



DATE: November 26, 2019

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Tom Kennedy, Director, Records, Taxes and Treasury Division

FROM: Andre Morrell, RTT Operations Manager, Records, Taxes and Treasury Division

PROJECT TITLE: Codification Services

REQUISITION NO. RTT0000867

SOLE SOURCE/SOLE BRAND REQUEST

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

The Records, Taxes, and Treasury Division is requesting approval of a Sole Source procurement for Municipal Code Corporation (MCC) as the only reasonable Sole Source vendor to continue to codify individual Broward County ordinances and specified resolutions as they are approved by the Broward County Commission into an updated, inclusive Broward County Code of Ordinances and Administrative Code; to place and maintain the two Codes on the MCC website with links to the Broward County website; to maintain the Broward County Commission Minutes on the MCC website with links to the Broward County website; to furnish Broward County with electronic versions of the Code of Ordinances, Administrative Code, and Minutes; and to furnish Broward County with hard copy supplements of the Code of Ordinances and Administrative Code.

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:

MCC specializes in Florida law and has been the vendor for codification of the Broward County Code since 1972 and has regularly supplied supplements since that time to the county. Since 1997, MCC has been producing code supplements in both hard copy and electronic versions. In 1998, an amendment was added to the contract for the integration of electronic minutes and maintenance on the Internet.

In 2001, the Code of Ordinances was reformatted for ease of use, as well as having the Administrative Code codified similar to the Code of Ordinances. In 2012, MCC updated their hosting infrastructure to include

backup services for continuity of operations at an alternate hosting facility which provides greater uptime for its online services customers.

MCC also has a strategic partnership with Granicus, Inc., the county's vendor for the Agenda Management Software product, which provides certified integration that allows customers to search the county's public agenda website and yield results through MCC's website. This integration functionality was added in 2018.

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:

As stated in item II above, MCC specializes in Florida law and has been the vendor for codification of the Broward County Code since 1972 and has regularly supplied hard copy supplements since that time to the county.

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: \$150,000 Contract length (if applicable): Five (5) years

Expenses to date: \$120,000 from FY15-19

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

If yes, when and by whom? MCC

How was item/service procured? Reasonable source

What is the current contract (MA) or purchase order number? A1022101A1_1

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.

To change service providers and maintain such services with a different vendor would be cost prohibitive. We would have to request and obtain the funding to absorb the additional costs to reproduce the current codes from 1972 to present, and move to a new system and environment. Additionally, during such a transition, there is the potential to create access delays and interrupt electronic access, which would cause hardship and inconvenience to our customers, as well as county agencies.

For fiscal responsibility and expediency, we recommend MCC as the only reasonable sole source vendor for these services. Expenditures to MCC for the last five years (Fiscal Year 2015-2019) were approximately \$120,000.

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"

Andre Morrell  Digitally signed by Andre Morrell
Date: 2019.11.26 10:17:39 -05'00' November 26, 2019

REQUESTOR/EVALUATOR (PRINT) REQUESTOR/EVALUATOR (SIGN) DATE

Tom Kennedy  Digitally signed by Tom Kennedy
Date: 2019.11.26 10:45:49 -05'00' November 26, 2019

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:


The certified integration that MCC provides with Granicus, Inc., the county's vendor for Agenda Management Software products, allows customers to receive results from MCC's website through Broward County's agenda website. The cost to provide this service and reproduce the current codes, that MCC has provided, would be substantial. Likely access delays and interruptions of service that may occur, during the transition to a new computer system, would be significant. This would be an inconvenience to County residents and County agencies.

MCC provides a substantial cost savings over other potential suppliers. Therefore, changing codification service providers is cost prohibitive. Continuing service with MCC is also the only way to maintain continuity of service. For these reasons, I recommend MCC as the only reasonable source of Codification Services for Broward County.

Purchasing Agent Signature: CHRISTOPHER SNYDER  Digitally signed by CHRISTOPHER SNYDER
Date: 2020.01.28 09:31:24 -05'00' Date:

APPROVAL AUTHORITY
REASON/SUGGESTED ACTION (IF DISAPPROVED):

Approved and my recommendation is to standardize.

Signature: DAVID CLEMENTE  Digitally signed by DAVID CLEMENTE
Date: 2020.02.21 14:45:37 -05'00' Date: January 28, 2020