



City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppines.com

Agenda Request Form

Agenda Number: 19.

File ID: 19-0110

Type: Purchase

Status: Failed

Version: 1

**Agenda
Section:**

In Control: City Commission

File Created: 01/17/2019

Short Title: Award SIS System Software to Skyward Inc

Final Action:

Title: MOTION TO APPROVE THE FINDINGS AND RECOMMENDATION OF THE EVALUATION COMMITTEES AND TO AWARD THE STUDENT/SCHOOL INFORMATION SYSTEM PORTION OF RFP # TS-17-04-B "ERP SYSTEM SOFTWARE AND IMPLEMENTATION" TO SKYWARD, INC., WAIVING THE COMPLIANCE OF SKYWARD, INC. TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS, IN THE BEST INTEREST OF THE CITY, PURSUANT TO SECTION 35.39(D)(9)(D) OF THE CITY'S PROCUREMENT CODE, AND TO DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SERVICES.

***Agenda Date:** 02/06/2019

Agenda Number:

Internal Notes:

Attachments: 1. Panorama SIS Presentation, 2. Evaluation Committee Conflict of Interest Forms (ERP & SIS), 3. 12-13-18 Summary Rankings, Score Sheets and Meeting Minutes (SIS), 4. 11-20-18 Meeting Minutes, 5. 11-19-18 Meeting Minutes, 6. 11-8-18 Meeting Minutes, 7. 11-7-18 Meeting Minutes, 8. 10-16-18 Meeting Minutes, 9. 10-15-18 Meeting Minutes, 10. 9-26-18 Meeting Minutes, 11. 9-20-18 Meeting Minutes, 12. Panorama - City Original Demo Script (SIS Portion), 13. Panorama Pricing Analysis (SIS), 14. RFP TS-17-04-B - Bid Tabulation, 15. RFP Proposal from Skyward, Inc., 16. RFP TS-17-04-B - ERP System Software and Implementation, 17. RFQ TS-17-04-A - Bid Tabulation, 18. RFQ Proposal from Skyward, Inc., 19. RFQ TS-17-04-A - ERP System Software and Implementation

- | | | | | |
|---|---------------------|---|---------------------------|------|
| 1 | City Commission | 02/06/2019 | took the following action | Fail |
| | Action Text: | A motion was made by Commissioner Siple, seconded by Mayor Ortis, to discuss Item #19. The motion failed by the following vote: | | |
| | | Nay: - 5 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz, Commissioner Siple, and Vice Mayor Good Jr. | | |
| 1 | City Commission | 02/06/2019 | approve | Pass |

Action Text: Commissioner Siple asked what the next step would be now that the initial motion was voted down.

Mayor Ortis made a motion, seconded by Commissioner Schwartz, to reconsider the item if Skyward LLC implemented an option to give its employees a cash equivalent, since Skyward did not provide domestic partnership benefits. Mr. Hansen, the representative from Skyward, said he would ask his colleagues, since he was not in a position to authorize that decision. The motion to reconsider the alternative option of the vendor providing cash equivalents carried by the following vote:

Aye: - 5 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz,
Commissioner Siple, and Vice Mayor Good Jr.

Nay: - 0

SUMMARY EXPLANATION AND BACKGROUND:

On January 16, 2019, the City Commission made a motion to defer Part B of Agenda File # 19-0001, until the February 6, 2019 Commission meeting, regarding the award of the Student/School Information System portion of RFP # TS-17-04-B "ERP System Software and Implementation" to Skyward, Inc., and waiving the compliance of Skyward, Inc. to provide equal benefits for domestic partners, in the Best Interest of the City, pursuant to Section 35.39(D)(9)(d) of the City's Procurement Code.

Background:

1. On December 20, 2017, the City Commission authorized the advertisement of RFQ # TS-17-04-A "ERP System Software and Implementation", which was advertised on December 26, 2017.
2. The purpose of this solicitation was to find a contractor to provide an innovative and effective solution to meet the City's needs for an Enterprise Resource Planning (ERP) system and Student/School Information System (SIS).
3. On February 20, 2018, the City opened eight (8) proposals and three (3) "No Bid" from the following vendors:
 - Alpha Sirius, Inc.
 - Edmunds & Associates, Inc.
 - Mazik Global, Inc.
 - Quintel-MC, Inc.
 - PowerSchool Group LLC
 - Skyward, Inc.
 - The Arcanum Group, Inc.
 - Tyler Technologies, Inc.
 - Amano McGann, Inc. (No Bid)
 - Superior LLC (No Bid)
 - Incapsulate LLC (No Bid)
4. On May 2, 2018, the City convened the evaluation committee to evaluate the qualifications of

the proposers based on the weighted criteria provided for in the RFQ documents and listed below:

- Business and System Overview (25%)
- Functional Requirements (50%)
- Previous Experience (20%)
- Local Vendor Preference/Veteran Owned Small Business Preference (5%)

5. At the May 2, 2018, meeting, the evaluation committee made a motion, which passed unanimously, to recommend the following vendors to be shortlisted and moved forward to the RFP process:

- Alpha Sirius, Inc. (Vendor did not submit a Letter of Interest)
- Edmunds & Associates, Inc.
- Mazik Global, Inc. (Vendor declined to sign the Sworn Statement on Public Entity Crimes Form, but stated they are willing to submit it later in the RFQ/RFP process)
- Quintel-MC, Inc.
- PowerSchool Group LLC
- Skyward, Inc. (Vendor stated they will not comply with the City's Equal Benefits Requirement)
- The Arcanum Group, Inc.
- Tyler Technologies, Inc.

6. On June 6, 2018, the City Commission authorized the advertisement of RFP # TS-17-04-B "ERP System Software and Implementation", which was advertised on June 7, 2018.

7. On July 17, 2018, the City opened six (6) proposals from the following vendors:

- Edmunds & Associates, Inc.
- Mazik Global, Inc.
- Quintel-MC, Inc.
- Tyler Technologies, Inc.
- PowerSchool Group LLC
- Skyward, Inc.

8. On August 21, 2018, the Procurement Division issued a notice to the vendors which detailed the dates which they were assigned for their presentations, along with a detailed "Demo Script" that was created with the help of our consultant, Panorama Consulting, which was meant to be a guide for the vendors on what the City was looking for in the demonstrations.

9. On September 20, 2018, the Procurement Division held a conference call with the vendors to go over their concerns regarding the demonstrations.

10. On September 26, 2018, the City convened the evaluation committee to discuss how to proceed with the vendor demonstrations and the scheduling of the demos. It was explained to the evaluators that the vendors were hesitant about having to prepare a demo which followed the City's demo script. The vendors requested that they be allowed to present their standard

demo due to time and the cost of producing such a detailed demo. This was discussed and approved by the committee.

11. At the meeting, it was also explained to the committee that the vendors requested a little more flexibility when scheduling the demos. The City had originally assigned to the vendors their demonstration dates based on the order their proposals were received. The evaluation committee also had a discussion regarding the possibility of bifurcating the ERP selection into two separate processes, one for the Student/School Information System (SIS) and the other for the remaining Enterprise Resource Planning (ERP) modules.

12. As a result of the September 26, 2018 evaluation committee meeting, the City Manager approved the bifurcation of the process, with one evaluation committee for the SIS portion and another committee for the remaining ERP modules.

Student/School Information System (SIS):

13. Of the six firms that responded to the RFP, only two firms provided a Student/School Information System (SIS).

14. The vendors were given some open dates to select from for their demonstrations and dates were filled on a first come first serve basis. The firms presented demonstrations of their Student/School Information System to the evaluation committee and the City's and School's Subject Matter Experts (SME) on the following days:

10/15/18 - PowerSchool
10/16/18 - Skyward

15. On December 4, 2018, the City convened the evaluation committee. The purpose of the meeting was to discuss how best to move the project forward, specifically regarding the scoring of the vendors.

16. On December 13, 2018, the City convened the evaluation committees to evaluate the qualifications of the proposers based on the weighted criteria provided for in the RFP documents and listed below:

- RFQ Requirements response and answers to Functional Questions (25%)
- Vendor demonstrations (10%)
- Technical evaluation (10%)
- Cost (25%)
- Reputation in the industry (5%)
- Proposed implementation strategy and plan (5%)
- Integration strategy (5%)
- Vendor support and maintenance (5%)
- Vendor company viability (5%)
- Reference checks (5%)

17. The following are the proposed costs for the initial six (6) year period:

SIS Vendors	Proposed Cost for the 6 Year Period
PowerSchools	\$ 414,462
Skyward	\$ 790,102

Panorama Consulting will be assisting the City in the negotiations for the contracts with each awarded vendor and anticipates a considerable reduction in costs, which will be brought back to the City Commission for approval of the amount and the contract.

18. At the December 13, 2018 meeting, the evaluation committee ranked the vendors as shown below for the SIS:

Rank	Vendor Name
1	Skyward, Inc.
2	PowerSchool Group LLC

19. Based on the scoring results, the evaluation committee unanimously approved a motion to recommend the City Commission to award the SIS portion of RFP # TS-17-04-B "ERP System Software and Implementation" to the first ranked vendor, Skyward, Inc., and to direct the City Manager to negotiate a contract for services.

20. Skyward, Inc. has also completed the Equal Benefits Certification Form and has stated that the "Contractor will not comply with the conditions of this section at the time of award."

21. Per § 35.39 (D)(9)(d) of the City's Procurement Procedures, upon a majority vote, the City Commission may waive compliance for City contractors to provide equal benefits for domestic partners and all married couples in various circumstances, including the Best Interest of the City as determined by the City Commission.

22. Section 35.18(C)(8) Best Interest of the City states "Purchases of and contracts for commodities or services are exempt from this section when the City Commission declares by a simple majority affirmative vote that the process of competitive bidding and competitive proposals is not in the Best Interest of the City. The City Commission shall make specific factual findings that support its determination, and such contracts shall not be placed on the City Commission consent agenda."

23. Below are the factual findings:

- Skyward, Inc. was ranked in first place by all seven (7) evaluation committee members.
- In the data collected from the "Subject Matter Experts" (SME) by Panorama Consulting, Skyward, Inc. was unanimously selected as the best option for the charter schools.
- Skyward, Inc. presented a stronger case of how they can integrate to the software currently being used by the charter schools.
- Skyward, Inc. presented a possible solution to integrate with the State of Florida's Terms Database SIS.
- There were only two proposals for the SIS.

- The solution provided by Skyward, Inc. is a more robust system that meets more of the needs of the City's Charter School System.

24. The Procurement Division reached out to Skyward, Inc. to get clarification on their position, in which they stated that they do provide benefits to all legally married couples (traditional and same-sex marriages), however they do not provide benefits to domestic partners.

25. On November 5, 2014, the City passed an ordinance amending the City's Procurement Procedures by creating a new section requiring city vendors to provide equal benefits for employees in a recognized domestic partnership relationship.

26. On June 26, 2015, the U.S. Supreme Court struck down all state bans on same-sex marriage, legalizing it in all fifty states and required states to honor out-of-state same-sex marriage licenses in the case *Obergefell v. Hodges*.

27. As a result of the June 26, 2015 U.S. Supreme Court case, same-sex domestic partners may now legally enter into a marriage, just like traditional domestic partners, and receive benefits afforded to couples in a traditional marriage.

28. Therefore, if any domestic partner (traditional or same-sex) enter into a marriage, Skyward, Inc. will provide them with the same benefits that Skyward, Inc. currently provides to any couple in a marriage (traditional or same-sex).

29. At the January 16, 2019 Commission meeting, the City Commission questioned Skyward, Inc.'s position on not providing equal benefits to domestic partnerships pursuant to the City's Code and deferred the award of the Student/School Information System portion of RFP # TS-17-04-B "ERP System Software and Implementation" to Skyward, Inc. until the February 6, 2019 Commission meeting.

30. The City's Administration has reached out to Skyward, Inc. to discuss their position on providing benefits to domestic partnerships. In which Skyward, Inc. listed the following concerns/comments:

- Skyward, Inc. is based out of the State of Wisconsin. The State of Wisconsin previously provided benefits to state and local employees that were in domestic partnerships however due to the 2017 Wisconsin Act 59, the State eliminated the benefits to domestic partnerships and the statewide registry system.

- With the legalization of same sex marriages, all domestic partners can now legally enter into a marriage, which will provide them with equal benefits.

- Even though Skyward, Inc. does have a large presence with over 2,000 school districts, it does have a small employee count with approximately 650 employees around the nation.

- Skyward, Inc. is self-insured.

- The cost to implement and manage a program to provide benefits for domestic partnerships would be costly.

31. Request Commission to approve the findings and recommendation of the evaluation

committees and to award the Student/School Information System portion of RFP # TS-17-04-B "ERP System Software and Implementation" to Skyward, Inc., waiving the compliance of Skyward, Inc. to provide equal benefits for domestic partners, in the Best Interest of the City, pursuant to Section 35.39(D)(9)(d) of the City's Procurement Code, and to direct the City Manager to negotiate a contract for services.

FINANCIAL IMPACT DETAIL:

- a) Initial Cost:** None at this time. A negotiated price and contract will be brought back to the Commission for approval at a later date.
- b) Amount budgeted for this item in Account No:** Funds are budgeted in account 1-513-2002-306-64051 computer programs; and in account 1-513-2002-306-64039 Computer equipment not micro. A negotiated price and contract will be brought back to the Commission for approval at a later date.
- c) Source of funding for difference, if not fully budgeted:** Not applicable at this time.
- d) 5 year projection of the operational cost of the project:** Not applicable at this time.
- e) Detail of additional staff requirements:** Not applicable at this time.