



Max Bricka, CPSM
PURCHASING AGENT / DIRECTOR

8/31/16

Williamson County Commissioners Court

Re: Sole Source recommendation for Destiny Software, Inc.

Dear County Judge and Commissioners,

Recently our county Technology Services department made a request for qualifying the **sole source purchase of maintenance and support of our AgendaQuick court agenda management software. These items are supplied by Destiny Software, Inc. who is the owner, manufacturer, and the only provider of software maintenance and support of their products.**

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 no responses received from any other competitor, requiring additional analysis or consideration.
- A signed Sole Source Justification Request submitted by Jay Schade, ITS Director
- A signed 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, ITS Director
- A price quote of requested items / services
- A copy of the Software License and Service Agreement
- A signed form 1295, which has submitted to the Texas Ethics Commission

The term of this Sole Source exemption will be effective for 60 months from the date of approval.

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

Sincerely,

Purchasing Agent / Director



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Bid #1608-109 - Intent To Deem Destiny Software, Inc. As Sole Source Provider

Time Left	closed	# of offers	0
Bid Started	Aug 10, 2016 1:24:50 PM CDT	Notifications	Report (Bidder Activity)
Bid Ended	This bid closed on Aug 24, 2016 3:30:00 PM CDT	# of suppliers viewed	13 (View)
Agency Information	Williamson County, Texas, TX (view agency's bids)	Q & A	Questions & Answers
Department	Purchasing (view department's bids)		
Bid Classifications	Classification Codes		
Bid Regions	Regions		
Bid Contact	see contact information		
Delivery Location	One or more of the following locations Williamson County, Texas Purchasing Department 901 S. Austin Avenue Georgetown TX 78626 Qty 1 Expected Expenditure \$1.00		
View Rules	Click here to change the rules for this bid.		
Best and Final Offer:	Create		

Approval

View Approval Flow [View Approval Flow](#)
Approval Status [Approved](#)

Description

Bid Number	1608-109
Title	PLEASE ATTACH ANY SUPPORTING DOCUMENTATION TO THIS LINE
Quantity	1 each
Contract Duration	One Time Purchase
Budgeted Amount	\$0.00 (change)
Bid Comments	Williamson County, Texas intends to award a sole-source contract with Destiny Software, Inc. for the following item: AgendaQuick agenda management software support and maintenance THIS IS NOT A REQUEST FOR COMPETITIVE PROPOSALS AND A SOLICITATION WILL NOT BE ISSUED. 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 3:30PM, August 24, 2016 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.
Description	Williamson County, Texas intends to award a sole-source contract with Destiny Software, Inc. for the following item: AgendaQuick agenda management software support and maintenance Please Attach Any Supporting Documentation To This Line



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:

- Checked boxes for: 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: Lisa Maraden, Technology Services

Requestor Title: Analyst I Requestor Phone Number: 512-943-1985

Requested Sole Source Supplier:

Company Name: Destiny Software, Inc.

Contact Name: Dean Dickinson

Address P.O. Box

City: Woodinville State: WA Zip Code: 98072

Phone Number: 425-415-1777 Email Address: dean@destinysoftwareinc.com

Website: destinysoftwareinc.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.

AgendaQuick is an agenda management software that the County currently uses to post items on the Commissioners Court Agenda. IT was developed by Destiny Software and all maintenance and technical support is provided in-house by the staff of Destiny Software.

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, 2016-September 30, 2020. This is a 5 year quote/agreement

Estimated Cost: \$28,568

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:

Destiny Software, Inc developed AgendaQuick and is the only company that can provide support

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: 8/10/2016

Signature: Lisa Maraden

** 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.



DESTINY SOFTWARE, INC.

August 1, 2016

Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626

Re: Sole-Source Justification for AgendaQuick Maintenance Contract

AgendaQuick is an agenda management software application developed by Destiny Software, Inc. in 2005.

All maintenance and technical support is provided in-house by the staff of Destiny Software, Inc.

There are no other authorized vendors or resellers who have the permission or ability to maintain the program or provide customer support services to our clients.

Sincerely,

Dean Dickinson
Vice President
Destiny Software, Inc.



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 DEAN DICKINSON, who after being duly sworn on oath stated the following:

My name is Dean Dickinson. My title is Vice President, Destiny Software, 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: AgendaQuick Maintenance/Support
I am the sole-source supplier of this item because: Destiny Software, Inc. developed the software and is the only company that can provide support. 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 2nd day of August, 2016.

Dean Dickinson
[Signature]

Dean Dickinson, Vice President
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED before me on August 2nd, 2016, by Edilena Vilinoz



Edy Mz
[Signature] Notary Public
State of Washington
My Commission expires on November 15th, 2016.



Technology Services

August 10, 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 Destiny Software as the sole source provider of software maintenance (technical support plus Destiny software updates/upgrades) for Destiny products for the next five years.

Destiny is the owner and manufacturer of Destiny products and they have certified that they are the only provider of software maintenance and support for their products.

Please let me know if you have any questions.

Thank you.

A handwritten signature in blue ink, appearing to read 'Jay Schade', is written over a light blue circular stamp.

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



DESTINY SOFTWARE, INC.

AGENDAQUICK MAINTENANCE & SUPPORT QUOTE FOR WILLIAMSON COUNTY TEXAS

Destiny Software, Inc. proposes to continue with the ongoing maintenance and support of the AgendaQuick system initially provided by Manatron/Thomson-Reuters.

The effective date is to coincide with the termination date of the existing service agreement with Manatron/Thomson-Reuters, estimated to be October 1, 2016.

AgendaQuick – Maintenance and Support

October 2016	\$5,200
October 2017	\$ 5,200
October 2018	\$ 5,824
October 2019	\$ 5,824
October 2020	\$ 6,520
Total Five Years	\$28,568