



DATE: June 10, 2020

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Debbie Etienne, Business Manager, Emergency Management Division

FROM: Lori Vun Kannon, Assistant Director, Emergency Management Division

PROJECT TITLE: WebEOC 2020 Systems Services Agreement

REQUISITION NO. EMR0000135

SOLE SOURCE/SOLE BRAND REQUEST

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

Florida Chapter 252 declares that the Florida Division of Emergency Management (FDEM) maintain a comprehensive statewide program, which includes a web-based tool to facilitate statewide emergency management functions. The State has selected ESi Acquisition to provide the WebEOC software platform, maintenance and professional services. The platform allows the State Emergency Response Team (SERT) to use the same operating environment when preparing for, responding to, and recovering from an emergency. Requests for assistance are made through the platform; these requests are approved, tasked as missions, and tracked throughout their life cycle. Information messages like situation reports, press releases, and incident action plans may also be shared through the platform. Having this information all in one place allows for effective response to and recovery from emergencies while documenting events for reimbursement and after-action reporting.

ESi Acquisition's WebEOC Software is used to support the SERT during Emergency Operations Center activations/day-to-day operations and is the established system to provide key mission support and information sharing across the SERT in providing emergency planning, response, recovery and mitigation activities during a disaster or event.

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:

ESi Acquisition, Inc. ("ESi") is the sole developer and licensor of the WebEOC-branded software. Since its initial development and release in 1999, ESi has maintained control over the source code, the WebEOC trademark and all other proprietary rights embodied in the WebEOC Professional software and its companion products: WebEOC® Air; WebEOC® Team Manager; WebEOC® Passenger Data; WebEOC® Mapper

Professional; WebEOC® for Hospitals; WebEOC® Fusion; WebEOC® Town Square; WebEOC® Core; and, WebEOC Resource Request and Deployment Module.

As the only entity with access to the WebEOC source code, ESI is the only entity which may accurately diagnosis software errors and defects, issue corrections and fully integrated enhancements, and warrant performance of the software.

Sole source acquisition of the WebEOC software products and services may be justified under Subpart 6.3 of the Federal Acquisition Regulations ("FAR"). In the case of software products and software maintenance, the FAR allow sole source acquisition of unique items which are available from one or a limited number of sources or for proprietary items where only limited data rights are provided under license. The WebEOC software meets these requirements.

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:

Retains continuity of knowledge of and service to the EOC's WebEOC application which serves as integral support to emergency management efforts during pre - and post disaster initiatives.

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: 400,000

Contract length (if applicable): 3 Years

Expenses to date: 92,784

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

If yes, when and by whom? 06/01/2016, ESI Acquisition

How was item/service procured? Sole brand and sole source

What is the current contract (MA) or purchase order number? R2113354G1

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.

A Cost Benefit Analysis cannot be completed due to the fact that ESI Acquisition is a documented, proprietary supplier. It would be difficult to make comparisons with other suppliers as they cannot provide the explicit proprietary service that ESI Acquisition does.

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"

Debbie Etienne	Debbie Etienne	<small>Digitally signed by Debbie Etienne Date: 2020.06.08 01:55:48 -04'00'</small>	06/08/2020
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)		DATE
Lori Vun Kannon	Lori Vunkannon	<small>Digitally signed by Lori Vunkannon Date: 2020.06.10 08:10:57 -04'00'</small>	6/10/2020
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:

Broward County Emergency Management Division is requesting a Sole Source designation for WebEOC software platform from ESi Acquisition, which includes a web-based tool to facilitate statewide emergency management functions. The same platform is utilized by Florida Division of Emergency Management (FDEM).
 Based upon the documentation and evaluation provided by Broward County Emergency Management Division and the Agent research for other similar software's, it is difficult to compare with since other suppliers cannot provide the explicit proprietary service that ESi Acquisition, Inc. provides. The Agent of concern supports the approval of a "Sole Source" designation for WebEOC software from ESi Acquisition, Inc. This is the best solution when alternates are considered.
 Please see attached Sole Source letter from ESi Acquisition, Inc.

Purchasing Agent Signature:	ECATERINA SULI-WOLF	<small>Digitally signed by ECATERINA SULI-WOLF Date: 2020.09.14 12:08:24 -04'00'</small>	Date: 09.14.2020
DAVID CLEMENTE			
<small>Digitally signed by DAVID CLEMENTE Date: 2020.09.14 16:22:17 -04'00'</small>			
Purchasing Manager	APPROVAL AUTHORITY REASON/SUGGESTED ACTION (IF DISAPPROVED):		

Signature:	BRENDA BILLINGSLEY	<small>Digitally signed by BRENDA BILLINGSLEY Date: 2020.09.18 14:16:29 -04'00'</small>	Date:
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9/11/2020

Via Email

Broward County Emergency Management
201 NW 84th Ave
Plantation, FL 33324
Attn: Tami Price

RE: Response to Sole Source Inquiry; Services for the WebEOC® Software Suite – Broward County Emergency Management.

Dear Ms. Price:

ESi Acquisition, Inc., a Juvare Company (“ESi”), is the sole developer and licensor of the ESi WebEOC® branded Software. Since its initial development and release in 1999, ESi has maintained control over the source code, the trademark and all other proprietary rights embodied in the ESi WebEOC Software and its companion products.

As the only entity with access to the ESi WebEOC Software source code, ESi is the only entity which may accurately diagnose software errors and defects, issue corrections and fully integrated enhancements, and warrant performance of the ESi WebEOC Software. ESi also provides a wide range of professional services. These services are specialized in nature and focused on configuration and technical support for the proprietary software technology. These services frequently require access to ESi proprietary information and are not available through or resold by any third parties. The WebEOC Software Core Subscription services and supporting Emergency Management and Municipal Operations Modules also are available exclusively from ESi.

Sole source acquisition of the ESi WebEOC Software products and services may be justified under Subpart 6.3 of the Federal Acquisition Regulations (“FAR”). In the case of software products and software maintenance, the FAR allow sole source acquisition of unique items which are available from one or a limited number of sources or for proprietary items where only limited data rights are provided under license. The ESi WebEOC Software meets these requirements. State and local government organizations are encouraged to ask their procurement officer if local laws include similar sole source provisions, or if the federal justifications may be used to support sole source procurement.

On behalf of ESi, we look forward to the opportunity to work with you. If you have any questions, or require additional information, please do not hesitate to contact me at the phone number listed below.

Sincerely,

ESi Acquisition, Inc., a Juvare company

A handwritten signature in blue ink that reads 'Robert Watson'.

Robert Watson
President and CEO