



Exhibit A - Sole Source Justification
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:

1. Formal justification is required for sole source procurements when competitive bid guidelines require pricing from competing firms.
2. A written justification will be prepared by the department and approved by the department head or designee.
3. 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.
4. If vendor is a retired, former Orange County employee, CEO Budget shall approve the sole source request, **regardless of the sole source amount.**
5. 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.
6. The Deputy Purchasing Agent (DPA) shall retain a copy of the justification as part of the contract file.
7. Valid sole source request contain strong technological and/or programmatic justifications.
8. Sole source procurements may be approved based upon emergency situations in which there is not adequate time for competitive bidding.
9. Sole source requests for Human Service contracts will be guided by the regulations of the funding source.
10. 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: OC Public Works/OC Watersheds		Date: November 2, 2012	
Vendor Name: HYDROLYNX SYSTEMS, INC.		Sole Source BidSync Number: 080-586702	
Is the above named vendor a retired employee of the County of Orange? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", review and Approval is required from CEO Budget prior to contract execution.			
Amount: \$123,500.00	Contract Term (Dates): five (5) years	Is Agreement Grant Funded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Funding Source: Percent Funded: 400 - Flood 100%
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: 01/15/13	ASR Number: 12-001569	If not scheduled to go to the Board explain why? NA	
Does Contract include Non-Standard Language? If yes, explain in detail. No			
Was Contract Approved by Risk Mgmt? Yes		Was Contract Approved by CoCo? Yes	
Were any exceptions taken? If yes, explain in detail. No			

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.)*

The contract will be for specialist operational support, maintenance, and further development of the HydroLynx's NovaStar 5 operating system software and specialist service of field hardware components of the Automated Local Evaluation in Real Time (ALERT) early flood warning system.

- 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.*

A contract with HydroLynx Systems, Inc. is required to enable the software/hardware manufacturer to provide specialist operational support, maintenance, and further development of the ALERT early flood warning system NovaStar 5 software and field hardware. This support will generally be provided through remote-access to ALERT system servers or through hardware being sent to vendor for repair or replacement. The ALERT operating system software provides operational displays, calibrations and user interface with a hydrologic monitoring network of 130 hydro-meteorological sensors located at 80 field stations in Orange County as well as additional sensors at field stations in adjacent counties. This information is necessary for critical storm operations and public safety, flood control infrastructure design, and environmental compliance monitoring programs.

- 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.*

HydroLynx's NovaStar 5 operating system is one of a very limited number of highly specialist proprietary softwares intended for use by public agencies for hydrologic data collection and flood warning. The OC Flood Control District (District) committed to using this software and related hardware in the mid 1990s and has continued to develop its flood warning system using HydroLynx products. It can only be maintained and developed by this vendor due to its proprietary nature.

- 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.*

The HydroLynx's NovaStar 5 operating system is proprietary software. It can only be maintained by HydroLynx.

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.

Some but not all of the services provided by Hydrolynx are also provided by other vendors at comparable prices. However, some products are exclusive to Hydrolynx.

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

Without access to HydroLynx Systems, Inc. the District will not be able to continue to operate, maintain, and further develop its ALERT early flood warning system. In the short term, the lack of key technical support will mean key rainfall and channel water level information may not be available to storm operations staff during critical weather events. In the long term, there will be inexorable obsolescence of the system and an entirely different system would have to be acquired at considerable cost in order for the District to continue to fulfill fundamental public safety functions and services.

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


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

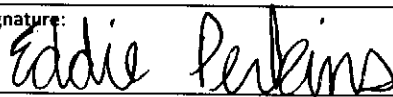
SECTION IV – AUTHOR/REQUESTOR

Signature: 	Print Name: Mary Anne Skorpanich	Date: 11.15.2012
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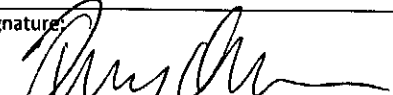
SECTION V – CEO BUDGET APPROVAL (Review and approval is required when vendor is a Retired, Former Employee.)

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

Signature: 	Print Name: Eddie Perkins	Date: 12/5/12
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SECTION VII – DEPARTMENT HEAD APPROVAL

Signature: 	Print Name: Tony Olmos	Date: 11/15/12
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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.
