



TO: Steve Heminger

DATE: August 23, 2018

FR: Adrien Baudrimont

W. I. 1374

RE: **Sole Source Justification: Ecom Enterprises Inc. – Clean Vessel App Software Development – Compelling Business Reasons**

The purpose of this memo is to request a sole source contract with Ecom Enterprises Inc. (Ecom) to provide [1]software development for the Clean Vessel App (currently named Pumpout Nav but subject to change) iOS and Android applications (Apps), [2]software development for the online MySQL Database that stores Pumpout Nav data, and [3]software development and maintenance/support for the Administrative Platform linking the Apps to the Database for compelling business reasons.

Under Federal procurement regulations, several alternative methods of procurement are available, as outlined in §200.320. The San Francisco Estuary Partnership (SFEP) proposes to use the procurement by non-competitive proposals under §200.320(f) due the monetary value of the proposed contract and the fact that it would be necessary to demonstrate compliance with SFEP's sole-source requirements regardless of Federal procurement method chosen. Of the justifying circumstances enumerated in §200.320(f), following apply: (3) the Federal awarding agency or pass-through entity the California State Parks Division of Boating and Waterways (DBW) expressly authorizes a noncompetitive proposal in response to a written request from the non-Federal entity (SFEP).

#### Background

The San Francisco Estuary Partnership (SFEP) runs a Clean Vessel Act Program under a grant from the DBW. SFEP's mission through that grant is to determine the condition and usage of the existing publicly-funded pumpout stations in the 11 counties of the San Francisco Bay-Delta Estuary region. This work requires SFEP's surveyors to travel to each marina, collect data using the existing Pumpout Nav application, submit surveys through the App, extract the data from an Online MySQL database connected to the App, and organize it in reports before submitting it quarterly to DBW.

In September 2016, SFEP contracted with Ecom after issuing a Request for Qualifications and a subsequent rating and selection process. A Sole-Source Justification was approved on August 3<sup>rd</sup>, 2017. SFEP is seeking its renewal for three additional years for the following Compelling Business Reasons:

Pumpout Nav is based upon the Epical Location-aware Mobile and Web Platform, a proprietary software from Ecom. SFEP is licensing it on a yearly basis. Its proprietary compiled code base for its core engine cannot be modified by a third-party. In addition, Epical uses proprietary high-performance backend algorithms that are closed source.

The API that runs the Epical engine is open and can be modified by a third-party, but it will void any service support previously contracted that may be in place. From the previous contract, Ecom is to provide support and maintenance until 04/01/2019.

Lastly, the administrative platform that was deployed with Pumpout Nav comes with many out-of-the box features that would, if procured elsewhere, require months to build from scratch, thus far exceeding the current budget. In addition, the administrative platform requires access to the API that cannot be modified by a third-party without voiding the service support that is currently in place.

In addition to a unique relationship that has been established between Ecom and SFEP's Clean Vessel Act Program staff, Ecom is extending the 20% Non-profit Discount to the proposed upcoming contract. This is a significant cost savings for SFEP. As a result, SFEP has been able to develop a high-quality software that is being deployed in other states, at a very reasonable cost.

Recommendation

The previous contract's items were delivered on April 1<sup>st</sup>, 2018, with Support and Maintenance expiring on April 01, 2019. The services they have provided to date have been exceptional. For the compelling business reasons stated above, staff recommends sole sourcing the Pumpout Nav contract with Ecom Enterprises Inc. for the next three years, for an amount not to exceed \$150,000.00. Exact yearly amount will be dependent upon budget approval.

Your signature below indicates your approval of this sole source justification.

 8/30/18

Caitlin Sweeney, Director, San Francisco Estuary Partnership

Concur:

 8/30/18

Brad Paul, Deputy Executive Director, Local Government Services

Approve:



Steve Heminger, Executive Director

SH:ST

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