

SOLE SOURCE/SOLE BRAND JUSTIFICATION

OVERVIEW:

Contracts/Purchasing recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Purchasing. Even though the department's review process prior to the submittal of a requisition may be sound, departments may unknowingly discourage free and open competition by requesting a single vendor or product. Additionally, the County is bound by both federal and local laws as well as County Policies of which County Staff may not be aware of. The lack of an effective means of communication between buyer and requesting departments can lead to both lost time in completing the requisition as well as possible adverse legal actions towards both the County and the requesting staff member. Purchasing can be an effective partner in a competitive review process given adequate time and involvement in your requirement definitions.

In an effort to expedite sole source/brand requisition requests through purchasing, we would encourage you to review the criteria for Sole Source/Brand form herein. If you feel your request meets such criteria, follow the instructions in filling out the form and attach it to your requisition. If sole source/brand justification is warranted and accepted by Purchasing, the requisition will be processed for the sole source/brand as requested.

This is an internal review process. Departments are requested to use discretion in their discussion with vendors so as not to compromise any competitive advantage the Buyer may utilize, regardless of the acceptance or rejection of the sole source/brand justification.

Rather than merely a shift of the review process and burden, this process acknowledges the significant effort a department may undertake when identifying a vendor or brand, and provides you with the method by which to make your requisitioning efforts more efficient under sole source/brand conditions.

Purchasing will advise you when a particular competitive review process may both serve the County better and/or be required by governing law.

In order for us to accept a request for sole source/brand the certification, the form referenced herein should be made a part of your justification and be signed by an authorized department representative. This certification will remain on file as part of your requisition package for audit purposes.

SOLE SOURCE PURCHASING:

On rare occasions there may be a need to purchase goods or services from one vendor/contractor without going to formal bid or requesting competitive quotations. This is known as "Sole Source" purchasing.

“Sole Source” purchasing is authorized by Monterey County Code 2.32.040, Emergency Purchases, and by Monterey County Code 2.32.070, Competitive Bidding Not Required.

A sole source may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiably in the best interest of the County.

“Sole Source” purchasing may be necessary under certain circumstances such as an emergency wherein the department head or other County Official who is authorized to sign requisitions may purchase items for the continuance of the department function, or that items purchased are necessary for the preservation of life or property, and that no authorized purchasing department personnel are immediately available to make the purchase.

The designation of a “Sole Source” supplier must be authorized by the County Purchasing Agent or Deputy-Purchasing Agent before the requirement for competitive quotations is waived.

PROCEDURE:

Sole source/brand purchasing is an exception to the normal procurement function and requires a detailed justification. In processing sole source/brand requests for supplies, services and/or equipment, Purchasing adheres to and is governed by the principles set forth in both the Federal and State Laws governing public purchasing and the Public Contract Code, and by the adopted and approved County of Monterey Policies and Procedures. As such, our decision is final.

If you are requesting a particular vendor, brand or product, you must make this fact clear on your requisition. Such a request should not be made unless the request is reasonable and appropriately justified to meet legal requirements and can withstand a possible audit. The County requirements and the format for submitting such requests are contained herein. Please make copies of the Criteria for Sole Source/Brand form for your future use.

The following factors **DO NOT** apply to sole source/brand requests and should not be included in your sole source/brand justification. They will not be considered and only tend to confuse the evaluation process.

1. Personal preference for product or vendor
2. Cost, vendor performance, and local service (this may be considered an award factor in competitive bidding)
3. Features which exceed the minimum department requirements
4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors
5. A request for no substitution submitted without justification. This is a sole source/brand request requiring detailed justification including established sole source/brand criteria

County of Monterey
Contracts/Purchasing Department
JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST

Purchase Requisition Number _____ Date _____

Description of Item: Yearly maintenance services and technical support of the County's phone system.

1. Please indicate the following:

Procurement: ☒ Goods
☒ Services

(Check One)

☐ Sole Source: Item is available from one source only. Item is a one-of-a kind and is not sold through distributors. Manufacturer is exclusive distributor.

☒ Sole Brand: Various sources can supply the specified model and brand and competitive bids will be solicited for the requested brand only. Meets form, fit and function- nothing else will do.

Note: Sole Source/Sole Brand Requests are not maintained as a standing request.
Each request is for a single one-time purchase only.

2. Vendor Selection:

☒ Preferred Vendor
☐ Sole Source

Vendor Name: QPCS LLC
Address: 5259 Jerusalem Court, Suite 1 CITY: Modesto, CA 95356

Phone Number: (888) 410-4240 Fax:
Contact Person: Mario Campos Title: President, Founder
Federal Employer #: 77-0561620

3. Provide a brief description of the goods/services to be purchased and why this purchase is being proposed under a sole source acquisition.

a) Why were product and/or vendor chosen?

Netmotion Mobility Software is a unique persistent VPN solution which establishes a secure connection from a mobile endpoint device into the county network while keeping in compliance with the Board Approved Security Policy and in alignment with Criminal Justice Information Services (CJIS) Security Policy Version 5.4 CJISD-ITS-DOC-08140-5.4

Board Approved Security Policy excerpts:

1.14.2.1.2 All remote access connections must come through the Security Perimeter managed by the Information Technology Department

1.14.2.1.9 Remote access sessions utilizing the Internet as the means of connectivity shall be encrypted.

1.14.2.1.10 Remote access shall be controlled using either a one-time password mechanism (such as a token device), or a public/private encryption key system with a strong passphrase and back-end authentication, or a similar, more secure method

3.4. Mobile devices must have current security patches installed for both operating system and applications.

This vendor was the only vendor having an integrated solution meeting ITD Security and Mobile User functionality requirements.

NetMotion Mobility underwent a one-month proof-of-concept (POC) using Fire, EMS and Police first responders, all of which are dependent on a secure, persistent connection into 911 for Emergency Communications. The focus of the POC was on the known dead spots where first responders have reported connection loss. The results of the POC were positive with stakeholders being in favor of procurement.

The need to provide Monterey County Fire, Police and Sheriff mobile users with a **compliant, secure and persistent** VPN connection is the driving force behind this sole source acquisition. Netmotion Wireless is the only product that performs posture assessment (scanning of the mobile device for potential threats and vulnerabilities) prior to establishing a VPN connection into the network. Having the posture assessment occur prior to connection helps protect county assets and is in alignment with established Security Policies. No other products provide an integrated posture assessment solution. Instead, these products either require a third party add-on or fail to perform posture assessment prior to establishing a connection into the county network.

There were three quotes obtained: Netmotion Wireless, QPCS LLC and Mobile Wireless LLC. A vendor was chosen based upon their critical understanding of the County's existing, complex mobile Entrust Advance Authentication (AA) environment, knowledge of county security requirements and processes, existing VPN infrastructure posture assessment, user needs and cost. QPCS LLC provided the lowest quote for the project. In addition, regardless of the vendor selected, QPCS would need to be contracted to integrate the new NetMotion Mobility solution with the existing Entrust AA

environment. So beyond the cost savings realized by utilizing this vendor the added advantage is their knowledge of existing County systems.

- b) What are the unique performance features of the product/brand requested that are not available in any other product/brand? For Services: what unique qualifications, rights, and licenses does the vendor possess to qualify as a sole source/brand request?**

The unique performance features of Netmotion Mobility can be seen in their integrated approach to performing a posture assessment prior to establishing VPN connectivity. This approach reduces the threat to county assets and ensures alignment with Security requirements.

Netmotion Mobility is the only VPN solution aware of mobile connections, devices, applications and networks in use. NetMotion Mobility maintains continuous, reliable connections through low coverage zones, isolated dead spots and areas of marginal signal strength.

Netmotion Mobility has an extensive unique network interface console for validating security configurations and provides diagnostics tools. This is also integrated into their solution. Having this additional tool, allows for the reduction of trouble tickets related to mobile-connectivity and enhances visibility and control over the mobile environment from a single console.

To improve overall performance, Netmotion Mobility provides compression techniques that reduce data use and cut the costs for data plans.

QPCS LLC, the vendor of choice, has unique qualifications. They were the installer of our existing Entrust Advance Authentication (AA) environment which communicates directly with existing Cisco VPN solution. QPCS LLC is and will be required to participate in all configuration activities since they currently support the existing Entrust AA servers for mobile users. The Netmotion Mobility Software is replacing the existing Cisco VPN Software which is deeply integrated with Entrust AA and currently under the support agreement with QPCS LLC.

If a different vendor was selected for procurement of the Netmotion Mobility Software, QPCS LLC would still be required to re-configure the existing Entrust AA Servers which they currently maintain under an active support agreement.

Considering another vendor would not be cost effective to the county and introduces unnecessary risk to the network, as the new vendor would need to perform a full assessment and evaluation of the VPN and AA systems before providing technical support/maintenance and/or warranty extension. This would not be in the best interest of the county and could jeopardize the quality for service during the evaluation and assessment work of a new vendor.

Based upon all of the aforementioned factors -- system complexity, knowledge of existing systems, required involvement with implementation, and price -- the selection of QPCS LLC is justified.

c) Why are these specific features/qualifications required?

Mobility persistence is required for "always-on" data communications with the Emergency Communications Center to prevent cellular drops caused by low coverage zones, dead spots, etc.

If a cellular data terminal drops its connection, the AVL and data communications are also dropped resulting in lost transmissions to Emergency Communications and peer mobiles not to mention the time taken away from service as they attempt to regain communications.

It is critical for dispatchers to have accurate knowledge of deployed mobiles and their locations. This information is displayed on the dispatchers' console map. If data transmission drops, this information fails to become accurate and the dispatchers must rely on voice communications which could also be impacted within low coverage zones.

Due to the complexity of the mobile authentication system coupled with existing support agreements, QPCS LLC's involvement would be required to integrate Netmotion Mobility with the (3) Entrust Servers under their support for mobile Advanced Authentication.

d) What other products/services have been examined and/or rejected?

There were three products reviewed; however, only two products truly provide mobility persistence in the market place. These two products are RadiolP and Netmotion Wireless. Cisco was also evaluated but it was unable to provide VPN persistence.

For installation services, Netmotion Wireless, Wireless Mobility LLC and QPCS LLC were all considered.

e) Why are other sources providing like goods or services unacceptable (please give a full meaningful explanation)?

RadiolP has previously been deployed in the county for mobiles but was discarded due to the associated costs and it does not provide an integrated security scan prior to connecting to the county network.

Cisco AnyConnect is currently deployed for the mobiles but fails to provide persistence despite exhaustive measures and adjustments to the interface and extensive field testing.

Both RadiolP and Cisco fail to meet the functional and security requirements.

f) What are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this particular item or service?

Persistence coupled security assessment and the ability to integrate into our existing "CJIS Required" Advanced Authentication (AA) as depicted in Criminal Justice Information Services (CJIS) Security Policy Version 5.4 CJISD-ITS-DOC-08140-5.4 : Section 5.6.2.2.1 Advanced Authentication Policy and Rationale are the unique features shown below:

Criminal Justice Information Services (CJIS) Security Policy

CJISD-ITS-DOC-08140-5.4

5.6.2.2.1 The intent of AA is to meet the standards of two-factor authentication. Two-factor authentication employs the use of two of the following three factors of authentication: something you know (e.g. password), something you have (e.g. hard token), something you are (e.g. biometric). The two authentication factors shall be unique (i.e. password/token or biometric/password but not password/password or token/token).

Other solutions either do not provide mobility persistence or are unable to perform a posture assessment pre-connection that identifies potential threats and vulnerabilities prior to establishing a connection into the county network which include Emergency Services Servers which are mission critical.

County information security requires the ability to immediately detect affected computers, malware to prevent the spread through the county network. Utilizing a solution with the ability to pre-screen is in alignment with ITD Security Policies.

Netmotion Mobility's integrated posture assessment and persistence capabilities provides a secure, encrypted and persistent solution.

Estimated Costs:

- g) **Estimated Costs:** \$117,187.50 for the first year, \$20,937.50 in year two and \$20,937.50 in year three: for a maximum of \$159,062.50 over a period of 3 years.

4. Is there an unusual or compelling urgency associated with this project?

☐

No

☒

Yes (Please describe)


The existing Cisco Anyconnect VPN solution does not provide persistence. This loss of mobile data communications with Emergency Communication Dispatchers results in

inaccurate map location and significantly impacts productivity while connections need to be re-established. Most importantly, it is an officer safety issue when data communications are lost among dispatch and peers.

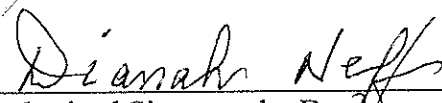
THE FOLLOWING TO BE COMPLETED BY THE REQUESTOR

I hereby certify that:

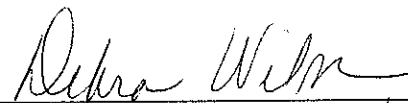
1. I am an approved department representative, and am aware of the County's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment.
3. The information contained herein is complete and accurate.
4. There is justification for sole source/brand purchasing noted above as it meets the County's criteria.
5. A sole source/brand purchase in this case would withstand a possible audit or a vendor's protest.


Requestors Signature

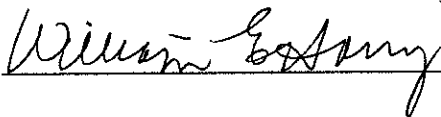
4/27/16
Date


Authorized Signature by Department Head

4/28/16
Date


Contracts/Purchasing Officer / Supervisor

5/4/2016
Date


Additional Department Head Signature

5/2/2016
Date