

City of Killeen
Sole/Single Source Purchase Form

Vendor Name: Superion (SunGard Public Sector)

Vendor Contact: Tony Jakusovas

Phone: 407-304-3193 FAX: 407-304-4227

Check one: ☒ This is a recurring procurement from 07/17 to 06/18 (cannot exceed 1 yr)
(mm/yy) (mm/yy)

OR

☐ This is a one-time procurement for this product or service. (Cost \$ _____)

Purpose: You will complete this form for procurements where the basis for the vendor selection is:

- 1) Only one *specific* supply or service that can reasonably meet your need
- 2) Only one vendor who can reasonably provide that supply or service

You MUST meet BOTH criteria to have a sole-source procurement.

You MUST meet criteria #1 to have a brand name sole source procurement.

Date of Request 06/21/17 Requisition or PO Number: 127236

Requesting Department: Information Technology Services

Contact Name: Mandy Cline

Phone: 501-7707 Fax: _____

E-Mail: mcline@killeentexas.gov

Before a decision can be made to approve a request for Sole Source procurement, the following information is needed. Please provide all of the requested information on this form and submit it to the Purchasing Manager.

Note: A sole source justification cannot be based on price alone. If sole source is approved, your department will be required to make a determination that the price is fair and reasonable. Please submit applicable information on this form.

Note: If additional space is required, use additional sheets of paper and submit with this completed form.

1) NEEDS STATEMENT –

Describe in detail the product and/or service to be procured and how they meet your needs.

SunGard Public Sector is the software of choice by the City of Killeen Finance, Human Resources, Purchasing, and Public Works for municipal operations to execute business processes and services to citizens and employees.

2) FEATURES REQUIREMENTS –

What unique design/performance features does this product/service have that are essential to your requirements? Please provide a brief yet technical explanation as to why these features are essential. Provide the manufacturer and model of your existing equipment. List the major features/capabilities of the product/service that are required:

The maintenance for this software is essential to ensure that the software continues to function properly and efficiently. The maintenance can only be provided by the software company that owns the software – SunGard Public Sector.

3) COMPETING BRANDS INVESTIGATED –

What other suppliers did you contact? Did you consider other products or services with similar capabilities? Indicate the specific brands/models of competitors' products that were investigated and describe why, specifically, they do not meet some, or all, of the FEATURES REQUIREMENTS listed in Item #2. Requestor needs to state that to the best of his/her knowledge, these are the only companies that make this type of equipment. Please list sales representatives and telephone numbers so we may contact these vendors to verify that other products do not meet your needs.

SunGard Public Sector software was purchased by the City in 1998 in a competitive bid process. This software was deemed best value for fully satisfying the municipal requirements for business processing across city departments.

4) BRAND NAME SOLE SOURCE –

Is the specific brand/model of product being recommended for procurement available from more than one source (i.e., dealers, distributors)? () Yes (X) No

If “Yes”, this will be processed as a brand name sole source. Please provide the company names of known sources:

5) CONFLICT OF INTEREST STATEMENT -

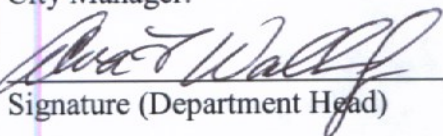
The Department must have the vendor verify that there is no real or potential Conflict of Interest (CIQ) in recommending this product and/or service as a Sole Source procurement. If there is any potential for Conflict of Interest, the vendor is responsible for filling out a CIQ questionnaire.

6) SOLE SOURCE PURCHASE JUSTIFICATION MEMO-

Attach the memorandum from the vendor which addresses the five (5) criteria for justification of a sole source purchase, mentioned above.

Department Approval:

By signing below, the Department is certifying that the information submitted on this form is accurate. The final determination of sole source or brand name sole source will be made by the City Manager.

for 
Signature (Department Head)

6-21-17
Date


FOR PURCHASING DIVISION USE ONLY

RECOMMENDATION:

☒ Sole source approved – purchase as requested.

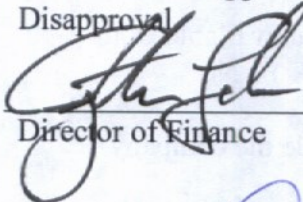
☐ Brand name approved – issue bid on a “no substitutes” basis.

☐ Sole Source not approved – issue bid using performance specifications.


Purchasing Manager

6/29/17
Date

Recommend: Approval or
Disapproval

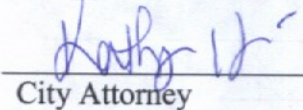


Director of Finance

6/28/17
Date

Comments

Recommend: Approval or
Disapproval

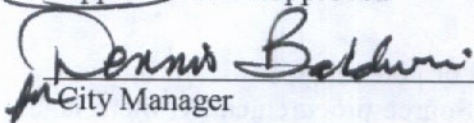


City Attorney

6/30/17
Date

Comments

Approved or Disapproved



City Manager

6/30/17
Date

Comments

Sole/Single Source Justification request

Purpose – The City of Killeen's Purchasing Policy requires that goods or services be procured with the maximum practicable competition. This policy enforces the requirement for competitive sealed bidding for goods and services costing more than \$50,000.00. Sole/single source procurements are exceptions to normal purchasing procedures and are permitted only when the required item or service is available from a single supplier. A requirement for a particular proprietary item does not justify sole source procurement if there is more than one potential supplier for that item. The purpose of this document is to outline responsibilities and procedures under circumstances when there is only one known source of supply capable of providing the goods or services required by the City.

Definitions – Sole source and single source purchases may be segregated in definition and use. The common thread is that a justification to procure from a sole or single source cannot be solely based on quality or price; "quality" can be a subjective evaluation and "pricing" subject to the level of competition. "Sole Source" applies where it can be substantiated that a requirement involves a commodity or service provided by only one vendor or contractor which has exclusive rights (patents, copyrights, proprietary interest or secret processes) to the manufacturing of the product or service. Sole Source requirements will withstand the questions of (1) is the commodity or service is the only of its kind which can fully satisfy the requirement, and (2) the commodity is available from one, and only one, source. In this context, "sole" means "the only one." "Single Source" applies where it can be substantiated that a commodity or service can be obtained only from one vendor or contractor which often is the "single" representative of the manufacturer or principle company. "Single Source" purchases frequently involve a vendor or contractor whose product or service is discernibly distinguishable from all others in the market and singularly meets all significant elements of the City's requirement. In this context, "single" means, "the one among others." "Brand Name" specifically does not necessarily equate to a "Sole Source" nor a "Single Source" purchase. "Brand Name" requirements may not satisfy the criteria of either "Sole Source" or "Single Source" practices as several vendors or contractors may be able to provide the product or service and, therefore, the requirement can be competitively awarded. Purchasing specifications, in this instance, will provide for "Brand Name or Equal" specification, which identify the salient features of the requirement in a non-restrictive manner.

Request for Exception – Both "Sole Source" and "Single Source" purchases will be able to withstand the scrutiny of the test of 'no alternatives' by the City Manager. As such, the submittal of such a request and its documentation represents a good faith certification on behalf of the requesting department that the requirements have been met.

The determination as to whether to accept and act upon a "Sole Source" or "Single Source" request relies on the reasonableness of the request and the clear demonstration that the department has completed a comprehensive market survey where the investigation, evaluation and documentation of alternative sources and products or services leaves no doubt as to the course which the department has elected in the purchase. Key to this research is the use of specifications which only state the salient aspects of the requirement and can provide for the purchase of the minimally acceptable quality necessary to perform a given task.

Documentation of Sole Source Purchase Requests – When sole/single source purchases are requested, the fact that a sole source situation exists will need to be documented. The Sole Source

Purchasing packet will be submitted by the Dept/Div head along with a memorandum from the vendor to Purchasing. The written memorandum accompanying the Sole Source Purchasing form will include the following:

1. A statement of fact they are the sole proprietary manufacturer of said equipment.
2. A description of the technical performance characteristics of the goods or services including a description of the unique properties of the goods or services specified. Explain why this is the only product or service that can meet the needs of the City.
3. A brief description of the intended use of the goods or services specified, establishing a requirement for the unique properties identified.
4. Explain why they are the sole practicable available source from which to obtain this product or service.
5. Explain why their price is considered reasonable.

Responsibilities and Review Procedures - When the Sole Source Purchasing form and Justification memo are received, they will be reviewed by the Purchasing Manager, Exec Dir. Of Support Services, Assistant City Manager, Internal/External services, Finance Director, and City Attorney before going to the City Manager for final approval. The Purchasing Division will notify the requesting Department of the City Manager's decision. If the sole source justification is approved, Purchasing will return the original document to the Department and a requisition can be entered in SunGard.

Sole/Single Source Justifications

There are several reasons why a purchase may be possible or more practical from only one vendor.

- A. There is no competitive product. The item/service is a one-of-a-kind or patented product, such as computer hardware/software purchases/upgrades, which are available from only one-source.
- B. The product is only available from a regulated or natural monopoly. For example: utilities, gravel from the only pit in the area, etc.
- C. The product is a component of an existing system that is only available from one supplier.
- D. The vendor has already exercised a sale with the City and is the only one allowed to perform maintenance upgrades.



June 21, 2017

IT Department
City of Killeen
P.O. Box 1329
Killeen, TX 76540

To whom it may concern,

This letter is intended to reflect that the NaviLine brand Software applications are proprietary software and services solely provided by Superior, LLC. Further, Superior, LLC is the sole provider in training, modification, and miscellaneous support of these applications. Superior, LLC is the sole owner, provider, developer and supporter of the NaviLine brand software and has full power and authority to grant the rights to license it without the consent of any other person or entity.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

DocuSigned by:
Darian Sweat
99593B14A449425...

Darian Sweat
Contracts Specialist