

**AI-48732**

**Purchasing Department 24. I. 1.**

**CC - REGULAR**

Meeting Date: 03/17/2015

Submitted For: Marty Salazar,  
PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION

- A. Requesting exemption from competitive procurement requirements pursuant to Texas Local Government Code, 262.024(a)(7)(A); items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
- B. Approval of a "Sole Source Declaration" for Mobile Lactation Consultant, DBA, Daly Enterprises, Inc. for the purchase, and access of database and software sold and distributed exclusively by Daly Enterprises Inc. and other related, present and future services to be used by Hidalgo County WIC Program and Other Applicable County Departments/Agencies (to include all funding sources) with said declaration to remain in effect while access authorization is in place or until revoked by HCCC;

BACKGROUND

Fiscal Impact

FISCAL YEAR: 2015

ACCT. #: 5-1292-441-00-350-001-5-532

FUNDS AVAILABLE Y/N?: y

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Amount available for requisition# 264627 as of 3-13-15 \$1,188.00 for Daly Enterprises.

Attachments

- [Sole Source Letter](#)
- [Sole Source Backup](#)
- [Requisition](#)
- [Purchasing Memo \(SS\)](#)

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Purchasing - Internal	Marty Salazar	03/12/2015 03:21 PM
Budget & Management	dtamez	03/12/2015 03:53 PM
Auditor's Office	Monica Salinas	03/13/2015 05:28 PM
Form Started By: Ivela		Started On: 03/04/2015 09:36 AM
Final Approval Date: 03/13/2015		



PURCHASING DEPARTMENT  
County Of Hidalgo

**MEMORANDUM**

**“SOLE SOURCE DECLARATION”**

To: Hidalgo County Commissioners Court

From: Martha L. Salazar  
Hidalgo County Purchasing Agent *mls*

Date: March 17, 2015

Re: “Sole Source Declaration” – Daly Enterprises, Inc.

Hidalgo County WIC Program requires a Mobile Lactation Consultant Application to maintain and manage records, reporting and other business tools in the administration of the lactation program. WIC requires that the data be secure as well as meet HIPPA compliance cloud-based storage. It also needs a client portal for the convenience of the WIC clientele and participants.

Daly Enterprises, Inc. maintains all copyright privileges and may only be purchased from Daly. There are no third parties authorized to sell these products. The Hidalgo County WIC Program must purchase this Mobile Lactation Consultant Application software from Daly Enterprises, Inc.

Therefore, Hidalgo County declares Daly Enterprises, Inc. as the Sole Source for the acquisition of software for the administration of the Lactation Services provided by the WIC Program.

This authority to purchase products to maintain and administer the Hidalgo County WIC Program from Daly Enterprises, Inc. will remain in effect unless otherwise



# MOBILE Lactation CONSULTANT

Daly Enterprises, Inc  
1406 Summer Breeze Court  
Keller, TX 76262  
214-783-6303  
817-753-2711 fax

November 5, 2014

To whom it may concern:

This letter has been written to confirm that the Mobile Lactation Consultant app is a sole source product. The database and software is manufactured, sold and distributed exclusively by Daly Enterprises, Inc.

**Daly Enterprises, Inc maintains all copyright privileges for their products and these products must be purchased directly from the company. There are no agents or dealers authorized to represent these products and no division of Daly Enterprises, Inc has any right of sub-license to make a similar or competing product.**

Mobile Lactation Consultant is designed to provide electronic records management, reporting and business and process management tools for Lactation Consultants. It operates as an app on the iPad and iPhone. All data is synchronized through the secure HIPPA compliant cloud-based storage and a client portal is also available for new clients to enter in their information.

**Daly Enterprises, Inc warrants that no other items or products are available for purchase that would serve the same purpose or function and there is only one price for the above-named product because of exclusive distribution and marketing rights.**

If you desire additional information, please contact me at the number above, or by e-mail, [mobilelactationsupport@mobilelactationconsultant.com](mailto:mobilelactationsupport@mobilelactationconsultant.com)

Sincerely,

A handwritten signature in black ink that reads "Michael Daly". The signature is written in a cursive, flowing style.

Michael Daly  
President-Daly Enterprises, Inc

Sec. 262.024. DISCRETIONARY EXEMPTIONS. (a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption:

(1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;

(2) an item necessary to preserve or protect the public health or safety of the residents of the county;

(3) an item necessary because of unforeseen damage to public property;

(4) a personal or professional service;

(5) any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection for more than 20 working days in any three month period;

(6) any land or right-of-way;

(7) an item that can be obtained from only one source, including:

(A) items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;

(B) films, manuscripts, or books;

(C) electric power, gas, water, and other utility services; and

(D) captive replacement parts or components for equipment;

(8) an item of food;

(9) personal property sold:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or

(C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government;

(10) any work performed under a contract for community

**Requisition  
W.I.C. PROGRAM**

Req # 00264627

PO #

Date: 10/01/14

Bill To: x  
x

Vendor : 427519  
DALY ENTERPRISES, INC.  
1406 SUMMER BREEZE COURT  
KELLER TX 76262

Ship To: W.I.C. PROGRAM  
3105 W. UNIVERSITY DR  
EDINBURG TX 78539

Contact: mgonzalez  
956-381-4646

Contract No:

Special Instructions:

QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
12.00	EACH	AS PER MR. ALVARADO OBJ. 532,10/1//14 DO NOT DUPLICATE ORDER MOBILE LACTATION GRADE PLAN FOR 1 YR. 100 CLIEMTS PER MONTH	99.00	1,188.00
		Account No _____	Encumbrance	
		4-1292-441-00-350-001-5-532	1,188.00	
			Freight	.00
			Total	1,188.00
		REPORT ROAD HAZARDS 1-866-HCR-SAFE OR 1-866-427-7233		

Authorized By: \_\_\_\_\_