



DATE: 7/13/22

TO: Robert Gleason, Director of Purchasing

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

FROM: André Morrell, Manager, Records, Taxes and Treasury Division

PROJECT TITLE: Digital Court Recording Software

REQUISITION NO.: RTT0001635

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 (RTT) is requesting approval to negotiate a First Amendment to the Agreement with Business Information Systems, Inc. (BIS), for continued software support and equipment maintenance services of the Digital Court Recording Software (DCR), as a Most Reasonable Source. The County has been utilizing DCR from BIS since 2001.

DCR is proprietary to and is available only from BIS. There are no resellers or channel partners available in the marketplace. Given the history of County use of the software, this is the Most Reasonable Source from which to continue software support and equipment maintenance services.

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 – the County requires this sole source, sole brand purchase for the following reasons:

The Records, Taxes and Treasury Division currently utilizes digital court recording software (DCR) developed by BIS to capture audio recordings of Broward County public meetings. BIS is the sole licensor and sole provider of software maintenance and digital recording equipment for the county.

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 21.5 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, BIS specializes in digital audio software and has been the vendor for this specialized software since 2001. BIS is the sole licensor and sole provider of software maintenance and digital recording equipment for 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: \$ 50,000.00 Contract length (if applicable): Up to five (5) years

Expenses to date: \$155,000.00 (FY 2012 to FY 2022)

Has this commodity been previously provided to the County? ☒ Yes ☐ No

If yes, when and by whom?

BIS (2001 - Present)

How was item/service procured?

Reasonable Sole Source

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

A2114112A1

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.

The County has invested over \$75,000 in software licenses and digital recording equipment. Transitioning to another digital recording software would be cost prohibitive and time consuming. RTT staff and County agencies would have to be retrained on the new digital recording equipment.

For fiscal responsibility and expediency, we recommend BIS as the only reasonable sole source vendor for these services.

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

REQUESTOR/EVALUATOR
(PRINT)



Digitally signed by Andre Morrell
Date: 2022.07.13 14:32:27 -04'00'

REQUESTOR/EVALUATOR (SIGN)

7/13/22

DATE

Thomas Kennedy

DEPT./DIV. DIRECTOR OR
DESIGNEE (PRINT)



Digitally signed by Tom Kennedy
Date: 2022.07.13 14:42:24 -04'00'

DEPT./DIV. DIRECTOR OR
DESIGNEE (SIGN)

7/13/22

DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 21.25 and 21.26. The Purchasing Agent recommends the following:

☒ Sole Source Sole Brand ☒ Reasonable Source RFI attached Rejected

☐ Request Authorization to Negotiate

Additional Information:

A Request for Information (RFI) No. TEC2125194F1 was issued on July 20, 2022 to determine if other vendors are able to provide the requested services. The RFI closed on July 25, 2022, with two (2) responses submitted. There were 22 views, and no vendor questions were asked, and 17364 vendors were successfully invited. Records, Taxes and Treasury Department reviewed the two submissions and advised that the two submissions are alternative solutions to the County's current solutions. Neither vendor can specifically provide support for the digital recording software (Digital Court Recorder) and the related services currently provided by Business Information Systems, Inc. (BIS). Per the Procurement Code, Section 21.25, Sole Source Procurement and 21.26, Sole Brand Procurement, Section (b), the purchasing Agent affirms that this request is the subject of an RFI, and the required due diligence has been completed and therefore recommends approval of this Sole Source/Reasonable Source request.

Purchasing Agent Signature:

ECATERINA
SULI-WOLF

Digitally signed by
ECATERINA SULI-WOLF
Date: 2022.08.08 11:13:38
-04'00'

Date: 08.08.2022

APPROVAL AUTHORITY

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Signature:

LEAHANN
LICATA

Digitally signed by LEAHANN
LICATA
Date: 2022.08.08 11:10:37
-04'00'

Date: August 8, 2022