

**DETERMINATION AND FINDINGS
FOR A SOLE SOURCE PROCUREMENT**

CONTRACT NO.: GAGA-2019-C-0095
CAPTION: Secondary ELA Course Readers
PROPOSED CONTRACTOR: XanEdu Publishing, Inc.
PROGRAM AGENCY: Office of Teaching and Learning

FINDINGS

1. AUTHORIZATION:

D.C. Code § 2-354 and 27 DCMR, Section 1304 and 1700

2. MINIMUM NEED:

The District of Columbia Public Schools (DCPS), Office of Teaching and Learning has an immediate need to procure services of XanEdu Publishing (XanEdu) to provide complete copyright permissions management and production of student-facing books containing course text sets for all students and ELA teachers in grades 6-12.

3. ESTIMATED REASONABLE PRICE:

The estimated reasonable price for the proposed base year contract is \$222,385.00 from date of award thru July 31, 2020.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

The District of Columbia Public Schools, Office of Teaching and Learning recommends XanEdu for school year 19-20.

I. Background and History

In previous years, DCPS Secondary ELA only provided novels to schools. The additional texts suggested in the curriculum would have to be printed online or hyperlinked. During feedback, Secondary ELA teachers requested a way for all students to have access to these texts. To provide a more equitable experience, the Secondary ELA team created Course Readers, student-facing books that contains the entire course text set for each grade.

In 2018, DCPS partnered with XanEdu through the use of DC Public Education Fund (PEF) to publish seven (7) types of ELA readers for grades 6-12. Within those seven (7) books there were 201 third party content items that require research to identify rightsholders and subsequent approval by said rightsholders for those materials to be republished as part of a book/reader. The process is time consuming as each rightsholder for each literary work has to

be contacted and contracted/licensed individually. As a result of XanEdu's publishing of these books with PEF in 2018, they are able to leverage past licensing relationships and rights agreements with the individual rightsholders to extend, continue or immediately re-license content items.

II. Vendor's Unique Qualifications

XanEdu is a proven supplier to DCPS and a leading provider of print and digital course materials in the education space, serving more than 1,200 education institutions and over one million students annually since 1999. XanEdu has also been a successful partner with the DCPS and we are very excited at the possibility of extending our successful partnership. XanEdu allows teachers and districts to create and deliver completely custom materials in both print and digital formats.

The strength of XanEdu's solution hinges on their copyright clearance and licensing expertise. They have an extensive approach to helping customers get the best content, and specifically the get the content they want and accomplish this with an internal team of permissions experts amplified by a very strong relationship with Copyright Clearance Center, who assists XanEdu in rights management. This capability greatly distinguishes them from any competitor or common printer.

XanEdu's copyright experience, leadership and guarantee to DCPS stands miles ahead of any other vendor considering managing the requirements of the ELA Readers. Beyond their content licensing capabilities, XanEdu is also custom book builder so additional DCPS has requirements for this project – e.g., design, formatting, editorial, content development, etc. – can be supported beyond standard printing and into ongoing customization. Furthermore, XanEdu's skills and experience includes the following:

- a) Established collaborator with design company
- b) Established Course Readers developed in design software for quick and easy modifications, if needed
- c) Copyright clearance services
- d) Offers DCPS Indemnification against copyright infringement
- e) Scalable print and digital book delivery solutions
- f) Capacity to produce materials quickly and efficiently
- g) Editorial services to build and create our books and iterate them as needed in an on-going way
- h) Direct to school delivery / distribution solutions

III. Adverse impact of not choosing this vendor or completing this project

If XanEdu is not retained as a vendor, the course readers will not be able to be completed for the opening of schools and DCPS risks the following:

- a) Increased cost for timeline and licensing all texts, 80% of which are still held by XanEdu; and

- b) Increase cost and timeline for collaborating with design company on formatting and content transfer

Considering the above findings a sole source award is in the best interest of DCPS and would be the most efficient and cost-effective procurement method.

CERTIFICATION BY DCPS PROGRAM DIRECTOR:

I hereby certify that the above findings are true, correct and complete to the best of my knowledge.

Date

Director, Secondary English Language Arts
Office of Teaching and Learning

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive bidding process under Section 402 and 403 of the District of Columbia Procurement Practices Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354) and 27 DCMR 1304 and 1700. Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

Contracting Officer