



DATE: November 18, 2019

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU:

FROM: Carol Munemura, Assistant Director, Enterprise Technology Services Division

PROJECT TITLE: SumTotal Systems, LLC (Cyborg) - Maintenance Support & Professional Services Agreement

REQUISITION NO. TBD

SOLE SOURCE/SOLE BRAND REQUEST

I. REQUEST: Provide a description of the features of the product/service or Scope of Work.

SumTotal Systems, LLC provides maintenance to the County's perpetual license of the Cyborg system. Cyborg was first approved by the Board of Commissioners in 1997 and is essential to the County's payroll, Human Resources and position management operations. Since that time, the Cyborg system was integrated with Cognos to provide reporting and customized to meet the County's needs, and Cyborg was designated as both a Sole Source and Sole Brand. The Cyborg system services approximately 6,500 employees of Broward County and the maintenance and support of these functions are critical to the management of employees of Broward County. Cyborg system operations will be transitioned to PeopleSoft Human Capital Management (HCM) and thereafter Cyborg will be maintained for access to historical data and Cognos reporting. The approval of this sole source procurement assures the County's payroll software remains in compliance with all State and Federal mandates and provides for sufficient time and professional support services to prepare for the conversion to the PeopleSoft HCM system.

II. JUSTIFICATION: Please check all boxes that describe your reason(s) for determining that only one source or brand is reasonably available.

Only Sole Source/ Uniqueness

- Proprietary Item - this vendor/source has the only rights to provide this service or commodity. A letter from the manufacturer or authorizing entity is included in this request.
- Technology Improvements - updates or upgrades to an existing system, software, software as a service (SaaS), hardware purchases.
- Engineering Direction - engineering drawing or specification identifies product; "no substitutes or equivalents will be acceptable."
- Only qualified supplier - reliability and maintainability of the product or service would be degraded unless specified supplier is used; may void warranty. This request includes a copy of the current warranty information.
- Other/or Additional information - the County requires this sole source, sole brand purchase for the following reasons:

Business Case (One/Most Reasonable Source or One/Most Reasonable Brand)

- Operational Compatibility - replacement parts from alternate suppliers are not interchangeable with original part and causes equipment incompatibility. Previous findings and/or documentation is included with this request.
- Ease of Maintenance - maintenance or retooling prohibits competition. Section III, Comparative Market Research includes estimated costs associated with changing current source and/or brand.
- Follow-On - potential for continued development or enhancement with same supplier and eliminates costs incurred by using different supplier. Section III, Comparative Market Research includes estimated costs for replacing current or existing system.
- Complies with existing community and safety standards, and/or laws, rules, and regulations.
- Exempted from the Procurement Code - per Section 21.18 of Broward County Administrative Code.
- Other/or additional information - using this sole source, sole brand purchase benefits the County for the following reasons:

SumTotal, as the owner and manufacturer of the proprietary software, is the sole source provider of the Cyborg software maintenance which includes annual renewal of technical support plus regulatory and software updates and upgrades for the Cyborg system. The current License and Maintenance Agreement expires on October 31, 2020.

III. COMPARATIVE MARKET RESEARCH: Provide a detailed source or market analysis for justification of sole source/brand or most reasonable source (attach extra sheets as needed).

Estimated project value: 1,364,776.00 Contract length (if applicable): 3 years

Expenses to date: 3,211,746.00

Has this commodity or service been previously provided to the County? Yes No

If yes, when and by whom? SumTotal Systems, LLC

How was item/service procured? N/A

What is the current contract (MA) or purchase order number? A000005

If this is a sole brand, is there an "authorized" dealers list? Yes No

Cost/Benefit Analysis: What would the cost be to utilize an alternate vendor or source? This explanation should include the savings and/or additional costs to the County by not using the preferred vendor or source. Attach additional sheets if needed.

Per the July 23, 2014 Sole Brand/Sole Source request submitted by Enterprise Technology Services, the cost to replace the existing system is approximately \$4,775,000.00 which would cover technical hardware foundation, third party software licenses, implementation costs, and a project completion of approximately 18 months. Cyborg system operations will be transitioned to PeopleSoft Human Capital Management (HCM) and thereafter Cyborg will be maintained for access to historical data and Cognos reporting.

CERTIFICATION: I have thoroughly researched the sole source or sole brand justification and fully understand the implications of Section 838.22 of the Florida Statutes:

(2) "It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole source contract for commodities or services."

(5) "Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084"

REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)	DATE
Carol Munemura	CAROL MUNEMURA <small>Digitally signed by CAROL MUNEMURA Date: 2019.11.18 10:15:17 -05'00'</small>	11-18-19
DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)	DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 21.34 and 21.35. The Purchasing Agent recommends the following:

- Sole Source
 Sole Brand
 Reasonable Source
 RFI attached
 Rejected
 Request Authorization to Negotiate

Additional Information:

Expenses to date: 3,211,746 represents expenses since 2004.
Expenses to date under existing contract is \$3,096,165. Contract current not-to-exceed amount is: \$3,131,746.

Purchasing Managers Comments: Agency to seek Commission approval for an additional 3 years and \$1,364,776.00 to be added to the current contract.

Purchasing Agent Signature: **LEAHANN LICATA** Digitally signed by LEAHANN LICATA
Date: 2019.11.19 12:08:06 -05'00' Date: November 19, 2019

DAVID CLEMENTE Digitally signed by DAVID CLEMENTE
Date: 2019.12.10 14:48:49 -05'00'

APPROVAL AUTHORITY

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature: **BRENDA BILLINGSLEY** Digitally signed by BRENDA BILLINGSLEY
Date: 2020.01.17 15:24:52 -05'00'

Date: