



Max Bricka, CPSM
PURCHASING AGENT / DIRECTOR

1/13/16

Williamson County Commissioners Court

Re: Sole Source recommendation for Tyler Technologies—Orion Product Suite

Dear County Judge and Commissioners,

Recently our county Technology Services department made a request for qualifying the **sole source purchase of software, licensing, maintenance and support from Tyler Technologies**. Tyler Technologies provides Williamson County the Orion product suite which is used by the Tax Assessor's Office for collections, public access for collection and mortgage company / electronic file interface.

After reviewing all documentation requested and provided by ITS, **I recommend qualifying this request as a sole source purchase per Texas Local Government Code sections 262.003 (a) and 262.024 (a) (7).**

The process has included the following:

- A signed Sole Source Justification Request submitted by Otis Coufal
- A letter of justification from the supplier, establishing why they their product / service is only available from their company
- A notarized Sole Source Affidavit completed by the supplier
- A signed letter of recommendation from Jay Schade, Director of Technology Services
- An invoice from the supplier in the amount of \$43,654.00 for continuation of software and services for FY 2016.

If you have any questions or concerns, please contact me at any time.

Sincerely,

Max Bricka
Williamson County
Purchasing Agent / Director



Williamson County Purchasing Department
901 South Austin Ave.
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
purchase@wilco.org

Sole Source Justification Request

This request is for a:

Sole Source Item (goods or services are available from ONLY this supplier due to a unique capability, patent, copyright, secret process, or capability to meet the requirements of the solicitation)

This Sole Source justification requires additional documentation and requirements as listed below. **One of these steps may require placing a public notice in BidSync for 14 days, in order to allow any possible competitors to come forward with equivalent goods or services.** This step will be completed by the Purchasing Team that supports your office or county department after all required documents have been submitted. In addition, all sole source justifications must be approved in Commissioners Court.

Required Documentation that must accompany this request before this purchase can be considered (any missing documentation will result in delays). *Check all included documents:*

- ☒ This request form completed and signed
- ☒ A written quote from the supplier, listing the goods, services and pricing
- ☒ Letter of justification from the supplier (on company letterhead and signed by an authorized representative) establishing why they are the only Sole Source provider of the service or item
- ☒ Notarized Sole source affidavit completed by the supplier
- ☒ Signed letter of recommendation from the Elected Official or County Department Head

Requestor Name and County Office / Department: Otis Coufal Information Technologies

Requestor Title: Director of Administrative Services IT Requestor Phone Number: 512-943-1464

Requested Sole Source Supplier:

Company Name: Tyler Technologies

Contact Name: Mark Hublall

Address 5101 Tennyson Parkway

City: Plano State: Texas Zip Code: 75024

Phone Number: 800-431-5776

Email Address: _____

Website: _____

Is the recommended supplier the manufacturer? ☒ Yes ☐ No

Does the manufacturer sell the item(s) through distributors? ☐ Yes ☒ No

Description of the Product or Service: (if additional space is needed, include a separate page) *Describe the full scope of work, including Installation if required, items should include brand, model and part number if applicable.*

Software maintenance and support for the Tyler Technologies Orion Tax Collections and Mortgage Company Electronic File Interfaces.

Schedule: Identify the date items are needed to be delivered, or month work is to be performed. Please be specific and do not use "ASAP".

October 1, 2015 thru September 30, 2016

Estimated Cost: \$44,000.00

SOLE SOURCE RATIONALE

Complete the following checklist:

The requested supplier is the only source of required item(s) or service(s) because:

Check all that apply:

- ☒ The required item or service is proprietary to the supplier
- ☐ The recommended supplier holds the patent on the requested item(s)
- ☒ The recommended supplier is the only supplier capable of performing the requested service
- ☐ A specific item is needed
- ☐ To be compatible or interchangeable with existing hardware
- ☐ As a spare or replacement hardware
- ☐ For the repair or modification of existing hardware
- ☐ For technical evaluation or testing
- ☒ Have there been any prior attempts to obtain competitive bids or proposals for the items or services that failed?

If so, please list and describe such attempts:

No, because we have used this software since 1989. At the time we purchased the original licenses for this software it was under the company called The Software Group. Then Tyler Technology bought the company and changed the name of the Tax software to Orion. This is a proprietary software that is owned by Tyler Technologies and they are the supporters of this product.

- ☒ There is a substantial risk in selecting another product or service provider.

If so, please describe:

With the software being proprietary to Tyler Technologies no other company would have access to the source code nor the knowledge and expertise in supporting this product.

- ☒ It is not possible to obtain competitive bids for consideration.

If so, why:

No other company has the source code to this software and it is proprietary to Tyler Technologies.

☒ Are there any other companies who can provide the services or needed items?

If so, please list and provide explanation of why they were unable to meet the requirements:

No, because it is proprietary to Tyler Technologies.

☒ List any other sources, suppliers, products or service providers that you reviewed in your selection process:

I did not review any other sources because no other source has the source code for this proprietary software.

☒ List all research methods that you reviewed in your selection process (i.e.: specific Internet searches, trade publications, references, etc.):

Not any because this software is proprietary to Tyler Technologies.

ACKNOWLEDGEMENT

☒ I affirm and acknowledge Williamson County's requirements, justification and criteria for Sole Source purchases. I have gathered the required technical information, provided all required documentation, have made a concerted effort to review comparable / equal equipment or services to the best of my ability, and further affirm that there is no conflict of interest in my recommendation of the selected item(s), service(s) or supplier.

☒ I also acknowledge and understand that I may be subject to criminal prosecution for the willful falsification of information in this document. I, by the act of signing or typing my name below, hereby certify under penalty of perjury, under the laws of the State of Texas, the foregoing is true and correct.

Date: December 22, 2015

Signature: Otis Coufal

** By typing your name, this is equivalent to a legal signature*

NOTE: After a passage of time, an item or service may no longer qualify as a sole source purchase due to other similar items or services becoming available from other suppliers. Thus, all prior sole source determinations must be reapproved by the Williamson County Purchasing Department following completion of a Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders.



One Tyler Way
Moraine, Ohio 45439

P: 800.800.2581
F: 937.275.3711

www.tyler.com

January 8, 2016

To Whom It May Concern:

This letter serves to notify that the Tyler Orion product suite is a sole source product sold exclusively by Tyler Technologies, Inc. (Tyler).

This product is proprietary to Tyler. All software licensing, maintenance and support of this product is handled by Tyler.

Tyler Orion software products and services provided by Tyler to Williamson County include:

- Collections
- Public Access for Collections
- Mortgage Company/Electronic File Interface

Please contact Gus Tenhundfeld at Gus.Tenhundfeld@tylertech.com or 800.800.2581 ext.1924 if you have any questions about the information above.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Brown", with a stylized flourish at the end.

K. Mark Brown
Assistant Secretary



Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
purchase@wilco.org

NOTARIZED SOLE-SOURCE PURCHASE AFFIDAVIT

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS THAT:

Before me, the undersigned authority duly authorized to take acknowledgments and administer oaths, on this day personally appeared K. Mark Brown, who after being duly sworn on oath stated the following:

My name is K. Mark Brown. My title is Assistant Secretary.

I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply to the purchase of an item that can be obtained from only one source. See, Texas Local Government Code section 262.003.

Sole-source items include:

Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies, films, manuscripts, or books, electric power, gas, water, and other utility services, and captive replacement parts or components for equipment.

I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: Tyler Orion.
I am the sole-source supplier of this item because: Tyler Orion is proprietary software owned by Tyler Technologies, Inc.. I agree that if I ever cease being the sole-source supplier of this item, I shall immediately make a full disclosure in writing to the Williamson County Purchasing Department of all relevant facts and circumstances.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit on the 8th day of January, 2016.

[Signature]
[Signature]

K. Mark Brown, Assistant Secretary
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on 1-8, 2016, by
PENNY L WILLIS
[Printed Name]

[Signature] Notary Public
State of OHIO
My Commission Expires June 13, 2016



Technology Services

January 11, 2016

From: Jay Schade, Sr Director
Williamson County Technology Services

To: Max Bricka
Purchasing Agent / Director
Williamson County Purchasing

Subject: Single / Sole Source Justification Letter

I recommend that we identify Tyler Technologies as the sole source provider for all software licensing, maintenance and support of the Orion product suite. The Orion product is proprietary and only offered by Tyler.

Per Tyler, "the Tyler Orion product suite is a sole source product sold exclusively by Tyler Technologies, Inc. (Tyler). This product is proprietary to Tyler. All software licensing, maintenance and support of this product is handled by Tyler."

Please let me know if you have any questions.

Thank you.

A handwritten signature in blue ink, appearing to read 'J. Schade', written over a horizontal line.

Jay Schade, Sr Director
Williamson County Technology Services

WILLIAMSON COUNTY

512.943.1460 Fax 512.943.1488
301 SE Inner Loop, Suite 105
Georgetown, Texas 78626



Remittance:
Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203551
Dallas, TX 75320-3551

Invoice

Invoice No	Date	Page
060-4472	12/09/2015	1 of 1

Empowering people who serve the public™

Questions:

Tyler Technologies -
Phone: 1-800-772-2260 Press 2
Fax: 1-866-673-3274
Email: ar@tylertech.com



Bill To: Williamson County Tax Office
904 South Main
GEORGETOWN, TX 78626

Ship To: Williamson County Tax Office
904 South Main
GEORGETOWN, TX 78626

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
48898			USD	NET30	01/08/2016

Date	Description	Units	Rate	Extended Price
	Collections	1	38,918.00	38,918.00
	Public Access for Collections	1	1,844.00	1,844.00
	Mortgage Company/Electronic File Interface	1	2,892.00	2,892.00

Orion

Comments: Project No 108830 - Orion Client Support & Software Update Services for the period of 01/01/16 - 12/31/16

****ATTENTION****

Order your checks and forms from
Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
100% compliance with your software.

Subtotal	43,654.00
Sales Tax	0.00
Invoice Total	43,654.00