



Max Bricka, CPSM
PURCHASING AGENT / DIRECTOR

3/16/16

Williamson County Commissioners Court

Re: Sole Source recommendation for Nemo-Q Inc.

Dear County Judge and Commissioners,

Recently our county Tax Office made a request for qualifying the **sole source purchase of warranty and maintenance from Nemo-Q Inc.** These purchases will allow all four Williamson County Tax Offices to maintain the hardware and software for their customer queuing systems, which were purchased several years ago.

After reviewing all documentation requested and provided to me, **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
- A letter of justification from the supplier, establishing why their product / service is only available from their company
- A notarized Sole Source Affidavit completed by the supplier
- A signed letter of recommendation from Deborah Hunt, Williamson County Tax Assessor
- 2 quotes for FY2016 totaling \$23,564.18
- 1 quote for FY2017 totaling \$26,830.59

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: Deborah M Hunt/ Tax Assessor-Collector

Requestor Title: Tax Assessor/Collector

Requestor Phone Number: 512-943-1954

Requested Sole Source Supplier:

Company Name: Nemo-Q

Contact Name: Michael Bruner

Address: 4023 W University Dr, Building B

City: McKinney

State: TX

Zip Code: 75071

Phone Number: 972-347-1766

Email Address: mbruner@nemo-q.com

Website: nemo-q.com

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.

Request is to sole source the Nemo-Q company for warranty and maintenance contracts of existing hardware and software for a queuing product that we purchased from them and installed in all 4 of our offices. Please find attached the contracts.

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".

Initial product has already been delivered. This request is for the warranty and maintenance of proprietary software and hardware.

Estimated Cost:

\$23,563 MB

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:

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

If so, please describe:

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

If so, why:

The product that is being service by the contracts is proprietary.

☒ 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:

The product is proprietary to Nemo-Q.

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

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

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: 1/25/2016

Signature: Deborah M Hunt

** 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.



NEMO-Q

4023 West University Drive, Building B
McKinney, TX 75071
972-347-1766 phone
972-347-1768 fax
www.nemo-q.com

February 22, 2016

To whom it may concern,

This letter certifies that NEMO-Q, Inc., located in McKinney Texas, is the only entity in the United States and Canada authorized to sell, distribute, service and or warranty NEMO-Q proprietary software, hardware and printer paper.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Berg', is written over a light blue horizontal line.

Michael Berg
President



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 Lindy Manuel, who after being duly sworn on oath stated the following:

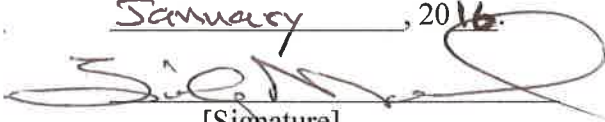
My name is LINDY MANUEL. My title is DIRECTOR of OPERATIONS. I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply 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.

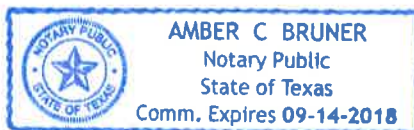
I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: NemoQ Queuing Systems. I am the sole-source supplier of this item because: The software provided in our system is a proprietary product. 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.

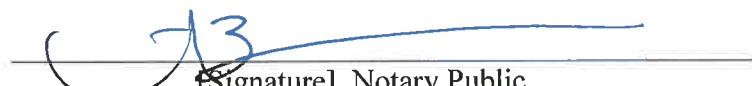
IN WITNESS WHEREOF, the undersigned has executed this Affidavit on the 20 day of January, 2016.


[Signature]

LINDY MANUEL - DIRECTOR of OPERATIONS
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on January 20, 2016, by Amber Bruner.
[Printed Name]




[Signature] Notary Public
State of Texas
My Commission expires on 9/14/18

February 22, 2016



Deborah M Hunt, C T A
Tax Assessor Collector

To Whom It May Concern,

I am recommending and requesting that Nemo-Q be given Sole Source status for the purpose of providing hardware and software maintenance on the product that we purchased from them several years ago.

Regards,

A handwritten signature in cursive script that reads 'Deborah M. Hunt'.

Deborah M Hunt, PCC, CTA
Williamson County Tax Assessor/Collector
904 South Main Street
Georgetown, TX 78626
512-943-1641
lgaddes@wilco.org

WILLIAMSON COUNTY

Main Office and Mailing Address:

904 South Main Street
Georgetown, Texas 78626
Phone: (512) 943-1601
Fax: (512) 943-3578
www.williamson-county.org

Annex Locations:

211 Commerce Blvd., Ste. 100
Round Rock, Texas 78664
Phone: (512) 243-3278
Fax: (512) 243-3293

2500 Business Blvd., Ste. 500
Cedar Park, Texas 78613
Phone: (512) 240-4200
Fax: (512) 240-4205

412 Avenue 58, Ste. 5
Taylor, Texas 76774
Phone: (512) 357-4440
Fax: (512) 357-4445

NEMO-Q, Inc.

4023 W University Dr., Bldg B
Mckinney, TX 75071
972-347-1766

Quote

Date	Quote #
12/28/2015	201

Williamson County Tax Collector
Accounts Payable
904 S Main St
Georgetown, TX 78626

Project

Item	Description	Qty	Rate	Total
Extended Warranty	Warranty / Maintenance Agreement - Hardware Cedar Park 2/12/2016 - 9/30/2016	1	752.78	752.78
Extended Warranty	Warranty / Maintenance Agreement - Software Cedar Park 2/12/2016 - 9/30/2016	1	354.25	354.25
99080	Appointments + Set Up Fee Cedar Park 1/1/2016 - 9/30/2016	1	3,200.00	3,200.00
Extended Warranty	Warranty / Maintenance Agreement - Hardware Georgetown 5/3/2016 - 9/30/2016	1	661.97	661.97
Extended Warranty	Warranty / Maintenance Agreement - Software Georgetown 5/3/2016 - 9/30/2016	1	311.52	311.52
99080	Appointments + Set Up Fee Georgetown 1/1/2016 - 9/30/2016	1	7,823.00	7,823.00
Extended Warranty	Warranty / Maintenance Agreement - Hardware Round Rock 5/15/2016 - 9/30/2016	1	572.83	572.83
Extended Warranty	Warranty / Maintenance Agreement - Software Round Rock 5/15/2016 - 9/30/2016	1	269.57	269.57
99080	Appointments + Set Up Fee Round Rock 1/1/2016 - 9/30/2016	1	3,200.00	3,200.00
Extended Warranty	Warranty / Maintenance Agreement - Hardware Taylor 8/15/2016 - 9/30/2016	1	100.42	100.42
Extended Warranty	Warranty / Maintenance Agreement - Software Taylor 8/15/2016 - 9/30/2016	1	47.25	47.25
99080	Appointments + Set Up Fee Taylor 1/1/2016 - 9/30/2016	1	3,200.00	3,200.00
Total				\$20,493.59

Quote

4023 W University Dr., Bldg B
Mckinney, TX 75071
972-347-1766

Date	Quote #
12/28/2015	201

Williamson County Tax Collector
Accounts Payable
904 S Main St
Georgetown, TX 78626

Project

[illegible]

From: Lindy Manuel [mailto:lmanuel@nemo-q.com]
Sent: Wednesday, March 16, 2016 2:48 PM
To: Judy Kocian <jkocian@wilco.org>
Subject: WilCo fiscal 2017 Nemo-Q Licensing and Support fees

Judy,

Here are the figures as we discussed earlier today. These figures are good for your fiscal 2017.

We always try to keep annual increased to an absolute minimum so for further out budget projections (FY 2018) we anticipate a 1% to maximum of 4% annual increase.

Fiscal 2017, IVQ 10-1-16 through 9-30-17	Combined Fiscal Year Totals	Fiscal Year Totals	Monthly Totals	Wait Anywhere / Month	Call Ahead Queuing / Month	Annual Maintenance - Total	Annual Maintenance - Software	Annual Maintenance - Hardware
Georgetown	\$9,853.49	\$8,880.00	\$740.00	\$540.00	\$200.00	\$973.49	\$311.52	\$661.97
Round Rock	\$8,522.40	\$7,680.00	\$640.00	\$540.00	\$100.00	\$842.40	\$269.57	\$572.83
Cedar Park	\$4,707.03	\$3,600.00	\$300.00	\$200.00	\$100.00	\$1,107.03	\$354.25	\$752.78
Taylor	\$3,747.67	\$3,600.00	\$300.00	\$200.00	\$100.00	\$147.67	\$47.25	\$100.42
TOTALS	\$26,830.59	\$23,760.00	\$1,980.00	\$1,480.00	\$500.00	\$3,070.59	\$982.59	\$2,088.00

Wait AnyWhere and Call Ahead Queuing include:

1. All texting costs
2. All telecom trunking costs
3. Software License Fees
4. Software Support for the IVQ Solution
5. Data Center Hosting Fees for IVQ Servers
6. Data Center Usage Fees for IVQ Application

Let me know if we can be of further assistance. Thank you for everything.

Cheers,

Lindy



Service: 469-712-6400
support@nemo-q.com