



DATE: July 30, 2020

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: David Clemente, Purchasing Manager, Purchasing Division

FROM: Howell Herring, Chief Information Officer, Enterprise Technology Services

PROJECT TITLE: Adobe Inc., Various Adobe Software Licenses, Subscriptions, and Cloud Services as Sole Brand

REQUISITION NO. ETS0001881

SOLE SOURCE/SOLE BRAND REQUEST

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

For providing Sole Brand designation of Adobe Licensing, Subscriptions, and Cloud Services in use on an Enterprise level by Broward County Agencies. Enterprise Technology Services requests to have Adobe Inc., a registered entity in the State of Florida as the Sole Brand provider of Portable Document Format (PDF) standardized software, and associated publishing applications residing on Workstations, Laptops and other devices serving County operations and associated services of related to product offerings.

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

This Sole Brand designation is for procurement of standardized Adobe offerings through an Enterprise Transactional Licensing Agreement (ETLA). Under a solicitation award, Emergent LLC. provides subscription services of Adobe product under the ETLA program. This award is valid through 11/25/2021 with an estimated expenditure of \$470,000 over the three-year term. As a subscription service, ETS shall solicit a new three-year Agreement through a competitive bid process during the final year of the current Agreement. ETS is advocating for Board approval on a Motion to standardize the Adobe product line.

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:

to provide protection of the investment in Adobe product. Broward County built their business processing on, and around the ISO certified PDF standard. This widely recognized standard provides no-cost readers, and licensed product for creation of documents and forms. Since 1993, the County steadily invested significant funds in the line of Adobe products. The Adobe ETLA allows Broward County to gain heavily discounted pricing offered by resellers of Adobe product. The opportunity to receive significant discounts is only available by entering into an Enterprise Transactional Licensing Agreement with Adobe, sold through major resellers. Expenditures for Adobe product occur in every County Agency, with heavy concentrations of product in those who directly serve the public, or who utilize heavy process-oriented tasks.

Adobe subscription services include use of a Cloud collaboration site only available to County staff. Staff may post forms and other design documents for sharing with other Agencies, or within their working groups. This type of cloud service has unique capabilities not found in other offerings. Broward County relies heavily on the adopted standard of Adobe to deliver public services throughout the globe. This standard ensures that any document created for public use is readable in a standard format using no-cost products from Adobe.

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: 470,000 Contract length (if applicable): Three Years

Expenses to date: \$269,358

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

If yes, when and by whom? Emergent LLC, Various Sources

How was item/service procured? Sole brand

What is the current contract (MA) or purchase order number? TEC2116957B1

If this is a sole brand, is there an "authorized" dealerslist? 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.

Pricing remains fixed for each of the three annual payments toward the agreement. Subscriptions use the Enterprise Transactional Licensing Agreement (ETLA) for product assignment within the Adobe line of software. Under annual renewal quotations, existing subscription pricing remains fixed. New subscriptions obtained throughout the year utilize a "lookback" true up model. Fees for these subscriptions are prorated charges for each full month of use during the preceding year, then renewed for the upcoming year. Subscriptions include product use licensing, upgrade rights, support, training, and cloud-based collaboration. The controls around the ETLA program requires assignment of subscriptions via a licensing portal to named users within the Agencies. This model provides complete license compliance and reduces the risk associated with any unauthorized software use.

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"

Keith A. Wolf

Digitally signed by July 30, 2020
KEITH WOLF
Date: 2020.07.30
15:04:20 -04'00'



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

Howell Herring

HOWELL HERRING HERRING July 30, 2020
Date: 2020.07.30 15:14:40 -04'00'

Digitally signed by HOWELL
HERRING
Date: 2020.07.30 15:14:40 -04'00'

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:

Additional Information: Purchasing Agent finds the Request to Standardize the Adobe product line of software and services prudent and reasonable based on the value delivered in performance and reliability to Broward County Enterprise Technology. Pricing has been consistent, and the current contract is valid through 11/25/2021.

Nicole Kelley, Purchasing Agent:

NICOLE
KELLEY Digitally signed by
NICOLE KELLEY
Date: 2020.07.31
11:33:09 -04'00'

Date: 7/31/20

David Clemente, Purchasing Manager

DAVID
CLEMENTE Digitally signed by
DAVID CLEMENTE
Date: 2020.08.05

Date: 8/5/20

APPROVAL AUTHORITY

REASON/SUGGESTED ACTION (IF DISAPPROVED):

BRENDA
BILLINGSLEY

Digitally signed by
BRENDA
BILLINGSLEY Date:
2020.08.13
09:47:42 -04'00'

Date:

Brenda J. Billingsley,
Director, Purchasing Division