

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: INFORMATION TECHNOLOGY

AGENDA DATE: _____

CONTACT PERSON/PHONE: GERALD GORDIER (915) 541-4288

DISTRICT(S) AFFECTED: ALL

SUBJECT:

Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Accela Inc., for their Software Support for the Tidemark/Accela Permit Plan, Designer, E-Connect, GIS, Cashier, IVR API, and Accela Wireless applications from January 1, 2008 - December 31, 2008.

BACKGROUND / DISCUSSION:

Since 2001, the City of El Paso has been utilizing this software system for managing Building Permits and supporting the activities of Development Services. Originally, the company was called Tidemark, but it was acquired by Accela, Inc. The current product version is now referred to as Advantage. This request is for the annual maintenance contract for this system for 2008.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

YES - CONTRACT NO. 2001-058R

AMOUNT AND SOURCE OF FUNDING:

\$103,245.47. Funding is available in FY08 Information Technology General Fund: 502202-01101-39010351 (Data Processing Services Contracts).

BOARD / COMMISSION ACTION: Enter appropriate comments or N/A
NA/

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

PURCHASING DEPARTMENT

DATE: February 15, 2008

TO: Municipal Clerk

FROM: Terrence Freiburg

Ray Heredia

Financial Services,
Purchasing Division

541-4316

Please place the following item on the COUNCIL Consent Agenda for the Council Meeting of **February 26, 2008**

Item should read as follows: Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to ACCELA Inc., the sole source provider of ACEELA software products such as Tidemark/ACCELA Permit Plan, Designer, E-Connect, GIS, Cashier, IVR API and ACELLA Wireless. Total Estimated Amount \$103,245.47.

Award Estimated Amount is \$103,245.47

Funds available in:39010351-16371-502202

Information Services, Operating Account, Data Processing Service Contracts

Department: Information Technologies

City Clerk's Use

ITEM NO. _____



**FINANCIAL SERVICES
PURCHASING DIVISION**

SOLE SOURCE AFFIDAVIT

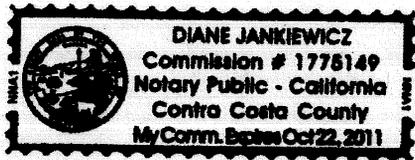
THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared COLIN M. SAMUELS, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is COLIN M. SAMUELS. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: ACCELA, INC.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
MAINTENANCE RENEWAL FOR ACCELA / TIDEMARK ADVANTAGE™,
ACCELA WIRELESS™ AND PERIPHERAL PRODUCTS
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.

[Handwritten Signature]
Signature

SUBSCRIBED AND SWORN to before me on this 14th day of FEBRUARY, 2008.



[Handwritten Signature]
NOTARY PUBLIC
DIANE JANKIEWICZ
PRINTED NAME
10-22-2011
MY COMMISSION EXPIRES

COMPANY NAME: ACCELA, INC.
ADDRESS, CITY, STATE & ZIP CODE 2633 CAMINO RAMON, STE 120, SAN RAMON, CA 94583
PHONE: 925-659-3200 FAX NUMBER: 925-659-3201
CONTACT NAME AND TITLE: COLIN M. SAMUELS, ASST. CORPORATE SECRETARY
WEB ADDRESS: www.accela.com EMAIL: csamuels@accela.com
FEDERAL TAX ID NUMBER: 94-2767678 TEXAS SALES TAX NUMBER: 19427676788



February 14, 2008

Terence Freiburg
Purchasing Manager, City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

Dear Mr. Freiburg:

Please allow me to offer the following information to clarify the sole source status of the Accela's software products. Accela offers many software products that interoperate with each other. Accela acquired Tidemark, which marketed the Advantage™ product that is used by the City of El Paso. The Tidemark Advantage™ software interoperates with various Accela modules, including Accela Wireless™, all of which the City of El Paso is currently using. The upgrade path from Tidemark Advantage™ is to the Accela Automation® cluster of products. All components of Accela/Tidemark Advantage™ and Accela Automation® are developed, enhanced and maintained by Accela and no third party vendor, company or entity is authorized by Accela to develop new product features, provide services, or provide maintenance to these products. Accela is the sole source provider for any upgrades, captive replacement parts, components, maintenance service and warranties for this software.

We look forward to a lasting and successful relationship with you. Please do not hesitate to contact me directly if you have any questions or concerns. My telephone and facsimile numbers are listed below, and I am available by e-mail at "csamuels@accela.com".

Sincerely,

A handwritten signature in black ink, appearing to read "Colin M. Samuels".

Colin M. Samuels
Assistant General Counsel; Assistant Corporate Secretary

CC: Drew Arnold, Regional Account Manager