



DATE:

TO: Robert Gleason, Director of Purchasing

THRU:

FROM:

PROJECT TITLE:

REQUISITION NO.:

## SOLE SOURCE/SOLE BRAND REQUEST

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

Master Agreement #R0948502P1\_1 with our current e-learning platform Percipio (Skillsoft Corporation), initially entered Nov 17, 2011, is a five year contract, with two one year extensions, was executed in November 2016 and ends on November 30, 2023. The contract was initially awarded via an RFP in 2011 and awarded Sole Source/Most Reasonable Source in 2016. We are seeking to renew our contract with them for five more years. Skillsoft's immersive learning platform, Percipio, inspires, motivates and engages learners, anytime, anywhere, on any device through interactive videos, simulations, and courses. 7,000+ courses. 24/7 cloud access. 180,000+ tools. 29 languages. 120,000 pieces of content. No other company offers equal depth and breadth of products accompanied by reliable customer support and personalized service. Broward County has a dedicated Customer Service Consultant available to us during business hours who engages with LOD to set objectives; curates solutions to meet our needs; enables adoption; and, reports on the values and impact to the County. Skillport Corporation also provides technical services 24/7. Over the past twelve plus years we have deeply integrated Percipio content into our Broward County training calendar, leadership programs, learning paths and employee development resources. We are currently mapping the new County Values and Core Competencies to related learning content thus further embedding Percipio in our HR processes. Percipio is integrated with our PeopleSoft Learning Management System (Learning Center) where we capture all learning activities for employees' learning transcripts and county performance measures. Percipio is accessed by employees on a dedicated 'tile' on the browardemployee.org Learning Center. [Attached a detailed Skillsoft product overview]

### 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:

See Business Case section.

**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:

Skillport is deeply embedded into our Training Calendar and Management Development Programs (JumpStart, Leadership Round-table, Management Development Kit, Learning Paths, Certification Curriculum, etc ...) and referenced on browardemployee.org on every learning page. Over 20 years' worth of extensive user training has fostered an environment of understanding and comfort in terms of ease of use for employees at all levels of County employment. Percipio is securely integrated with our PeopleSoft learning management system. Replacing the existing (Percipio) platform would be costly in terms of man-hours needed to re-develop & re-train around a new eLearning system. An Internet search of alternate eLearning solutions has not provided a positive result in finding a comparable provider to Skillsoft/Percipio.

**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:  Contract length (if applicable):

Expenses to date:

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

If yes, when and by whom?

How was item/service procured?

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

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 financial impact of changing eLearning provider would be significant. Due to the integration of Percipio content in many of our Broward County specific employee and leadership development programs, we would incur the cost of recreating/building custom learning programs; historical data transfer and data migration fees; service charges; and delivery platform change over. Change over costs are estimated at \$165,500. The value and return on investment in Percipio for FY21 and FY22 based on course utilization and 'read time' for books equals over \$332,000 in comparable costs of training, certifications and books. Benefit to cost ratio demonstrates that for every \$1.00 invested in Skillsoft, \$18.00 of benefits are realized. [see attached Cost Benefit document]. Moving to an enterprise license would allow access to all employees for mandatory training such as Safety, Compliance, Cyber-Security, and Employment Policies – the cost of an enterprise license would be offset by these county-wide mandatory trainings as they are currently paid for separately. Risk Management are planning to engage project management as Optional Services for the volume of compliance training projected.

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"

Brian Flanagan

REQUESTOR/EVALUATOR  
(PRINT)

BRIAN FLANAGAN

Digitally signed by BRIAN  
FLANAGAN  
Date: 2023.03.29 09:03:24 -04'00'

REQUESTOR/EVALUATOR (SIGN)

DATE

David Kahn

DEPT./DIV. DIRECTOR OR  
DESIGNEE (PRINT)

David Kahn

Digitally signed by David Kahn  
Date: 2023.03.29 16:48:39  
-04'00'

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) 21.25 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. R0948502F1 was issued on April 3, 2023, to determine if other vendors were able to provide the requested services. The RFI closed on April 10, 2023, with two responses submitted. A total of 5,935 vendors were successfully invited. There were 25 views, and no vendor questions were asked. The Contract Administrator reviewed the two submissions submitted and determined that none meet the Agency's needs for an elearning Platform and Services. Skillsoft's immersive learning platform, Percipio, from Skillsoft Corporation was identified as the Sole Source product to meet Broward County requirements. Per the Broward County 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, the required due diligence has been completed, and therefore recommends approval of this Sole Source/ Most Reasonable Source request.

Purchasing Agent Signature:

ANGELA OSORNO-  
BELLEME

Digitally signed by ANGELA  
OSORNO-BELLEME  
Date: 2023.09.15 12:21:03 -04'00'

Date:

Purchasing Manager

Signature:

LEAHANN  
LICATA

Digitally signed by  
LEAHANN LICATA  
Date: 2023.09.15  
16:50:14 -04'00'

**APPROVAL AUTHORITY**

REASON/SUGGESTED ACTION (IF DISAPPROVED):

Approved

Signature:

Robert Gleason

Digitally signed by Robert Gleason  
Date: 2023.11.15 16:05:27 -05'00'

Date: