



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: <div style="text-align: center;">OC Parks</div>		Date: <div style="text-align: center;">10/16/2013</div>	
Vendor Name: <div style="text-align: center;">Environmental Systems Research Institute (ESRI)</div>		Sole Source BidSync Number: <div style="text-align: center;">012-612770-JM</div>	
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: <div style="text-align: center;">75500</div>	Contract Term (Dates): <div style="text-align: center;">3 Years</div>	Is Agreement Grant Funded? <div style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	Funding Source: <div style="text-align: center;">9520/OCCR- GIS Group</div>
		Percent Funded: <div style="text-align: center;">100</div>	Proprietary? <div style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</div>
Type of Request: <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Multi-Year <input type="checkbox"/> Amendment <input type="checkbox"/> Increase <input type="checkbox"/> Retired Former Employee			
Board Date: <div style="text-align: center;">TBD</div>	ASR Number: <div style="text-align: center;">TBD</div>	If not scheduled to go to the Board explain why?	
Does Contract include Non-Standard Language? If yes, explain in detail. <div style="text-align: center;">Yes. Vendor's License Agreement is included</div>			
Was Contract Approved by Risk Mgmt? <div style="text-align: center;">No</div>		Was Contract Approved by CoCo? <div style="text-align: center;">Pending</div>	

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.)*

This will be an annual maintenance contract for GIS software, from Environmental Systems Research Institute (ESRI). It covers almost all software and support ESRI provides for all of OCCR.

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.*

See Appendix A of Enterprise License Agreement Contract Document for included software licensing. Additionally software maintenance and support is included in the agreement for all included ESRI software.

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.*

Environmental Systems Research Institute (ESRI) is the author and sole supplier of these world renowned GIS software products. OC Parks maintains years of mission critical GIS data, projects, models and mapping which were built on the ESRI platform and would be useless without these proprietary software products.

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.*

*No others exist as stated in 1 and 3. ESRI is the sole author and distributor of this software and is only sold by their sales force. All our data has been created and continues to be created and used in the ESRI spatial thematic data design. ESRI is also the only distributor of their products, there are no other vendors which provide ESRI products.

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.*

ESRI is the world leader in the GIS software and the standard for which 90 percent of the world's GIS efforts are based, so they are the market. Our 20 plus years of GIS data and products would be useless until everything was converted to a new data design, and we would not have the functionality which we get from ESRI products.

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

We would be unable to complete the tasks we have set forth without developing our own proprietary software at great expense. Additionally ESRI has developed products and services which would be difficult, if not impossible to replicate. ESRI has been providing these products and services to the County of Orange (Geomatics, Planning, Road, Flood, Watershed IWMD etc,) for over 20 years, and is continually in development and improving their software product.

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: Cameron Smith	Date: 10/16/2013
--	---------------------------	------------------

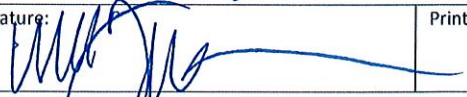
SECTION V – CEO BUDGET APPROVAL (Review and approval is required when vendor is a Retired, Former Employee.)

Signature:	Print Name: N/A	Date: N/A
------------	-----------------	-----------

SECTION VI – DEPUTY PURCHASING AGENT CONCURRENCE

Signature: 	Print Name: Maritza Fajardo	Date: 10/16/2013
---	-----------------------------	------------------

SECTION VII – DEPARTMENT HEAD APPROVAL

Signature: 	Print Name: Mike Brajdic	Date: 10/16/2013
--	--------------------------	------------------

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.
