



DATE: October 29, 2017

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Mandy Wells, Director Community Partnerships Division

FROM: Dr. Philip C. Harris, Human Services Administrator, Children’s Services Administration Section

PROJECT TITLE: Agreement with Early Learning Coalition of Broward County, Inc. for Child Care Services

REQUISITION NO. CMP0000855

**SOLE SOURCE/SOLE BRAND REQUEST**

**I. REQUEST:** Provide a description of the features of the product/service or Scope of Work.

The Early Learning Coalition of Broward County, Inc. (ELC) is a 501(c)(3), non-profit organization designated by the State under the School Readiness Act (s. 411.01, Florida Statutes (FS)) to develop and administer the State system of child care services in Broward County. Funds for these services are provided through the State's Child Care Executive Partnership (CCEP) Fund. Per Section 1002.94 Florida Statutes, the County is required to provide funding that serves as a local dollar-for-dollar match for the CCEP Fund.

Since 2002, the County contracted with Family Central, Inc. as the ELC's designated sole administrator of subsidized State child care funds. In 2008, the Purchasing Division approved a sole source request to enter into an agreement with Family Central in the amount of \$1,677,564, to serve as local match funding and to provide subsidized child care services. On August 26, 2008 (Item No. 13), the Board of County Commissioners (Board) approved the agreement with Family Central, Inc.

After completing an open, fair and competitive procurement process, on July 31, 2015 the ELC notified the County of its selection of Broward Regional Health Planning Council, Inc., (BRHPC) to perform client eligibility determinations, administer child care provider payments for both School Readiness and VPK children, and secure and manage required local match funds. On August 17, 2015, the Community the Purchasing Division approved BRHPC as a sole reasonable source. On September 1, 2015 (Item No. 32), the Board approved an agreement with BRHPC in the amount of \$2,342,795.

On September 21, 2017, ELC notified the County of its intent to terminate its agreement with BRHPC and assume the management of the functions previously completed by BRHPC. The County's contract with BRHPC expired on September 30, 2017. To remain in compliance with Section 1002.94 Florida Statutes, the County is obligated to provide the dollar-for-dollar match for subsidized child care services and needs to establish an agreement with the ELC for the continued provision of these services.

The Community Partnerships Division is requesting approval of a sole reasonable source for the ELC so it may seek Board approval on December 5, 2017, for an agreement in the amount of \$2,342,795 to be retroactively effective October 1, 2017.

**II. JUSTIFICATION:** Please check all boxes that describe your reason(s) for determining that only one source or brand is reasonably available.

**Only Sole Source/ Uniqueness**

Proprietary Item - this vendor/source has the only rights to provide this service or commodity. A letter from the manufacturer or authorizing entity is included in this request.

- Technology Improvements - updates or upgrades to an existing system, software, software as a service (SaaS), hardware purchases.
- Engineering Direction - engineering drawing or specification identifies product; "no substitutes or equivalents will be acceptable."
- Only qualified supplier - reliability and maintainability of the product or service would be degraded unless specified supplier is used; may void warranty. This request includes a copy of the current warranty information.
- Other/or Additional information - the County requires this sole source, sole brand purchase for the following reasons:

County provides local match to subsidized child care funds for Broward residents. This results in a 1:1 match and leverages resources for Broward County residents. The ELC will now directly administer these funds and therefore is the sole source entity to receive the match funds.

**Business Case (One/Most Reasonable Source or One/Most Reasonable Brand)**

- Operational Compatibility - replacement parts from alternate suppliers are not interchangeable with original part and causes equipment incompatibility. Previous findings and/or documentation is included with this request.
- Ease of Maintenance - maintenance or retooling prohibits competition. Section III, Comparative Market Research includes estimated costs associated with changing current source and/or brand.
- Follow-On - potential for continued development or enhancement with same supplier and eliminates costs incurred by using different supplier. Section III, Comparative Market Research includes estimated costs for replacing current or existing system.
- Complies with existing community and safety standards, and/or laws, rules, and regulations.
- Exempted from the Procurement Code - per Section 21.18 of Broward County Administrative Code.
- Other/or additional information - using this sole source, sole brand purchase benefits the County for the following reasons:

The purpose of this request is to enter into an agreement with the ELC directly as the agency is no longer subcontracting the services to another vendor (BRHPC). The benefit to the County is that the County funds result in a one to one match from the state, therefore serving more needy children in Broward. If not approved, it would mean loss of service to 1,020 clients Subsidized Child Care and 139 clients Child Care for Children with Special Needs.

III. COMPARATIVE MARKET RESEARCH: Provide a detailed source or market analysis for justification of sole source/brand or most reasonable source (attach extra sheets as needed).

Estimated project value: \$2,342,795.00      Contract length (if applicable): One (1) year

Expenses to date: N/A

Has this commodity or service been previously provided to the County?  Yes     No

If yes, when and by whom? ELC subcontracted to BRHPC

How was item/service procured? Sole source

What is the current contract (MA) or purchase order number? 16-CP-CSA-8534-01

If this is a sole brand, is there an "authorized" dealers list?  Yes     No

Cost/Benefit Analysis: What would the cost be to utilize an alternate vendor or source? This explanation should include the savings and/or additional costs to the County by not using the preferred vendor or source. Attach additional sheets if needed.

N/A The only designated agency to administer the state school readiness funds is the ELC.

CERTIFICATION: I have thoroughly researched the sole source or sole brand justification and fully understand the implications of Section 838.22 of the Florida Statutes:

(2) "It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole source contract for commodities or services."

(5) "Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084"

Dr. Philip C. Harris	pharris@broward.org	Digitally signed by pharris@broward.org DN: cn=pharris@broward.org Date: 2017.10.29 18:52:55 -04'00'	October 29, 2017
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)		DATE
Mandy Wells	Mandy Wells	Digitally signed by Mandy Wells Date: 2017.10.29 19:33:08 -04'00'	October 29, 2017
DEPT/DIV DIRECTOR OR DESIGNEE (PRINT)	DEPT/DIV DIRECTOR OR DESIGNEE (SIGN)		DATE

The Purchasing Agent has reviewed the request and has completed the required due diligence per the Procurement Code Section(s) 21.34 and 21.35. The Purchasing Agent recommends the following:

Sole Source   
  Sole Brand   
  Reasonable Source   
  RFI attached   
  Rejected  
 Request Authorization to Negotiate

Additional Information:

The Community Partnership Division has requested a Reasonable Source designation to execute a two party Agreement with the Early Learning Coalition of Broward County Inc. (ELC) in the amount of \$2,342,795. The ELC is a nonprofit organization created per s. 411.01, Florida Statutes to establish school readiness coalitions at the County or multi-county level, to create programs and policies to prepare Florida's youngest citizens for success in school. ELC is Broward County's Early Learning Coalition, among 30 Early Learning Coalitions in the State of Florida coordinated by the office of Early Learning, which reports to the Florida Department of Education.

ELC is the only designated agency to administer the State School Readiness Funds, and will no longer subcontract with Broward Regional Health Planning Council, Inc., (BRHPC) for such. ELC will now directly administer these funds.

Based on the supporting documents provided by the Community Partnership Division and the Agent's research, approval of a "Reasonable Source" designation is recommended.

Purchasing Agent Signature: **MELISSA CUEVAS**    Digitally signed by MELISSA CUEVAS  
DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=MELISSA CUEVAS  
Date: 2017.11.09 13:29:06 -05'00'    Date: November 9, 2017

MARIE WILLIAMS    Digitally signed by MARIE WILLIAMS  
DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=MARIE WILLIAMS  
Date: 2017.11.13 09:30:15 -05'00'

**APPROVAL AUTHORITY**  
REASON/SUGGESTED ACTION (IF DISAPPROVED):

MARTHA PEREZ-GARVISO    Digitally signed by MARTHA PEREZ-GARVISO  
DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=PU, ou=Users, cn=MARTHA PEREZ-GARVISO  
Date: 2017.11.16 11:38:58 -05'00'

Pursuant to the Procurement Code 21.6. b., the Code shall apply to every Procurement of the Board of County Commissioners irrespective of the source of the funds, including federal assistance monies except as otherwise specified in Section 21.18; except that this Code shall not apply to either grants, agreements of any nature or contract between the County and qualified, eligible nonprofit grantees under Section 501 of the Internal Revenue Code, or other governments. It shall also apply to the disposal of County supplies. Nothing in this Code or in regulations promulgated hereunder shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement. Therefore, a reasonable source approval is not required.

Signature: **GLENN MARCOS**    Digitally signed by GLENN MARCOS  
DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=BCC, ou=ETS, ou=ERP, ou=Users, cn=GLENN MARCOS  
Date: 2017.11.22 13:52:26 -05'00'    Date: November 22, 2017



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Chief Executive Officer

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Khalil Zeinieh

Mandy Wells, Director  
Broward County Community Partnerships Division  
115 S. Andrews Ave., A360  
Fort Lauderdale, FL, 33301

September 21, 2017

Dear Ms. Wells,

Currently the Early Learning Coalition of Broward County (ELC) contracts with the Broward Regional Health Planning Council (BRHPC) to perform client eligibility determinations, administer child care provider payments for both School Readiness and VPK children, and secure and manage required local match funds. Effective, September 30, 2017 the ELC will assume the administration and management of these functions. In light of this change, the ELC is prepared and willing to manage the County's Special Needs Child care subsidy as well.

While this change in services is significant, children already receiving child care services will continue to be served and remain in care through the duration of their eligibility period. We are anticipating a smooth and seamless transition thanks to the technology in place and expertise of the ELC staff.

Please do not hesitate to contact me with any questions. Thank you for your continued partnership.

Renee Jaffe  
CEO

**Funded by:**

