

February 8, 2017



Memorandum

To: Rebecca Garland, Deputy State Superintendent
Office of the Deputy State Superintendent

From: Tammy Howard, Director
Accountability Services *TH*

Subject: Intent to Contract
Requisition No. RQ20205140
(Required for Service Contracts Greater Than \$5,000)

Important Information: Approval of this Memorandum of Intent to Contract is required prior to initiating the contract process. It does not constitute a contract, nor does it imply that a contract will be approved. In that regard, please note that no contractor work can begin until a contract has been approved and signed by both parties. Signed contracts will be returned to the listed DPI Contract Contact Person by the DPI Purchasing and Contracts Section.

Instructions: The questions/information in this memorandum must be completed, and the appropriate approvals obtained prior to initiating a Request for Proposal (RFP) or any contract paperwork, including amendments. All appropriate requested questions and information must be answered and completed, or the form will be returned. If approved, the original memorandum will be forwarded to the Purchase and Contracts Section, and a copy will be returned to the division. If not approved, the original memorandum will be returned to the division.

1. Please complete the following information (If you will use competitive bidding, please insert a short name for the RFP or other bid instrument in the place for Contractor Name; for example: RFP for Parking Services, and do not complete the contract amount or contract dates.)

Contractor Name: ACT
Contract Amount: \$8,002,592.50
Contract Dates: August 1, 2016 – June 30, 2017
DPI Contract Contact Person and Telephone Number:
Tammy Howard – 919-807-3787

2. Is this a contract amendment? If so, please explain fully why you are amending it. (Note: If the amendment is for a date extension only, do not answer questions #3 through #12)

No.

3. Why are you initiating a contract? What services will you require?

This contract is for diagnostic curriculum-based assessments for all students in the tenth grade (Pre-ACT) and all students in the eleventh grade (ACT)

and for approximately 100,000 students who complete three career and technical education courses (ACT WorkKeys). The assessments (1) will measure mathematics, science, English, reading, and writing and (2) will comprise an aligned assessment system across the specified grades.

4. How does the contract add value to the teaching/learning process?

The contract adds value to the teaching and learning process because it provides diagnostic information on student achievement at the specified grade levels. Instructional leaders and teachers will use this information to augment academic services and to improve instructional delivery to ensure students are college-and-career- ready. The assessments also provide national norms for comparisons to students in other states.

5. Is the service unique and not repetitive with agency activity or other contracts? Please state why this service cannot be performed within the resources of the agency.

The services provided under the terms and conditions of this contract include services that resources within the agency cannot provide. The agency does not have the resources to create a diagnostic assessment with national norms.

6. What is the impact, if you do not contract for these services?

If these services are not contracted, North Carolina will not be able to provide diagnostic information that qualifies college-and-career readiness in English, reading, mathematics, writing, and science for these grade levels. This information is critical to developing instructional systems to support learning that produces students who are college-and-career ready.

7. If this contract is being paid with grant money, does the grant require the contracted services? Please describe the grant references to these contracted services, and give a synopsis of the grant.

This contract is not being paid from grant money.

8. Will you use competitive bidding (e.g., RFP?) If yes, skip the remaining questions # 9 through # 12.

No. This contract is to procure services from ACT®, for the administration of ACT, Pre-ACT, and ACT WorkKeys. As stated in 115C-174.11 (c) (4), "To the extent funds are made available, the State Board of Education shall plan for and require the administration of the ACT test for all students in the eleventh grade unless the student has already taken a comparable test and scored at or above a level set by the State Board." Likewise, administrations of the Pre-ACT assessment at grade 10 (a diagnostic test that aligns to ACT) and ACT WorkKeys at grade 12 are addressed in 115C-174.20 and 115C-174.25.

9. Are you using an IT Supplemental Staffing Convenience Contract or other type of convenience contract? If yes, please skip question # 10 and complete questions # 11 and # 12.

No.

10. Do you plan to request sole sourcing for this contract? If yes, please complete and attach the required sole source justification memorandum. Sole sourcing is warranted whenever only one acceptable source can be found; sole sourcing should never be the first consideration. **(Important: The approval of the DPI Section Chief for Purchasing and Contracts, and approval by the Division of Purchasing and Contracts or ITS Procurement Services is required for sole sourced contracts.)**

Yes.

11. Have you contracted with this vendor previously for related services? If yes, please provide the contract number of all contracts with this vendor during the last twelve months.

Yes. NC10288532

12. How did you calculate the cost (e.g., what is the cost per hour and number of hours?) If the cost per hour is above the DPI maximum for that type of service per the New Service Contract Policies, please attach the required written permission granted by the Deputy Superintendent.

The cost is per student for each scored assessment.

13. Is this contract for information technology services?

This is not a contract for information technology services.

14. If this is a personal service contract request, is the vendor/contractor a retiree?

_____ Yes No

If answer is yes, is individual a member of:

_____ TSERS (Teachers & State Employees Retirement System)

_____ Other (Please Explain) _____

Requisition No. **RQ20205140**

Budget Code: 0801-532199-180010513000

Signed: Margaret Wall Date: 2/17/17
Budget Representative

Requisition No. **RQ20205140**

Approved: Yes No

Signed: Rebecca Garland Date: 2/15/17
Supt./Deputy Supt./Appropriate CFO/CAO/CIO

For Technology Contracts Only:

Approved: Yes No

Signed: _____ Date: _____
Chief Information Officer