

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

**DEPARTMENT:** Libraries

**AGENDA DATE:** 11/08/11

**CONTACT PERSON NAME AND PHONE NUMBER:** Dionne Mack-Harvin – Library Director, (915) 543-5413  
Bruce D. Collins – Purchasing Manager, (915) 541-4313

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to OverDrive, Inc. for outsourced software and website services. The Library will continue to use the license to deploy software products, technology and services including those licensed to OverDrive by Microsoft® Corporation, Adobe® Systems Inc. or other vendors of Digital Rights Management (DRM) Technologies. The current value of the contract is estimated to be \$30,000 annual; (3-year estimated total of \$90,000, with automatic renewal for successive terms of two twenty-four month terms). The Library would like to increase the contract to an estimated \$70,000 annual; (3-year estimated total of \$210,000, with automatic renewal for successive terms of two twenty-four month terms).

**BACKGROUND / DISCUSSION:**

The Library intends to continue utilizing the outsourced software and website services of OverDrive, Inc. a provider of digital book technology and services including those related to the management and copyright protection of content in eBook, audio book, and multimedia in digital formats. Circulation of digital books has proven to be increasingly popular since May 2011. Additional FY 12 budgeted resources have allowed Libraries to meet this demand.

**SELECTION SUMMARY:**

OverDrive Inc. is the sole source provider of the currently used software and digital book technology utilized by Libraries.

**PRIOR COUNCIL ACTION:**

Yes. April 26, 2011, Item 7C

**AMOUNT AND SOURCE OF FUNDING:**

Department: Library  
Amount: \$210,000 (3-year estimated at \$70,000/year)  
Funds Available: Dept # 53010202 – Acct # 503103 – Fund # 01101 – Grant # N/A  
Funds Source: Publications and Subscriptions (Supplies) – General Fund

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**COUNCIL PROJECT FORM  
(SOLE SOURCE)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **CONSENT** agenda (under **PURCHASING REQUESTS, ETC.**) for the Council Meeting of **NOVEMBER 08, 2011**.

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order(s) to OverDrive, Inc., the sole source provider of digital book technology and services enabling the Library to lend downloadable popular audiobooks, eBooks, music, video, and other digital material via the Library's website with the stipulation that the vendor provides an updated sole source letter and affidavit each year. This approval coupled with the previous expenditure of \$90,000 (3 Years) through this contract will increase the total purchases from this vendor to \$210,000 (3 Years). This sole source and related expenses was previously approved on April 26, 2011, Item 7C.

Department:	Libraries
Award to:	OverDrive, Inc. Cleveland, OH
Initial Term:	3 years
Option to Extend:	Two, 2 year terms
Annual Estimated Amount:	\$70,000.00
Initial Term Estimated Award:	\$210,000.00 (3 years)
Total Estimated Award:	\$490,000.00 (7 years)
Account No.:	53010202 – 503103 – 01101
Funding Source:	Publications and Subscriptions (Supplies) – General Fund
District(s):	All
Sole Source No.:	2012-021

This is a Sole Source, services contract.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



**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 Charles Weisman, 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 Charles Weisman. 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: Over Drive, Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):  
through the purchase of our state contract and we do not intend to purchase any other products or services from any other source.
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.

Charles Weisman  
Signature:

SUBSCRIBED AND SWORN to before me on this 7th day of March, 2011.

ANTHONY J. MAZZOLINI  
Attorney At Law  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission Has:  
No Expiration Date  
Section 147.03 O.R.C.



Anthony J. Mazzolini  
NOTARY PUBLIC  
Anthony J. Mazzolini  
PRINTED NAME  
No Expiration  
MY COMMISSION EXPIRES

COMPANY NAME: Over Drive, Inc.

ADDRESS: CITY, STATE & ZIP CODE: 255 S Sweet Valley Blvd, Suite N1, Cleburne TX 76033

PHONE: 214-573-6886 FAX NUMBER: 214-573-6888

CONTACT NAME AND TITLE: Michael Keates, Controller & Treasury Advisor

WEB ADDRESS: www.OverDrive.com EMAIL: mkeates@overdrive.com

FEDERAL TAX ID NUMBER: 54-1522736 TEXAS SALES TAX NUMBER:

# OverDrive®

leading digital media services

Valley Tech Center ▪ Suite N ▪ 8555 Sweet Valley Drive ▪ Cleveland, OH 44125 ▪  
216.573.6886 ▪ www.overdrive.com

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March 9, 2011

Bruce D. Collins  
City of El Paso, Purchasing Manager  
2 Civic Center Plaza  
El Paso, TX 79901

RE: OverDrive as a sole source provider

Dear Mr. Collins:

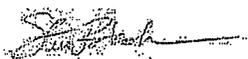
OverDrive provides a series of services and digital content materials that enable public libraries to lend download popular audiobooks, eBooks, music, download video and other digital content via the library's website.

**Uniquely available only from OverDrive as a sole source provider**, we offer a system that combines:

- A customized website service for download digital materials integrated with the library's ILS system for real-time patron authentication
- Control for the library to set digital book lending policies and manage access and usage of materials
- Download eBooks capable of operating on portable PDA devices such as Blackberrys and Smartphones, as the exclusive provider of Mobipocket eBooks to libraries
- OverDrive Media Console for Windows and MACs, a single integrated desktop client software application for use of download audiobooks, music and video
- Download audiobooks and music with accessibility features for the blind and visually impaired
- Download audiobooks and music divided in parts, some with permissions for patrons to burn to standard CD
- OverDrive MP3 Audiobooks compatible with MAC/OS, iPods and other Apple devices
- Digital audio and eBook materials from Brilliance Audio, Hachette, HarperCollins, Weston Woods, Phoenix Audio and other publishers only available from OverDrive
- Download video materials including documentaries, travelogues, feature films and concerts for use with the same integrated desktop client that supports audiobook and music titles

As a result of the combination of the above referenced items as well as OverDrive's patents, copyrights and secret processes, OverDrive is the only vendor to offer these services and materials and we have enjoyed adoption and success as the sole source supplier of the foregoing to many leading public libraries around the world. Please do not hesitate to contact me for further information.

Very truly yours,



Steve Potash, CEO  
OverDrive, Inc.  
spotash@overdrive.com  
(216) 573-6886 ext. 201