

Purchasing Department

01/31/17

Williamson County Commissioners Court

Re: Sole Source recommendation for Nemo-Q Customer Queuing

Dear County Judge and Commissioners,

Recently the Williamson County Tax Office made a request for qualifying the **sole source purchase of Warranty and Maintenance on existing hardware and software for the customer queuing that includes Wait/Anywhere/Call Ahead Feature. These services are supplied only by Nemo-Q Queuing Systems the owner, and the only provider of this product and service.**

After reviewing all documentation requested and submitted, **I recommend qualifying this request as a sole source purchase and exempting these goods from competitive bidding requirements per Texas Local Government Code sections 262.003 (a) and 262.024 (a) (7),**

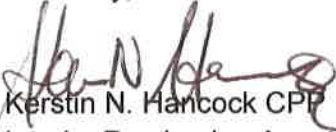
The process has included the following:

- Public posting of an RFI in BidSync for 14 days, with one (0) response received from another competitor.
- A signed Sole Source Justification Request from Larry Gaddes, Tax Assessor/Collector
- A signed 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 Larry Gaddes, Tax Assessor/Collector
- A price quote of requested items / services

**The term of this Sole Source exemption will be effective for 36 months from the date of approval.**

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

Sincerely,



Kerstin N. Hancock CPP  
Interim Purchasing Agent

Welcome [sydney.richardson@wilco.org](mailto:sydney.richardson@wilco.org) | [Logout](#)Need assistance?  
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Bid #SOS-1706 - Intent To Deem Nemo-Q As The Sole Source For Their Customer Queuing System

<b>Time Left</b>	closed	<b># of offers</b>	0
<b>Bid Started</b>	Jan 4, 2017 8:47:29 AM CST	<b>Notifications</b>	<a href="#">Report</a> <a href="#">(Bidder Activity)</a>
<b>Bld Ended</b>	This bid closed on Jan 18, 2017 3:00:00 PM CST	<b># of suppliers viewed</b>	22 <a href="#">(View)</a>
<b>Agency Information</b>	Williamson County, Texas, TX <a href="#">(view agency's bids)</a>	<b>Q &amp; A</b>	<a href="#">Questions &amp; Answers</a> Questions: 1
<b>Department</b>	Purchasing <a href="#">(view department's bids)</a>		
<b>Bid Classifications</b>	<a href="#">Classification Codes</a>		
<b>Bld Regions</b>	<a href="#">Regions</a>		
<b>Bld Contact</b>	<a href="#">see contact information</a>		
<b>Delivery Location</b>	One or more of the following locations  Williamson County, Texas <a href="#">No Location Specified</a>		
	<b>Qty</b> 1		
	<b>Expected Expenditure</b> n/a		
<b>View Rules</b>	Click here to <a href="#">change</a> the rules for this bid.		
<b>Best and Final Offer:</b>	<a href="#">Create</a>		

**Approval**

**View Approval Flow** [View Approval Flow](#)

**Approval Status** Approved

**Description**

<b>Bld Number</b>	SOS-1706
<b>Title</b>	Please attach any supporting documentation to this line.
<b>Contract Duration</b>	3 years
<b>Contract Renewal</b>	1 annual renewal
<b>Prices Good for</b>	30 days
<b>Budgeted Amount</b>	\$0.00 <a href="#">(change)</a>
<b>Bld Comments</b>	Williamson County, Texas intends to award a sole-source contract with Nemo-Q, Inc. for the following item(s): warranty and maintenance on existing hardware and software for customer queuing that includes <i>Wait Anywhere/Call Ahead</i> feature.  <b>THIS IS NOT A REQUEST FOR COMPETITIVE PROPOSALS AND A SOLICITATION WILL NOT BE ISSUED.</b> Interested parties must show clear and compelling evidence of competitive equivalency in order for alternative goods or services to be considered. Williamson County will review any information collected through this RFI to determine if offers of any equivalent goods or services meet the needs of the County. If it is concluded that additional suppliers of equivalent goods or services do exist, then a formal solicitation may follow.  If no affirmative responses are received by 03:00 PM on Wednesday, January 18, 2017, showing clear and compelling evidence of competitive equivalency to the items described herein, an award will be made without further notice. Oral communications are not acceptable in response to this notice.
<b>Description</b>	Please attach any supporting documentation to this line.

**Documents**[Select All](#) | [Select None](#) | [Download Selected](#)
☐ 1. [Conflict of Interest Form - Local Gov.](#) [\[download\]](#)

= Included in Bid Packet
 = Excluded from Bid Packet

[Product Feedback](#)

January 23, 2017



Larry Gaddes PCAC, CTA  
Tax Assessor/Collector

To Whom It May Concern,

I am recommending and request 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 black ink, appearing to read 'L. Gaddes', is written over the printed name.

Larry Gaddes PCAC, CTA  
Williamson County Tax Assessor/Collector

LG; jak

Main Office and Mailing Address:

904 South Main Street  
Georgetown, Texas 78626  
Motor Vehicle Telephone: 512.943.1602  
Property Tax Telephone: 512.943.1603  
[www.wilco.org/tax](http://www.wilco.org/tax)

Annex Locations:

1801 E. Old Settler's Blvd., Ste 115	350 Discovery Blvd., Ste. 101	412 Vance St., Ste. 1
Round Rock, Texas 78664	Cedar Park, Texas 78613	Taylor, Texas 76574
Telephone: 512.244.8644	Telephone: 512.260.4290	Telephone: 512.352.4140



Williamson County Purchasing Department  
901 South Austin Ave.  
Georgetown, Texas 78626  
(512) 943-3553  
[www.wilco.org/purchasing](http://www.wilco.org/purchasing)  
[purchase@wilco.org](mailto: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: Larry Gaddes, Williamson County 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 P O Box 6090

City: McKinney

State: TX

Zip Code: 75071

Phone Number: 972-347-1766

Email Address: mbruner@nemo-q.com

Website: www.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 four of our offices. This includes the Wait Anywhere/Call ahead feature.

**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 been delivered and in use. This is for the warranty and maintenance of proprietary hardware and software.

Estimated Cost: \_\_\_\_\_

**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 products that is being serviced 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: 12/15/2016

Signature: Larry Gaddes

*\* 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.**



Williamson County Purchasing Department  
901 South Austin Avenue  
Georgetown, Texas 78626  
(512) 943-3553  
[www.wilco.org/purchasing](http://www.wilco.org/purchasing)  
[purchase@wilco.org](mailto: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 Michael Berg, who after being duly sworn on oath stated the following:

My name is Michael Berg. My title is President.

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.

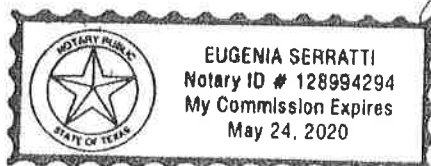
I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: NEMO-Q Queuing Systems. I am the sole-source supplier of this item because: The software provided in our system is a proprietary product. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature]  
[Signature]

Michael Berg, President  
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on December 14<sup>th</sup>, 2016, by MICHAEL BERG.  
[Printed Name]



[Signature] Notary Public

State of TEXAS  
My Commission expires on May 24, 2020

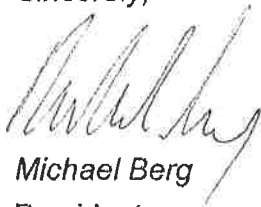


December 9, 2016

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,*



*Michael Berg*

President