

# OC Procurement

## Sole Source Request Form

Sole Source Bidsync # 017- C005911 – AP-SS

**SECTION II – DEPARTMENT INFORMATION (Complete in its entirety)**

Department: CEO/OCIT		Date: 8/11/2020	
Vendor Name: Iron Mountain Information Management LLC.		Sole Source BidSync Number: 017-C005911-AP-SS	
<p><b>Is the above named vendor a retired employee of the County of Orange?</b>   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p><b>If "Yes", review and Approval is required from CEO Human Resource Services prior to contract execution.</b></p>			
Contract Term (Dates): Renewing the Contract for the following term: 1/1/2021 – 12/31/2023		Is Agreement Grant Funded? Funding Source <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Percent Funded:  Proprietary? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Contract Amount? \$0.00 - RCA		Is this renewable? If yes, how many years? None	
Type of Request: <input type="checkbox"/> New <input type="checkbox"/> Multi-Year <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Increase			
Renewal Year: None		Did vendor provide a sole source affidavit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please attach	
Board Date: 9/29/2020	ASR Number: 20-000690	If not scheduled to go to the Board explain why?	
Does Contract include Non-Standard Language? If yes, explain in detail. Yes, blanket coverage of insurance has been provided. Limitation of Liability is standard for the data storage industry. The current contract includes non-standard language which was previously reviewed and approved by Risk Management.			
Was Contract Approved by Risk Mgmt.? Yes, Risk Management approved on 10/21/14		Was Contract Approved by County Counsel? Yes, pending approval.	
Were any exceptions taken? If yes, explain in detail. Yes, LOL and Indemnification and was negotiated and agreed upon in the current contract.			
<input checked="" type="checkbox"/> DPA certifies that they have read and verified that the information is true and satisfies the sole source requirements listed in the County Contract Policy Manual.			
<input type="checkbox"/> Solicitation Exemption (For purchases with special circumstances, and/or when it is determined to be in the best interest of the County.)			



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**SECTION III – SOLE SOURCE JUSTIFICATION****1. Provide a description of the type of contract to be established.**

Request to renew County Regional Cooperative Agreement (RCA) with Iron Mountain for Offsite Data Storage and Retrieval Services. Currently RCA is in its 5<sup>th</sup> year and OCIT is requesting to renew the RCA service contract for an additional three years period.

**2. Provide a detailed description of services/commodities and how they will be used within the department. If this is an existing sole source, please provide some history of its origination, Board approvals, etc.**

Iron Mountain services consist of long-term off-site data storage, retention and retrieval services for storage media such as paper documents, tape, cartridges, hard drives, paper documents, CD's, tapeless archive backups, etc. Iron Mountain services also include on-demand pick-up and retrieval services, emergency media storage, holiday services, inventory management, etc. Iron Mountain is also required to maintain measures guaranteeing the confidentiality of all programs and records as required by law. Iron Mountain must also adhere to County requirements for secured facilities. This service is critical for the County's Disaster Preparedness and Continuity Plan. Currently, 11 County departments participate in the County RCA to address their business needs.

On June 23, 2015, County Procurement Office (CPO) released Invitation for Bid (IFB) 017-C005911 for Off-Site Data Storage and Retrieval Services, and only one bid was received. The single bidder took numerous exceptions to County terms and conditions. CPO discussed the situation with CEO Risk Management, County Counsel, and OCIT and the decision was made to cancel the IFB and move forward with a sole source contract with the current contractor, Iron Mountain. The RCA was approved by the Board on 11/17/15 (item #15-001321), 12/5/17 (item #17-001228), 11/20/18 (item #18-001037) and most recently on 11/19/19 (item #19-001024).

**3. Explain why the recommended vendor is the only one capable of providing the required services and/or commodities. How did you determine this to be a sole source and what specific steps did you take? Please list all sources that have been contacted and explain in detail why they cannot fulfill the County's requirements. Include vendor affidavit and/or other documentation which supports your sole source.** On June 23, 2015, CPO released IFB 017-C005911 for Off-Site Data Storage and Retrieval Services, and only one bid was received. The single bidder took numerous exceptions to the County's terms and conditions. CPO discussed the situation with CEO Risk Management, County Counsel, and OCIT and the decision was made to cancel the IFB and move forward with a sole source contract with the current contractor, Iron Mountain Information Management LLC.

Iron Mountain bought many of their competitors such as Bell & Howell Record Management Co, Securities International Inc., Record Masters, Arcus Data Security Inc., British Data Management in the UK, SAC Mexico, Storage S.A. in Argentina, Live Vault Corporation, DigiGuard, Statify Inc., Mimosa System and merged with Pierce Leahy



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Archives in 2000. At the time of the merge, Pierce Leahy was the second largest records management company, making Iron Mountain the only company to provide a full line of record and information management services throughout the Western Hemisphere and in Europe.

Additionally, the cost of moving and migrating all records and tape tracking systems from Iron Mountain to a new contractor would be significant and time consuming. The possible loss of data, tapes, and records while migrating to a new contractor would add a risk to the County that, at this time, would be financially onerous and not practical.

With the County's new Storage Area Network (SAN) and backup solution approved recently by the Board, OCIT is working towards using the SAN solution as an alternative to Iron Mountain.

**4. How does recommended vendor's prices or fees compare to the general market?**

**Attach quotes for comparable services or supplies.**

Based on previous solicitations and proposal submittals, Iron Mountain's prices and fees are comparable to other vendors in the industry.

**5. If the recommended vendor was not available, how would the County accomplish this particular task?**

The County would have to issue an emergency contract to another vendor or provide for the services in-house which would result in a cost of approximately \$722,000 (conservatively) for the first year and on-going costs of \$337,000. This emergency solution would not address the need to be able to retrieve and then house tapes currently in storage at the Iron Mountain facility.

**6. Please provide vendor history – name change, litigation, judgments, aka, etc. for the last 7 years.**

Iron Mountain changed from Iron Mountain, Inc. to Iron Mountain Information Management, LLC in 2012.

Judgment - \$5,104 – Timothy Loux	Unsatisfied
Judgment - \$280 – City of Charleston	Satisfied
Suit - \$4,790 – American Heartland Ins	Dismissed
Suit - \$ TBD – Elizabeth Ward	Pending
Suit - \$TBD - Stone Harlan & Stone Andrew	Pending
Suit - \$TBD - Marshall, Derrick, Lothian, M.D.	Pending
Lien - \$542 – South Carolina Department of Revenue	Open
Lien - \$1,832 – State of Ohio	Open
Lien - \$1,594 – State of Ohio	Open
Suite - Klehr Harrison Harvey Branzburg	Settled
Lien – \$82 - NYC Department of Finance	Open
Lien – \$87 - NYC Department of Finance	Open
Suit – \$TBD – Juan Hernandez	Open



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7. If vendor is a retired, former employee, has the vendor previously been rehired as a contractor within the last three years?       Yes     No

If yes, provide explanation/support for hiring the retired, former employee as a vendor and provide contract dates, scope of work, and total amounts paid under each contract.

8. Explain (in detail) why a request for Solicitation Exemption is needed. *(Only applicable for Solicitation Exemption)*



**Sole Source Request Form**

Sole Source Bidsync #017- C005911 – AP-SS

**SECTION IV – AUTHOR/REQUESTOR**

Signature: <i>Robert J Perkins</i>	Print Name: Robert Perkins	Date: 8/19/2020
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**SECTION V – CEO Human Resource Services APPROVAL** (Review and approval is required when vendor is a Retired, Former Employee.)

Signature:	Print Name:	Date:
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**SECTION VI – DEPUTY PURCHASING AGENT CONCURRENCE**

Signature: <i>Annie Pham</i>	Print Name: Annie Pham	Date: 8/19/2020
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**SECTION VII – DEPARTMENT HEAD APPROVAL**

Signature: <i>Joel Goccus</i>	Print Name: JOEL GOCCUS	Date: 8/19/2020
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**SECTION VIII – COUNTY PROCUREMENT OFFICE**

Prior to execution of a contract, the County Procurement Officer or designee shall approve All Sole Source requests for Commodities that exceed \$250,000, Capitol Assets and services exceeding \$75,000, and All other Sole Source requests that require Board approval despite the amount. Approvals are obtained electronically through the County's online bidding system.

**SOLICITATION EXEMPTION – CEO USE ONLY:**

Board of Supervisor Notification Date:			
Comments:			
CPO: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		CFO: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
CPO Authorized Signature:		CFO Authorized Signature:	
Date:		Date:	

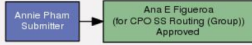


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Release Bid Workflow

Name: Annie Pham  
Phone: 714-567-7409  
Email: [annie.pham@ocit.ocgov.com](mailto:annie.pham@ocit.ocgov.com)  
Status: Submitter Aug 19, 2020 2:23:05 PM PDT



Bid Information

Bid Number:  
[01740059911-AP-SS](#)  
Bid Title:  
OFF-SITE DATA STORAGE & RETRIEVAL

Status

Status:  
Approved

[View Workflow History](#)

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