



Sole Source/ Proprietary Request Form

COUNTY POLICY ON SOLE SOURCE CONTRACTS:

It is the policy of the County of Orange to solicit competitive bids and proposals for its procurement requirements. Sole source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the County's requirements. All sole source purchases requiring Board of Supervisors approval shall be justified as meeting the sole source standard in the Agenda Staff Report. The Agenda Staff Report shall clearly state that it is a sole source procurement. The Sole Source Justification, as described below, shall be attached within the Agenda Staff Report (CPM, Section 4.4)

SECTION I – INSTRUCTION FOR COMPLETING THIS FORM:

- Formal justification is required for sole source procurements when competitive bid guidelines require pricing from competing firms.
- A written justification will be prepared by the department and approved by the department head or designee.
- Prior to execution of a contract, the County Purchasing Agent or designee shall approve ALL sole source requests for commodities that exceed \$250,000 and services exceeding \$50,000 or a two (2) year consecutive term, regardless of the contract amount.
- If vendor is a retired, former Orange County employee, CEO Budget shall approve the sole source request, **regardless of the sole source amount.**
- Board approval is required for all sole source contracts for commodities that exceed \$250,000 and services exceeding \$50,000 or a two (2) year consecutive term, regardless of the contract amount.
- The Deputy Purchasing Agent (DPA) shall retain a copy of the justification as part of the contract file.
- Valid sole source request contain strong technological and/or programmatic justifications.
- Sole source procurements may be approved based upon emergency situations in which there is not adequate time for competitive bidding.
- Sole source requests for Human Service contracts will be guided by the regulations of the funding source.
- Each question in Section III of this form must be answered in detail and signed by the department head with concurrence of the Deputy Purchasing Agent.

SECTION II – DEPARTMENT INFORMATION

Department: HCA/Environmental Health		Date: November 6, 2012			
Vendor Name: Decade Software Company, LLC		Sole Source BidSync Number: 042-605 991 - AF			
Is the above named vendor a retired employee of the County of Orange? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", review and Approval is required from CEO Budget prior to contract execution.					
Amount: \$334,101. ⁰⁰	Contract Term (Dates): 2/1/13 to 1/31/14	Is Agreement Grant Funded? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Funding Source: Electronic Reporting Grant, Program Fees	Percent Funded: 18%, 82%	Proprietary? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of Request: <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Multi-Year <input type="checkbox"/> Amendment <input type="checkbox"/> Increase <input type="checkbox"/> Retired Former Employee					
Board Date: January 8, 2013	ASR Number: 12-001622	If not scheduled to go to the Board explain why? N/A			
Does Contract include Non-Standard Language? If yes, explain in detail. GG. Indemnification, 7.B Termination-Default, and 24. Software License.					
Was Contract Approved by Risk Mgmt? yes			Was Contract Approved by CoCo? Yes		

Were any exceptions taken? If yes, explain in detail.

The indemnification clause limits the contractor's liability.

SECTION III – SOLE SOURCE JUSTIFICATION

1. **Provide a description of the type of contract to be established.** (For example: is the contract a commodity, service, human service, public works, or other – please explain.)

Proprietary software licensing maintenance and support services

2. **Provide a detailed description of services/commodities to be provided by the vendor.** (This information may be obtained from the scope of work prepared by the County and the vendor's proposal that provides a detailed description of the services/supplies). Attach additional sheet if necessary.

Software maintenance and support for EnvisionConnect, EnvisionConnect Portal and Press Agent systems for Health Care Agency/Environmental Health (HCA/EH). The current division-wide electronic data system is a proprietary software system owned and licensed exclusively through Decade Software Company, LLC. This software allows HCA/EH staff members to store and manage all of Environmental Health data in the areas of inspections, violations, permits, invoices, and timekeeping. The system supports wireless, portable field computing for inspections, allows inspection data to be posted on the website, and provides for automated reporting to the State. The system also supports the integration of the EnvisionConnect database, Envision Connect Portal and the Press Agency system used for providing online inspection results. Please see attached Scope of Work for detail information.

3. **Please state why the recommended vendor is the only one capable of providing the required supplies and/or commodities.** Include any back-up information or documentation which supports your recommendation. (Acceptable responses to this question will include strong programmatically/technological information that supports the claim that there is only one vendor that can provide the services and/or commodities). Attach additional sheet if necessary.

EnvisionConnect is a proprietary software data management system currently in use at HCA/EH. There is currently only one known web-based system, EnvisionConnect Portal, that can fully integrate with EnvisionConnect and is provided by Decade Software Company LLC through their subcontractor, E-Compliance. HCA/EH has worked with Decade Software Company LLC and their subcontractor since 2008 to develop a customized Portal that will meet the legislative electronic reporting requirement found in Health and Safety Code Section 25404(e). This mandated internet based portal links our system to fire department agencies, cities and businesses, providing a mechanism to exchange vital information related to hazardous materials. The Portal has also been customized to enhance client/public usage through the development of a system to allow fee payments to be made online by businesses. Other enhancements that have been made over the years include the Certified Unified Program Agency consolidated billing component that was custom built into the extensive accounting module within the system, and the popular enhancement for HCA/EH's public notification module, which allows the public to view restaurant inspection information online, without having to make a public records request. Decade Software Company, LLC has developed a particular expertise through demonstrated past performance, which has been investigated and determined to be satisfactory regarding their support and maintenance of Environmental Health's database system, and HCA/EH would be adversely affected operationally and monetarily by bringing in another vendor who would be required to meet Decade's level of expertise, existing knowledge and involvement in specific database projects. Services

1. Sole Source Justification

contracted pertaining to the upgrade, installation, customization, maintenance, and support can only be obtained through Decade Software Company, LLC.

- 4. Please list any other sources that have been contacted and explain in detail why they cannot fulfill the County's requirements.** *(Responses to this section should include information pertaining to any research that was conducted to establish that the vendor is a sole source. Responses should include information pertaining to discussions with other potential suppliers and why they were no longer being considered by the County). Answers to this section may be provided by the requestor and the Deputy Purchasing Agent as appropriate. Attach additional sheet if necessary.*

EnvisionConnect is only available with Decade Software Company LLC. The EnvisionConnect Portal is available through E-Compliance. E-Compliance has an agreement with Decade Software Company LLC to provide integration with EnvisionConnect. Any other third party access to EnvisionConnect Software is prohibited by Decade Software Company, LLC.

- 5. How does recommended vendor's prices or fees compare to the general market? Attach quotes for comparable services or supplies, if available.** *Attach additional sheet if necessary.*

There are no other vendors who can provide the integration between Decade's proprietary EnvisionConnect, EnvisionConnect Portal, and Press Agency systems that the HCA/EH needs for daily regulatory operations. A solicitation process would be needed to determine the cost of implementing an entirely new customized system that would be able to accomplish everything that is provided by Decade. Los Angeles County Environmental Health has recently gone through the solicitation process and indicated that one-time implementation costs for comparable systems was \$1.6 million dollars. Since Decade and County staff have already customized the EnvisionConnect product to meet the specific needs of HCA/EH, there would be no initial implementation costs associated with this new Decade contract. Los Angeles County Environmental Health has signed a contract with Decade Software Company LLC for the development of their new database system.

- 6. If recommended vendor could not provide the product or service, how would the County accomplish this particular task?** *Attach additional sheet if necessary.*

Currently HCA/EH utilizes EnvisionConnect for issuing regulatory inspections, tracking of daily program activities, generating regulated business invoices, receiving online business forms, and managing of regulatory program information used for developing workloads and fees. If the recommended vendor could not provide the service or product, these critical services will be interrupted and HCA/EH will be forced to return to a paper system which will negatively impact program operations, certification, services and revenues. In the long-run, if this vendor is not allowed to provide this service, HCA/EH would need to transition to an alternative system, which would result in substantial costs. The cost of transitioning to a new system would include one-time costs for setting up a new system and transferring existing information; IT staff resources for up to 6 months for the development of a detailed scope of work and transition plan; program staff time to work on mapping of existing data, tracking issues, testing and training; and the conversion process would have to include concurrent payments toward the two systems to continue with HCA/EH operations while the new system is under development.

- 7. If vendor is a retired, former employee, has the vendor previously been rehired as a working retiree or a contractor within the last three years?** ☐ Yes ☒ No

1. Sole Source Justification

If yes, provide the following information: a) If a working retiree, provide time periods worked, hours worked, and hourly amounts paid. b) If a contractor (regardless of scope of work), provide contract dates, scope of work, and total amounts paid under each contract. Attach additional sheets if necessary.

N/A

8. If the vendor is a retired, former employee, provide explanation/support for hiring the retired, former employee as a vendor instead of a working retiree. Attach additional sheet if necessary.

N/A

SECTION IV – AUTHOR/REQUESTOR

Signature: 	Print Name: Pearl Boelter	Date: November 20, 2012
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SECTION V – CEO BUDGET APPROVAL (Review and approval is required when vendor is a Retired, Former Employee.)

Signature: N/A	Print Name: N/A	Date: N/A
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SECTION VI – DEPUTY PURCHASING AGENT CONCURRENCE

Signature: AF 	Print Name: Nahed Giorgis	Date: 12/20/12
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SECTION VII – DEPARTMENT HEAD APPROVAL

Signature: 	Print Name: Richard Sanchez	Date: November 20, 2012
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SECTION VIII – COUNTY PROCUREMENT OFFICE

County Procurement Office review and approval required when the value of the sole source agreement exceeds \$50,000. Approvals obtained electronically through BidSync.
