

## Special Notice

### Description: NOTICE OF INTENT TO AWARD A SOLE SOURCE

The Defense Dependent Elementary and Secondary Schools (DDESS) intends to negotiate a sole source contract under authority of FAR 6.302-1(a) with Pitsco, Inc P.O. Box 1707 Pittsburg, KS 66762 for the purchase of a LEGO Education's robotic sets. The contract will result in a firm fixed price purchase order. Negotiation being conducted using other than full and open competition procedures pursuant to authority of FAR 6.302-1(a). The proposed contract action is for supplies or services for which the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302. Interested persons may identify their interest and capability to respond to the requirement. This notice of intent is not a request for competitive proposals. The Government will not be responsible for any cost incurred in preparation of proposals. A determination by the Government not to compete with this proposed contract based upon responses to this notice is solely within the discretion of the Government. Information received will normally be considered solely for the purpose of determining whether to conduct a competitive procurement. Any responses to this notice of contract action shall be submitted to TiJuana Watson, [tijuana.watson@am.dodea.edu](mailto:tijuana.watson@am.dodea.edu) no later than 05 September, 2:00 PM local time. (NAICS) code 339930.

**JUSTIFICATION & APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Agency: Department of Defense Education Activity
2. Authority Cited: 10 U.S.C. 2304(c) (1) "Only one responsible source and no other supplies or services will satisfy agency requirements." FAR 6.302-1 (b) (1) (i).
3. Description of Supplies and Services: LEGO Education Mindstorm robotic kits designed to allow teachers and students to build small robots in order to develop Science Technology Engineering and Math (STEM) skills. These kits consist of building blocks and small electrical battery powered motors. The students will build small robots that move around the classrooms and connect to computer software.
4. Description of Action: DDESS Procurement intends to award a firm-fixed price purchase order to Pitsco/LEGO Education for an estimated amount of \_\_\_\_\_ for Fort Campbell High School.

Vendor Information:

Pitsco, INC  
(CAGE Code: 3VZQ4, registered as a small business on the SAM web site)  
DBA: LEGO Education  
P.O. Box 1707  
Pittsburg, KS 66762-1707  
Phone: 800-362-4308

5. Reason for Authority Cited: There is a reasonable basis to conclude that such unique supplies are available from only one supplier with unique capabilities per FAR 6.302-1(b) (i). LEGO Education provided a letter certifying Pitsco as their "joint venture partner" and that they hold exclusive propriety rights to the LEGO Education Mindstorm items. To test the validity of this claim, the DDESS Procurement Office posted a Sources Sought request on the FedBizOps web site for 8 days and received no responses and no vendors registered as an interested source. This reinforces LEGO/Pitsco's claim of exclusive rights on these items. Although "generic" LEGO kits are available from hundreds of vendors throughout the marketplace (Wal Mart, Toys R Us, etc.), these LEGO Education kits are different because they are specifically designed to be used with specific Middle School and High School curriculums.
6. Effort to Obtain Competition: DDESS Procurement Office posted a Sources Sought request on the FedBizOps web site for 8 days and received no responses and no vendors registered as an interested source
7. Action to Increase Competition: The market place will continue to be monitored to identify any new sources. The need for the existing curriculum to be modified or changed will also be examined.

8. Market Research: Market research revealed LEGO Education is the only source that can provide the products required by the DDESS schools' specialized curriculum centered on environmental education and renewable resources learning as part of them STEM lesson plans. Review of past contractual actions has indicated that there are robotics companies available to provide robotics kits for student instruction. Such companies, however, do not sell sets designed for classroom use, nor do any of the companies have robotics sets centered on educational topics such as environmental learning. Furthermore, DDESS Procurement Office posted a Sources Sought request on the FedBizOps web site for 8 days and received no responses and no vendors registered as an interested source.

9. Interested Sources: No other vendors registered as an "interested source" during an 8 day "Sources Sought" posting on FedBizOps.

10. Other Factors: None.

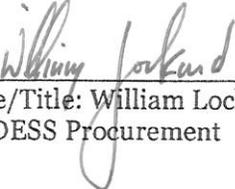
11. Technical Certification: I certify that the supporting data under my cognizance that are included in this Justification and Approval are accurate and complete to the best of my knowledge and belief.

Signature:  Date: 8-27-12  
Typed Name/Title: Mohan Vaswani / Principal  
Division: Fort Campbell High School

12. Requirements Certification: I certify that the supporting data under my cognizance that are included in this Justification and Approval are accurate and complete to the best of my knowledge and belief.

Signature:  Date: 8/28/2012  
Typed Name/Title: FRANK CALVANO  
Division: KY District Superintendant

13. Approval: Based on the foregoing justification, I hereby approve the procurement of special education residential school program services on an unusual and compelling sole source basis, pursuant to the authority of 10 U.S.C. 2304(c)(1), subject to the availability of funds, and provided the services described above have otherwise been authorized for acquisition.

Signature:  Date: 28 AUG 12  
Typed Name/Title: William Lockard, Contracting Officer  
Division: DDESS Procurement



**education**  
NORTH AMERICA

P.O. Box 1707  
Pittsburg, KS 66762  
Telephone: 800.362.4308  
Fax: 888.537.6784

August 15<sup>th</sup>, 2012

Dear TiJuana,

LEGO Education is a joint-venture between Pitsco, Inc., of Pittsburg, Kansas, and LEGO Educational Division, of Billund, Denmark.

The "EXCLUSIVE" icon in our catalog appears next to items you can purchase only from LEGO Education, meaning we are the sole source. More specifically for your purposes, LEGO Education is the exclusive United States distributor of all LEGO Educational Division school-range products, including WeDo Robotics, Mindstorms for Schools robotics sets, activity packs, getting started packs, and software. Mechanisms getting started packs, Team Challenge sets, ROBOLAB™ software items as well as the Stevens Institute primary and secondary kit's for the underwater robotics project...

If you have any questions, please call me at 866-421-5346.

Sincerely,

A handwritten signature in black ink, appearing to read "GY", written in a cursive style.

George Yaghmour  
National Sales Manager