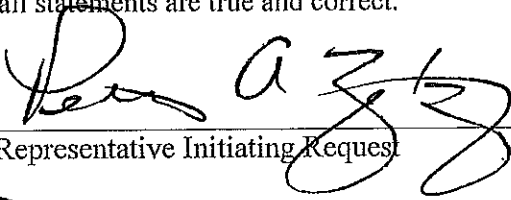
By design, a standard setting requires an intimate and comprehensive understanding of Nevada education initiatives, policies, laws, as well as significant experience with Nevada stakeholders. DRC has been the Nevada state assessment vendor for the past four years and has consistently demonstrated a high level of knowledge on all aspects of Nevada education requirements. Participant surveys consistently rate DRC's standard setting performance as exceptional, and feedback cites a high level of technical achievement, precision and professional engagement. A new vendor would be unable to acquire the requisite level of knowledge of Nevada needs; not feasible in the required timeframe.

7	What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?
	The state will not comply with state and federal reporting requirements. Per federal law, the state must report 'proficiency' levels for student results; without a standard setting creating these proficiency levels, the state cannot meet federal law.
	The use of proficiency levels is critical to the state's federal EdFacts reporting, the state's Nevada Report Card reporting, and to further the work on the state's Nevada School Performance Framework high school star ratings. Without these proficiency levels, the state will not be able to provide performance data for state reporting requirements. These data are used in making school funding and school designation decisions. For example, weighted funding for English Learners and Free and Reduced Lunch students in the bottom quartile of student performance, class size reduction funding, determination of Comprehensive Support schools for federal school improvement funds, and host of other state programs and competitive funds are contingent upon ACT proficiency levels.

8	What efforts were made or conducted to substantiate there is no competition for the service or good and to ensure the price for this purchase is fair and reasonable?
	The Nevada Technical Advisory Committee (TAC) for Assessments, which is made up of five assessment industry experts, provided the agency with potential vendors who could complete this scope of work. Only DRC could meet the proposed project schedule which also was the most cost efficient vendor. <i>Of the vendors provided, two cannot be used based on prior agency relationships. Two vendors, DRC and ACT, were contacted and estimates and schedules were provided by the vendors. The two estimates represented two ends of the cost spectrum. DRC submitted the lowest estimate and ACT submitted a cost estimate almost four times as much.</i>

9	Will this purchase obligate the State to this vendor for future purchases? <u>Before selecting your answer, please review information included on Page 2, Section 9 of the instructions.</u>	Yes:		No:	X
	a. <i>If yes, please provide details regarding future obligations or needs.</i>				

By signing below, I know and understand the contents of this Solicitation Waiver Request and Justification and attest that all statements are true and correct.



Agency Representative Initiating Request

PETER ZUTZ

5/8/2018

Print Name of Agency Representative Initiating Request

Date



Signature of Agency Head Authorizing Request

5/8/18

Brett Barley Deputy Superintendent

Print Name of Agency Head Authorizing Request

5/8/18

Date

PLEASE NOTE: In an effort to avoid possible conflict with any equipment, system or process already installed or in place by the State of Nevada or to assist in our due diligence, State Purchasing may solicit a review of your request from another agency or entity. The signature below indicates another agency or entity has reviewed the information you provided. This signature does not exempt your agency from any other processes that may be required.

Name of agency or entity who provided information or review:

Representative Providing Review

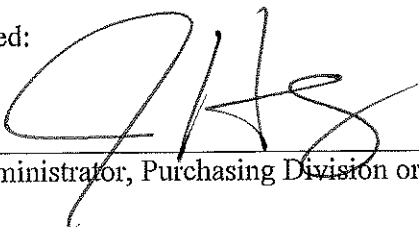
Print Name of Representative Providing Review

Date

Please consider this memo as my approval of your request. This exemption is granted pursuant to NAC 333.150(2)(a)(b)(c), NRS 333.400. This exemption may be rescinded in the event reliable information becomes available upon which the Purchasing Administrator determines that the service or good sought may in fact be contracted for in a more effective manner. Pursuant to NRS 284.173(6), contracts for services do not become effective without the prior approval of the State Board of Examiners (BOE).

If you have any questions or concerns please contact the Purchasing Division at 775-684-0170.

Signed:



Administrator, Purchasing Division or Designee

5-8-2018

Date