

November 30, 2016



Memorandum

To: June Atkinson
From: Philip Price
Subject: Intent to Contract
Requisition No. PR NC10217475
(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: Brustein and Manasevit
Contract Amount (if this request amends the amount, please enter the amended amount): \$25,000.00 (\$15,000.00 + \$10,000.00) for services and expense.
Contract Dates: July 1, 2015 through June 30, 2017
DPI Contract Contact Person and Telephone Number:
Philip Price 807-3600

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)

Contract is being amended to increase contract amount in order utilize contractor's services plus expense until contract end date.

3. Why are you initiating a contract? What services will you require?
This contract is being initiated to establish a retainer that can be utilized to provide interpretations of federal laws and regulations, to advise Agency staff on federal communications, and to help navigate through, and lobby appropriate legislation through, Congress that impacts NC. Through this contract we will learn how federal programs impact NC schools, provide opinions, provide training to Agency staff and others, draft waiver requests, present at various meetings/conferences, etc. This contract is particularly important for the State to understand the impact that the mandatory sequestration of federal funds has on public schools.

4. How does the contract add value to the teaching/learning process?
This contract provides assistance to the Agency in making sure the federal rules and regulations are met and understood to assure compliance with federal directives (Congressional and Departmental).

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.
This is not repetitive with agency activity or other contracts. The services provided by the contractor are difficult to be performed by DPI. This company is located in DC and has the knowledge and contents to accomplish these objectives.

6. What is the impact, if you do not contract for these services?
The Agency may unintentionally not be aware of various types of federal legislation for which we are not in compliance with and could cause adverse effects to the Agency. Moreover, the Agency, in that scenario, would not be in a position to advise the LEAs, charter schools, General Assembly, and the public at large with regard to federal funding, which is particularly troublesome under the effects of the sequestration.

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 for with grant money.

8. Will you use competitive bidding (e.g., RFP)? If yes, skip the remaining questions # 9 through # 12.
No

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.)

We will use sole sourcing for this contract (see attached).

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

<u>Fiscal Year</u>	<u>Retainer</u>	<u>Amount Paid</u>
2003-2004	\$30,000	\$19,516.23
2004-2005	\$24,500	\$24,364.92
2005-2006	\$24,500	\$15,624.58
2006-2007	\$34,500	\$23,520.69
2007-2008	\$35,000	\$ 4,604.40
2008-2009	\$35,000	\$ 2,145.00
2009-2010	\$35,000	\$13,659.76
2010-2011	\$35,000	\$ 8,635.63
2011-2012	\$35,000	\$ 9,750.00
2012-2013	\$25,000	\$ 100.00
2013-2014	\$15,000	\$ 900.00
2014-2015	\$15,000	\$ 112.50

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 retainer amount is based on the maximum anticipated utilization of this company's resources (hourly rate – times – number of hours used). Once 75% of the retainer is utilized, no work can be performed without prior approval by the Chief Financial Officer for Financial and Business Services.

13. Is this contract for information technology services?

No

Requisition No. RQ NC 10217475

Budget Code: 0801-532199-1300 40244-700

Signed: 
Budget Representative

Date: 11-29-14

Requisition No. RQ NC 10217475

Approved: Yes No

Signed: 
Supt./Deputy Supt./Appropriate CFO/CAO/CIO

Date: 11/29/16

For Technology Contracts Only:

Approved: Yes No

Signed: _____
Chief Information Officer

Date: _____