



265076



**INTERNAL SERVICES DEPARTMENT  
PROCUREMENT MANAGEMENT SERVICES**

**Justification/Input Document for Non-Competitive Acquisition**

It is the policy of Miami-Dade County to consistently purchase goods and services using full and open competition. The citizens of Miami-Dade County are best served when we make sound business decisions based on competitive bids or proposals. Early acquisition planning that includes consultation with Internal Service Department's procurement staff can help avoid delays and facilitates effective market research. However, there may be instances when other than full and open competition may be justified. When a user department(s) determines that other than full and open competition is necessary or in the best interest of the County, appropriate justification for that course of action must be submitted to ISD for approval and execution in order to waive the competitive bid/proposal process.

*Please provide the information requested below to support the need and feasibility for waiving the competitive bid/proposal process:*

Department:	ITD		
Contact Person:	Mirta Cardoso	Phone Number:	305-596-8690
Requisition No.:	RQET1400009	Estimated Value:	\$25,000/ yr
Proposed Vendor:	Kalinda Software		
Previous Contract Number:	BW7026-4/15-4	Previous Contract Value:	22,303.00

**Purpose of the Purchase**

*Please describe your minimum requirements and the benefits of making the acquisition.*

Kalinda's "Online Help" software was initially procured in 1990. The current contract BW7026-4/15-4 is due to expire on 12/31/2014. We need to "renew" this contract for continued maintenance and support of the Online Help software for IDMS, (Integrated Database Management System), a database management system for mainframes. This software provides developers with tools to create online help functions for existing production systems.

**Best Interest of the County / Uniqueness of Product**

*Please provide a detailed description as to why a waiver of formal bidding is in the County's best interest (e.g., product standardization, compatibility, proprietary access or distributorship, how vendor is uniquely qualified to provide the needed product or service, etc.). Please note that a lack of advance planning is not an acceptable justification for a non-competitive acquisition.*

Without the Kalinda Software products, developers will not be able to create the help functions or would need to get a different tool to execute the same functions, which would result in additional investment of funds, time and resources.



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**Market Research**

*Please describe your market research and the results thereof. This should include a description of other, similar sources or products available in the market if any and why they are not acceptable.*

Although there could be other similar products in the market, Kalinda Software is the sole proprietor and copyright holder of the licensed Online Help software in use and the only source for the software maintenance (updates) and technical support.

**Proposed Actions**

*Please describe the actions the department will take to overcome the present barriers to competition prior to any future acquisitions of this product or service.*

N/A

Department Director's Approval

6/12/14

Date Approved



# KALINDA™ software

**Addendum to the Software License Agreement  
Between  
Data Base Architects, Inc. (dba Kalinda Software)  
And  
Miami Dade County**

Effective January 1, 2015 the License Agreement between Data Base Architects, Inc. and Miami Dade County as amended, is amended as follows:

(The "Client"), for a license to use the "Licensed Product(s)" described below and for related services under the Terms and Conditions set forth in this Agreement. This agreement will serve to renew the license agreement from the period January 1, 2015 – December 31, 2019.

The following location in the United States is the Designated CPU where the Licensed Product(s) will be used and to which support will be provided:

5680 SW 87th Avenue Miami, FL 33173

<u>Licensed Product</u>	<u>CPU Model</u>	<u>CPU Serial #</u>	<u># of MIPS</u>
OnLine Help	2098-P03	C65F2	567
OnLine Help	2098-P03	CE8C2	567

**License Renewal Fees:**

The annual license renewal fees for the next five years are estimated as follows:

<u>Licensed Product</u>	<u>CPU Model</u>	<u>Renewal Fee</u>	<u>Renewal Date</u>
OnLine Help	2098-P03	\$21,882	January 1, 2015
OnLine Help	2098-P03	\$22,211	January 1, 2016
OnLine Help	2098-P03	\$22,544	January 1, 2017
OnLine Help	2098-P03	\$22,882	January 1, 2018
OnLine Help	2098-P03	\$23,225	January 1, 2019

- Note: The amount represents a 20% discount

The software renewal date will cover the period January 1 to December 31.

An annual payment in the amount shown above will be due on each renewal date.

Except to the extent otherwise expressly set forth in this Addendum, this Addendum is governed by the terms and conditions of the Agreement and any amendments thereto. If any term in this Addendum conflicts with the Agreement, then the terms of this Addendum shall govern, but only to the extent required to resolve such conflict. This Addendum may be modified or amended only by a writing signed by both parties. The parties acknowledge having read this Addendum and agree to be bound by its terms.

IN WITNESS WHEREOF, the parties have caused this ADDENDUM to be executed by the duly authorized representatives as of the Effective Date.

**By:**  
Miami Dade County

**By:**  
Data Base Architects, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: William M. Braasch

Title: \_\_\_\_\_

Title: President & CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## NON-COMPETITIVE REVIEW SUMMARY

**Action:** Legacy Contract

**Requisition No.:** RQET1400009

**Committee/Committee Date:** N/A

\* DPM internal Processing due date:

<b>Projected BCC Date:</b> <i>(If applicable)</i>
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**Purpose of the Acquisition:**

The purpose of this acquisition is to establish a long term replacement legacy contract to allow the Miami-Dade Information Technology Services Department to procure annual software license renewal services, for the existing "Online Help" software products provided by Data Base Architect, Inc. dba Kalinda Software.

**Recommended Action:**

Establish a legacy contract with Kalinda Software, the proprietary owner and developer of "Online Help" Software, to provide the Miami-Dade Information Technology Services Department with the ability to purchase required licenses, software maintenance and technical support services.

**Contract Term:** Initial five year term with two additional two-year options to renew periods.

**Contract Amount:** \$112,744 for the initial five year term.

OTR Term 1 - \$47,501

OTR Term 2 - \$48,936

**Cumulative Value:** \*\*Should the County elect to exercise all options to renew, the cumulative total will be \$209,181.

**Background:**

Kalinda Software provides ongoing software maintenance and technical support services for the existing Kalinda "OnLine Help" software in use by the Miami-Dade Information Technology Services Department (ITD). The "Online Help" software provides support to the ITD technical and programming staff of the Administrative Office of the Courts, Value Adjustment Board, Criminal Justice, Traffic and Payroll to develop online help functions for existing production systems used in the Mainframe environment (CA's IDMS), which requires support 24 hours per day, 7 days per week.

The original Software License Agreement was established in April 1990, between ITD and Kalinda Software., through a small purchase order. Over time, several replacement contracts have provided ITD with continuity of services. The current contract was issued in 2008 as a sole source and awarded for an initial two year term with four additional

option-to-renew (OTR) periods. The contract is in the final OTR period expiring 12/31/2014. ITD is requesting a replacement contract for the continued services.

**Market Research:**

The "OnLine Help" software product is proprietary software, developed, supported and owned by Data Base Architects, Inc., dba Kalinda Software. Although other companies could be identified offering similar applications (Phoenix Technologies Ltd, SumTotal Systems, Inc. and Pathlore Software Corporation) it was documented that they cannot provide the software maintenance technical support services to the existing software. ITD remains satisfied with the vendor's performance and software functionality that has been developed to support the County systems reliant on this technology. At this time, ITD has no plans of moving off of this platform.

**Recommendation:**

It is recommended that this request be approved as a legacy agreement to provide ITD with a long term contract capable of meeting their operational needs. Kalinda Software has agreed to a 1.5% annual increase as opposed to the standard 5% escalation year over year. Staff will negotiate the terms and conditions as well as establish a fixed price schedule for optional years to renew.

*Dakota Thompson, CPPB*  
Procurement Contracting Officer 2

6/30/14  
Date