



**City of Houston
Finance-Strategic Procurement Division**

Sole Source Justification

General Information	Date: August 25, 2016
Department: Legal	Phone No.:832.393.6455
Contact Name: Harlan D. Heilman	Email: Harlan.heilman@houstontx.gov

Vendor Information	Requisition No.
Name: Municipal Code Corporation	Purchase Order No.
Address: P.O. Box 2235 Tallahassee, FL 32316	Contract No. 4600007993

Description. Please provide a description of the goods or services required, the duration or frequency of the requirement, and where will the services or goods be delivered. Please also identify the annual cost of this good or service.

In 2007, the Legal Department entered into an agreement with Municipal Code Corporation (“Municode”) to purchase services for publication of the final forms of the Houston Code of Ordinances (“Code”). The current purchase is for Municode to (1) edit, print, and bind approximately 200 copies of the two loose leaf volumes of the Code for distribution to various offices of City government for use by employees and to the Houston Public Library, and (2) to edit, host, and maintain the online Code to provide easy access to City residents.

Municode charges the City \$29.20 per page of new text to be inserted into the Code. The City’s annual cost for Municode’s services is approximately \$27,000. As of July 20, there remains \$24,750 of funds allocated to pay Municode. On August 12, the City received hardcopies of Supplement 80, the latest update of the Code, which is estimated to cost \$6,782.40.

To continue to obtain Municode’s services through calendar year 2020, the City now seeks to increase the contract amount by \$100,000.

Type. Please select one of the options and explain below.

Single Source Proprietary/Copyright Restrictions Equipment Compatibility
 Patented Product Exclusive or Unique Capability

Other: Impractical to change vendors without interruption of services

Explanation: Why is this product or service the only one that would satisfy the requirement(s)?

- Municode has exclusive rights to the software, license, and maintenance of its proprietary editing software, which is applied to review and deliver updates to the Code.
- To continue to provide continuous and uninterrupted publication of the Code, additional funding must be allocated to extend the Agreement. To choose a different Vendor would require the reprinting and possible re-codification of over 2,400 pages of the Code. Re-codification would involve substantial analysis and editing of ordinances. To do a recodification at this time could cause the online Code to be unavailable to public access during the transition. In addition, new

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updates of the printed Code may not be available during re-codification. It would be time consuming and inefficient to re-codify the raw text of the Code in a new format.

- In 2015, the City accepted the following services, at no cost, from Municode to publish the online Code per year: 1) Online Code (\$550 per year value), 2) Codebank (\$150 per year value), 3) MuniPRO Code Search (\$295 per year value), 4) Custom Banner (\$250 per year value), 5) OrdBank (\$900 per year value), and 6) CodeBank Compare2 (\$250 per year value). It would be costlier for the online Code to be hosted by another vendor as the City would lose some or all of these savings.
- It is critical the City add funding to maintain the update process to provide seamless and timely notice of Code changes to the public.

Due Diligence. Describe the due diligence performed that led to the conclusion that this is a sole source.

Due to the extensive editing required to re-codify the Code, it would be impractical for the City to select a different vendor without losing, for a period of time, the ability to provide the public with an updated online and print Code. Moreover, Municode is the only publisher that would provide services necessary to maintain the online version of the Code at no additional cost to the City.

Department Recommendation

Requestor:

Date:

Department Director:

Date:

Chief Procurement Officer's Approval

Signature:

Date: 08-30-16