



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)

## Sole Source Justification Request

### Definition of a Sole Source Purchase

Sole Source Item – goods and/or services which can only be obtained from ONLY ONE source, including:

- 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,
- Captive replacement parts or components for equipment which there is no commercially available substitute, and which can be obtained only from the manufacturer and/or manufacturer's distributor; item where compatibility is the overriding consideration, such as computer operating software enhancements for an existing system, continuation of an existing contract when work is so closely related to that of the uncompleted basic contract that it would not be feasible to consider another potential contractor.

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 needed.**
- Notarized Sole Source affidavit completed by the supplier**
- Signed letter of recommendation from the Elected Official or County Department Head. Must provide a detailed written explanation as to why competitively bidding the product or service would be impracticable and that the cost charged by the supplier is reasonable and customary.**



# 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_, 20\_\_

Signature\*: \_\_\_\_\_

*\* 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 new Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders. The sole source term is generally aligned with the contract term. In certain cases, the Purchasing Agent may determine that the 14-day public posting in BidSync is not necessary. This depends on the circumstance of the particular item/service and the type of sole source.**



## **Drake Communications Inc.**

202 W. McCart St. Suite 200  
Krum, Texas 76249  
(972) 243-2500 Fax (972) 247-2872  
Sales office: 2435 Squire Place Suite 400, Dallas TX 75234

Service (214) 206-3315  
Dallas (214) 206-3333  
Metro (817) 461-8800

*Specialists in High Volume Call Processing Applications*

March 19th, 2019

Jenifer M. Favreau, CPM, CERA  
Deputy Elections Administrator  
Williamson County Elections Department  
901 South Austin Ave.  
Georgetown, TX 78626

Dear Ms. Favreau:

This letter is to provide you a formal quotation for the Expert Management Services of your Elections IVR which the current contract expires on 6/5/2019. Your system is a 16-port system with Key #2136400876.

We provide these services on an annual basis providing:

For equipment itemized, your payment shall cover: 1. All routine parts and labor required because of normal wear and tear. 2. Maintenance of the Keystone IVR, including: hardware, troubleshooting and repair. 3. All recordings including recording of polling locations, menus (menu changes to be designed by customer). 4. Creation of Keystone IVR compatible databases from master voter file (MVF) data provided by customer. 5. System back up services and rebuilding of lost application files. 6. As part of our contract, D.C.I. will implement menu changes (recording, and routing) with written notification from the customer, including written script changes. or written confirmation of phone request from customer. 7. Requests with less than eight (8) working hours notification will be completed as quickly as possible but without guarantee of meeting the customer's requested deadline. In short, we maintain your entire system, application, software, and hardware.

Services covered by this Agreement will be provided 24 hours a day, D.C.I.'s personnel will be available to Customers, during normal business hours (8:30 a.m. to 5:00 p.m. C.S.T.), Monday through Friday at (214) 206-3333. For services outside these hours please call (214) 206-3333 and choose the prompt for emergency service on a 24/7 basis.

Service is available 365 days per year. It is expected that 95% of all work will be done remotely. If on site work is required, a FLAT trip charge of \$400.00 will apply. Service to non-maintenance customers is \$480.00 per hour.

Expert Management customers have no limit to the number of hours spent by D.C.I. staff to maintain their system and all costs other than the trip charge are covered by the agreement.

For these services the cost is \$5,400.00 per year.

Sincerely,

Cecil Drake  
President



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Jenifer M. Favreau, CPM, CERA  
Deputy Elections Administrator  
Williamson County Elections Department  
901 South Austin Ave.  
Georgetown, TX 78626

Greetings:

See below our sole source statement that applies to your Elections Information System Key #2136400876 which the elections department is now using.

Sole Source Provider

**Drake Communications is the sole source provider of the Keystone Elections IVR System, and secret processes imbedded in the unique software that performs the Elections application so well. We provide the ongoing expertise and as well as expertise from lessons learned by Drake Communications, Inc. in maintaining of approximately 40 County Elections Information and Polling Place lookup IVR Systems nationwide, in order to maintain and keep fresh your IVR system with new data and services for the voter on a daily basis. This Keystone product is not marketed, serviced, or resold by any other entity**

Please feel free to contact me if you should have any questions.

Thank you,

Cecil Drake  
President



Williamson County Purchasing Department  
100 Wilco Way, Ste P101  
Georgetown, Texas 78626 (512) 943-3553  
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[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 Cecil Drake, who after being duly sworn on oath stated the following:

My name is Cecil Drake. My title is President of Drake Communications Inc.  
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: Elections Information IVR #136400896.  
I am the sole-source supplier of this item because: Secret Processes Imbedded in software NOT sold, serviced, or Resold by any other company. 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 March, 2019

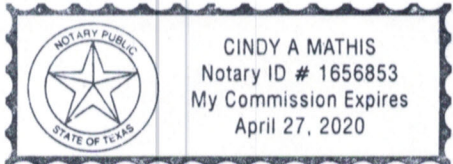
Cecil Drake, Pres.  
[Signature]

C. R. DRAKE, Pres.  
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on 3/20, 2019 by C R Drake  
[Printed Name]

Cindy A Mathis  
[Signature] Notary Public

State of Texas  
My Commission expires on 04/27/2020





Christopher Davis  
ELECTIONS ADMINISTRATOR

March 20, 2019

Randy Barker  
Purchasing Agent  
Williamson County Purchasing  
901 S Austin Avenue  
Georgetown, TX 78626

Re: Letter of Recommendation – Sole Source Justification  
Drake Communications, Inc. – Expert Management Agreement

Mr. Barker,

Please consider this letter as my formal recommendation that Williamson County begin the sole source purchasing process for an Expert Management Agreement with Drake Communications, Inc. for servicing of our existing 16-port Interactive Voice Response (IVR) telephone system.

Competitively bidding this product is impracticable as we invested \$71,800.00 in 2016 for the initial purchase of this IVR system. There are no other vendors that can service the IVR system purchased that is proprietary to Drake Communications, Inc.

The cost charged by the supplier is reasonable and customary as Drake Communications, Inc. is assessing an annual fee in line with that charged to his other clients for this IVR system.

If I can provide you or your department with any more information, please don't hesitate to contact me.

Sincerely,

Christopher J. Davis  
Elections Administrator  
Williamson County Elections

WILLIAMSON COUNTY  
301 S.E. Inner Loop, Suite 104  
Georgetown, Texas 78626  
Phone 512.943.1630  
Fax 512.943.1634  
Email [cjdavis@wilco.org](mailto:cjdavis@wilco.org)

## Bid #1904-316 - Intent to deem Drake Communications as the Sole Source for Elections IVR System

Creation Date **Apr 29, 2019**

End Date **May 14, 2019 10:00:00 AM CDT**

Start Date **Apr 29, 2019 1:36:30 PM CDT**

Awarded Date **Not Yet Awarded**

1904-316-01-01 Please attach any supporting documentation to this line.					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
			No Bids		
Agency Product Code:		Supplier Notes:			
Agency Notes:					

\*\* All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents. The agency will notify the successful vendor upon award of the contract and, as according to the law, all bid/proposal responses received may be available for inspection at that time.