



DATE: December 13, 2018

TO: Brenda J. Billingsley, Director, Purchasing Division

THRU: Stephen Farmer, Finance Manager, Finance and Administrative Services Department

FROM: Madeline Ayala-Rivera

PROJECT TITLE: Annual Maintenance - Axia VAB Software Contract Number #A1171202A1

REQUISITION NO. RTT0000679

### SOLE SOURCE/SOLE BRAND REQUEST

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

The Value Adjustment Board is requesting approval of a Sole Source procurement for Pioneer Technology Group (PTG) to continue to provide maintenance and support the Axia Software. Since the current contract will be five (5) years at its expiration, a new contract will be needed.

PTG is the creator and distributor for the Value Adjustment Board Axia software, since June, 2006.

Pioneer Technology Group, is installed in 19 other Florida Counties, and it is used to process petitions filed by homeowners who disagree with the Property Appraiser's determinations of just value or denial of a homestead exemption. The software is used on a daily basis by the VAB staff, Property Appraiser's Office and by petitioners throughout the entire VAB petition filing process.

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:

Pioneer Technology Group (PTG) is the creator and distributor for the Value Adjustment Board software and is the only provider of maintenance for this software.

**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:

If this maintenance agreement is not renewed, the VAB staff, as well as the Property Appraiser's Office and the petitioners would be adversely affected. Staff would have to process over twenty thousand (20,000) petitions manually, which would create an enormous backlog. Further, it would create a severe delay in the petition filing process. Petitioners currently can view their petition online and follow their entire hearing process using Axia. Without this software, staff (a staff of 10) would be burdened with responding to many calls from petitioners requesting information about the scheduling/rescheduling of their hearings, as well as being inundated with countless emails requesting petition status. The Property Appraiser's Office has access to certain components of the software, which includes the uploading and viewing of evidence for hearings. The VAB Counsel has access to certain components of the software, such as the ability to review evidence and listening to the audio when a petitioner submits a legal review request. Lastly, updates to the individual petition status can be entered via Axia and viewed online by all parties involved.

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: \$185,000.00      Contract length (if applicable): A period of five (5) years

Expenses to date: \$778,083.00

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

If yes, when and by whom? Since June 2006 by Pioneer Technology Group (PTG).

How was item/service procured? Sole source

What is the current contract (MA) or purchase order number? A1171202A1

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

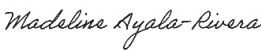

Cost/Benefit Analysis: What would the cost be to utilize an alternate vendor or source? This explanation should include the savings and/or additional costs to the County by not using the preferred vendor or source. Attach additional sheets if needed.

Pioneer Technology Group (PTG) is the sole provider of the Axia software application. No other vendor in Florida currently offers this type of software.

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"

Madeline Ayala-Rivera		<small>Digitally signed by Madeline Ayala DN: dc=cty, dc=broward, dc=bc, ou=Organization, ou=RTT, ou=Users, cn=Madeline Ayala Date: 2018.12.11 09:34:33 -05'00'</small>	December 13, 2018
REQUESTOR/EVALUATOR (PRINT)	REQUESTOR/EVALUATOR (SIGN)		DATE
Stephen Farmer		<small>Digitally signed by STEPHEN FARMER Date: 2018.12.14 10:55:56 -05'00'</small>	December 14, 2018
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:

Agent concurs that Pioneer Technology Group (PTG) is the most reasonable source for this procurement. PTG is the sole proprietary vendor of Axia and therefore is the only authorized vendor for maintenance of the software. PTG does not use and/or authorize resellers of its products and services (Exhibit 1). The Contract Administrator has confirmed that there is no other software that will meet the requirements of the County's Value Adjustment Board. In addition, their research revealed that at least 20 other entities throughout Florida are utilizing the Axia software; this finding further supports the sole source determination.

The original procurement of the Axia software was awarded by the Board on 6/27/06, Item No. 25 in the total amount of \$360,000, plus five one-year renewal options at \$32,500/year, for a potential total amount through 2/28/14 of \$522,500. The 1<sup>st</sup> Amendment, executed 3/21/07 added an audio component at \$45,000 and increased the annual maintenance by \$4,500 (22,500/5-years) increasing the total potential amount to \$590,000. The 2<sup>nd</sup> Amendment, approved by the Board on 2/4/14, Item No. 7 extended the term through 3/31/19 at an additional amount of \$188,083 bringing the total potential Contract amount up to \$778,083.

Being that there are no other providers available to compare cost, and because the vendor has kept the annual maintenance fee at \$37,000/year since 2007 even though the contract allows for an annual 3% CPI increase, Agent recommends that the Value Adjustment Board bring an Amendment to the Board to standardize the software and extend the term.

Purchasing Agent Signature: **MARYANN BERCHIOLLI** Digitally signed by MARYANN BERCHIOLLI  
Date: 2019.02.14 11:36:34 -05'00' Date: February 28, 2019

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

Signature: DAVID CLEMENTE  Digitally signed by DAVID  
CLEMENTE  
Date: 2019.03.01 18:13:04 -05'00'

Date: March 1, 2019