



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

November 14, 2018

Richard Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

Notice Number: **AOCSS19014**

Date Posted: **Wednesday, November 14, 2018**

Due Date for Comments: **Wednesday, November 21, 2018 at 4:00 P.M.**

The Utah Procurement Code provides that a procurement may be made without competition when there is only one source for the required supply or service. Therefore, a "sole source" procurement is justified if there is only one product or service that can reasonably meet the state's need and there is only one vendor who can provide the product or service.

The Administrative Office of the Courts has received a request to make the following sole source procurement.

Product and/or service to be purchased: **Technical Assistance to judges and specific courts**

Proposed Sole Source Supplier: **Judge Dennis Fuchs**

Sole Source Justification: **Scope of Work attached on next page.**

This sole source requires both intimate familiarity with all aspects of the operation of Utah problem-solving courts and the status as a former problem-solving court judge in order to have current judges give credence to the feedback. The requirement that this be a former Utah problem-solving court judge is not waivable, and that is the limiting requirement.

If for any reason any party does not agree with the proposed sole source procurement, please email Dustin Treanor of the Administrative Office of the Courts at **dustint@utcourts.gov** prior to the "Due Date for Comments" indicated above.

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

**UTAH STATE COURTS
Purchasing Department**

Issuing Procurement Unit: AOC Purchasing
Conducting Procurement Unit: 4227, Court Admin

**NOTICE OF INTENT TO AWARD A CONTRACT WITHOUT ENGAGING
IN A STANDARD PROCUREMENT PROCESS**

AOC Purchasing is publishing this notice pursuant to the Utah Procurement Code. The Conducting Procurement Unit submitted this form to Purchasing claiming that it intends to award a contract without competition if it is determined by Purchasing, in writing, that:

- there is only one source for the procurement item;
- transitional costs are a significant consideration in selecting a procurement item; or
- the award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit.

In the subsequent pages the Conducting Procurement Unit has identified its justification for wanting to award a contract without engaging in standard procurement process.

Determination of Other Interested Vendors

The intent of this notice is to determine if there are any other interested and qualified vendors that meet the specifications of this notice. Any such vendors must submit the following information:

- The name of the contesting person; and
- A detailed explanation of the challenge, including documentation showing that there are other competing sources for the procurement item.

In addition, a vendor should include:

- Documentation that your firm can provide a comparable or better procurement item that 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, submit a cost comparison of the identified transitional costs with your firm's anticipated transitional costs.

Regardless of any prior communications with Purchasing or the State, all vendors interested in responding to this notice must submit a response to this posting containing complete responses to all of the information requested above.

DO NOT CONTACT THE CONDUCTING PROCUREMENT UNIT. Any questions regarding this notice, including obtaining additional information, can be obtained through AOC Purchasing during the publication period. No action is required if you agree with the justification.

If, after the public notice period has passed, AOC Purchasing determines that there are other interested and qualified vendors that meet the specifications of this notice, Purchasing will not award a contract pursuant to this notice.

If, after the public notice period has passed, no valid challenges have been received, then Purchasing may award a contract to the identified vendor without competition.

Please read the entire form very carefully before responding to this notice.

It is anticipated that this procurement will result in a:

	RESULT	ACTION
√	Agency Contract	1. The term of this contract will be: <u>1 year</u> and renewal options: <u>4</u> . 2. The Conducting Procurement Unit may not make the procurement until the solicitation process is completed and a contract is written and signed by the procurement unit, the vendor, and AOC Purchasing.
<input type="checkbox"/>	Purchase Order	The Conducting Procurement Unit may not make the procurement until after the solicitation process is completed, the purchase order is signed by AOC Purchasing, and the purchase order is delivered to both the agency and the vendor.

Description of procurement item to be purchased:	Survey of problem-solving courts, provide recommendations and technical assistance
Estimated value of the contract/purchase order:	\$52,800 * up to 5 years = \$264,000 maximum
Freight Cost (F.O.B. Destination, Freight Prepaid):	
Vendor Name:	Dennis Fuchs

<p>Explain in detail the service or product to be procured (additional information can be found on the attached Scope of Work): Survey of problem-solving courts, provide recommendations and technical assistance.</p> <p>Complete disclosure must be included with this request if the requestor has any personal, financial, or fiduciary relationship with the vendor. (Please Attach)</p>

CHECK THE BOX 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
<input type="checkbox"/>	Transitional costs are a significant consideration in selecting a procurement item and the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive, and that the award of a contract without engaging in a standard procurement process is in the best interest of the procurement unit	Complete section B
<input type="checkbox"/>	The award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit.	Complete section C

SECTION A: ONLY ONE SOURCE

1.	<p>What is unique about this procurement item to justify an award of contract without engaging in a standard procurement process? (Explain in detail why the service or product is only available from a single supplier.)</p> <p>The need is for someone who can provide technical assistance to problem-solving court teams across the state, specifically to judges. Dennis Fuchs is a former Utah judge with extensive problem-solving court experience and national problem-solving court teaching experience. He was Utah's first problem-solving court judge and was a mentor judge for the National Association of Problem-solving Court Professionals for the Department of Justice. Judge Fuchs is the only retired Utah Courts judge with the knowledge and expertise to run the statewide program in Utah that is willing to travel the state on a weekly basis and make an office in the courthouse in Salt Lake City. (Previous Sole Source Posting# AOCSS4003).</p>
2.	<p>Could the procurement item be reasonably modified to allow for competition?</p> <p>No</p>
3.	<p>Explain the market research performed.</p>
4.	<p>What research have you conducted to ensure the requested procurement item is not available on an existing state cooperative contract?</p>

Unavailable, as this is position is unique in Utah.	
5.	If there is only one source for the procurement item, list the names of other similar vendors contacted, contact person, and a summary of their response,
Unavailable, as this is position is unique in Utah.	

SECTION B: TRANSITIONAL COSTS

1.	Describe the existing equipment, technology, software, accessories, replacement parts, or service, hereafter referred to as equipment; include the original purchase price and date of purchase for the existing equipment.
2.	Please supply the following: <ul style="list-style-type: none"> a. Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): b. Solicitation number, RQS number, or sole source number for the existing equipment: c. Contract number for the existing equipment:
3.	Attach the cost-benefit analysis, as required by Utah Code Section 63G-6a-802 that demonstrates that transitional costs are unreasonable or cost-prohibitive.

SECTION C: STANDARD PROCUREMENT PROCESS IMPRACTICABLE

1.	Cite the applicable rule adopted by the applicable rulemaking authority that provides that awarding the contract through a standard procurement process is impractical and not in the best interest of the procurement unit under the circumstances; including any supporting documentation.
2.	Please supply the following, if applicable: <ul style="list-style-type: none"> a. Procurement method that was used to purchase the existing equipment? (IFB, RFP, Sole Source): b. Solicitation number, RQS number, or sole source number for the existing equipment: c. Contract number for the existing equipment

LEASING PERSONAL PROPERTY (Not Real Property)

Lease requests must include an approved *FI 9 State of Utah Lease Obligation Record* form from the Division of Finance. The *FI 9 State of Utah Lease Obligation Record* form can be found on the Division of Finance website finance.utah.gov under Forms. The Finance policy *FIACCT 09-21.00 Fixed Assets – Leases* can be found on the Division of Finance website under Accounting Policies and Procedures.

Approved FI 9 attached.

Revised June 30, 2016

Utah State Problem Solving Courts Consultant Scope of Work

The Administrative Office of the Courts will use the services of a retired former drug court/problem solving court judge to conduct ongoing certification of Problem-solving courts throughout the state, to provide recommendations and technical assistance on the operation of Problem-solving courts, and to implement the certification rules and procedures as set forth in the Code of Judicial Administration.

Contractor will conduct site visits to each Problem-solving court in the state. The purpose of these visits is to:

- Evaluate each court against the certification requirements established by the Utah Judicial Council.
- Gather objective information on each court, including the number of participants, the eligibility criteria that is used, evaluation methodologies, and any other information determined necessary to effectively evaluate the drug courts.

Contractor may establish the manner in which this information will be reported. The report must be in writing.

Provide technical assistance to judges who run the drug courts. Provide technical assistance to drug court personnel regarding best practices, such as appropriate screening, risk and needs evaluations, and program design.

Assess the training needs for Problem-solving courts throughout the state.

In coordination with the Division of Substance Abuse, coordinate site visits to drug courts around the state. Be available as necessary to provide technical assistance for state Problem-solving court judges.

Make recommendations to the Judicial Council in such areas as rules, training, and the next steps for developing, expanding and monitoring Problem-solving courts.

The AOC agrees to pay Contractor up to \$4,400 per month for the term of the contract for a maximum of \$52,800.00 per year (this contract is renewable for up to 5 years total).

The AOC also agrees to reimburse Contractor for necessary travel expenses incurred in performing the services required under this Agreement. Travel reimbursement shall be at standard state rates.