



Legislation Text

File #: 20-0557, Version: 1

MOTION TO APPROVE THE ADDITIONAL PURCHASE OF ACALETICS PRODUCTS, SERVICES AND INSTRUCTIONAL MATERIALS FROM THE SOLE SOURCE VENDOR EDUCATIONAL DEVELOPMENT ASSOCIATES, INC. WITH THE TOTAL AMOUNT NOT TO EXCEED \$11,533.50 FOR THE CHARTER MIDDLE SCHOOLS, WHICH IS APPROXIMATELY A 10.84% INCREASE FROM THE ORIGINAL AMOUNT OF \$106,349 FOR THE CHARTER ELEMENTARY SCHOOLS THAT WAS PREVIOUSLY APPROVED BY THE CITY COMMISSION, PURSUANT TO SECTION 35.28 (B) OF THE CITY'S PROCUREMENT CODE.

PROCUREMENT PROCESS TAKEN:

- *Chapter 35 of the City's Code of Ordinances is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."*
- *Section 35.18(C) states, "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(3) states, "City Standard, single-source and sole-source commodities or services. City standard, single-source and sole-source commodities or services are exempt from competitive bidding."*
- *Section 35.18(C)(7) states, "The following contractual services are not subject to the competitive procurement requirement:"*
- *Section 35.18(C)(7)(h) states, "Copyrighted materials, including computer software;"*
- *Section 35.18(C)(7)(j) states, "Educational books, technical publications or other type trade journals;"*
- *Section 35.21(A)(1) states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."*
- *Section 35.28(B) of the City's Code of Ordinances, "The City Manager is not authorized to approve a change order without authorization of the City Commission where the initial purchase required the City Commission's approval and where the sum of all change orders issued under the contract exceeds 5% of the original contract amount of \$25,000."*

SUMMARY EXPLANATION AND BACKGROUND:

1. Educational Development Associates, Inc. (EDA) specializes in math, science, reading, and test

preparation. EDA offers several research-based, results-based supplemental products and services to our Charter Schools to boost student performance and achievement. EDA is the sole producer and distributor of Acaletics Math program software and licenses which has helped students improve test scores by providing invaluable resources and direct support to our schools.

2. On June 17, 2020, the City Commission approved the purchase of products, services and instructional materials from EDA for our four Charter Elementary Schools in the amount up to \$106,349 (See Exhibit 1. FY2020-2021 Acaletics Commission Approval).

3. The City's Charter Elementary Schools have utilized Acaletics for over ten years, however the Charter Middle Schools (Central and West Campus) are requesting to utilize Acaletics for the first time in the 2020-2021 school year. The cost of products and services for the Central Middle and West Middle Charter Schools is \$5,766.75 per school with a combined total amount for \$11,533.50 (See Exhibit 2. Charter Middle School Quotes). The additional costs, to add Acaletics for the Middle Schools, are budgeted in the FY2020-21 Adopted Charter School Budget, however, it is a 10.84% increase over the \$106,349 that was Commission approved on June 17, 2020 for the Elementary Schools. The revised total purchase cost of Acaletics products, services, and instructional materials, including the additional Charter School Middle quotes, is \$117,882.50.

4. Pursuant to Section 35.28(B) of the City's procurement code, the City Manager is not authorized to approve a change order without authorization of the City Commission where the sum of all change orders issued under the contract exceeds 5% of the original contract amount or \$25,000.

5. Request City Commission to approve the additional purchase of Acaletics products, services and instructional materials from the sole source vendor Educational Development Associates Inc. with the total amount not to exceed \$11,533.50 for the Charter Middle Schools, which is approximately a 10.84% increase from the original amount of \$106,349 for the Charter Elementary Schools that was previously approved by the City Commission, pursuant to section 35.28(B) of the City's procurement code.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: \$11,533.50

b) Amount budgeted for this item in Account No: The purchase will be expensed to the Charter Middle School Textbook Accounts:

West Middle	Textbooks	171-569-5052-553-54520-5102-520	\$	5,767
Central Middle	Textbooks	171-569-5052-554-54520-5102-520	\$	5,767

c) Source of funding for difference, if not fully budgeted: Not applicable.

d) 5 year projection of the operational cost of the project: Not applicable

e) Detail of additional staff requirements: Not applicable