



## Legislation Text

File #: 20-0479, Version: 1

MOTION TO APPROVE ENTERING INTO THE FOCUS SOFTWARE MASTER LICENSE AGREEMENT, PRODUCT SCHEDULE AND ADDENDUM WITH FOCUS SCHOOL SOFTWARE, LLC. FOR THE PEMBROKE PINES CHARTER SCHOOLS STUDENT/SCHOOL INFORMATION SYSTEM, IN THE AMOUNT OF \$221,060 FOR THE INITIAL YEAR AND AN ANNUAL AMOUNT NOT TO EXCEED \$71,259.10 THEREAFTER, PURSUANT TO SECTIONS 35.18(C)(2), 35.18(C)(3), 35.18(C)(7)(H) AND 35.18(C)(7)(I) OF THE CITY'S CODE OF ORDINANCES.

### PROCUREMENT PROCESS TAKEN:

- Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."
- Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."
- Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"
  - Section 35.18(C)(2) states, "Professional services. Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding, or competitive proposals, are exempt from this section; however, state laws, such as the Consultants' Competitive Negotiation Act of the state statutes, as may be amended from time to time to the extent applicable, shall be followed."
  - Section 35.18(C)(3) states, "City standard, single-source and sole-source commodities or services. City standard, single-source and sole-source commodities or services are exempt from this section."
  - Section 35.18(C)(7)(h) states, "Copyrighted materials, including computer software;"
  - Section 35.18(C)(7)(i) states, "Software licensing and maintenance with the company from which the software was purchased, or its authorized representative;"
- Section 35.21(A)(1) states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."

### SUMMARY EXPLANATION AND BACKGROUND:

1. Currently the City of Pembroke Pines Charter Schools utilize many separate software applications and systems to perform core functions including, but not limited to; Student Information Management,

Learning Management, School-Lottery and Enrollment.

2. The City's current Student Information System has reached its end of life. It is technologically out-of-date and capabilities have extensive limitations. These shortfalls have resulted in duplication of efforts, inefficient processes, manual data entry, and introduces data integrity vulnerabilities. The City's Student Information System should be the primary system that safely and efficiently integrates and shares data to support the school's core functions.

3. The City of Pembroke Pines Charter Schools and Technology Services Department have reviewed various School Information Systems (SIS) and has determined that the Focus School Software, LLC.is the best fit for the City's Charter Schools. Its robust system can integrate and share data between many of the Charter School's core systems.

4. This agreement with Focus School Software, LLC.is for the City's Charter Schools that are sponsored by the School Board of Broward County and The City's Florida State University (FSU) Elementary Charter School, which is sponsored by Florida State University. FSU Elementary Charter School already utilizes Focus School Software SIS as it is provided by the sponsor.

5. The Focus School Software, LLC. Student/School Information System addresses:

- Online Enrollment & Registration
- Scheduling
- Parent / Student Portal
- Discipline
- Attendance & Tardy Solutions
- Health & Guidance Management
- Gradebook, Report Cards & Transcripts
- Before and After Care
- Student Accounting

6. Pursuant to the Focus Pembroke Pines Charter Schools SIS Product Schedule, in the attached agreement, the license term will be for a five year term beginning on September 1, 2020 and ending on August 31, 2025. The agreement will automatically renew for periods of one (1) year until terminated by either party.

7. The initial cost of the agreement for the first year shall be \$221,060, as outlined below:

**Software License Fee**

<b>(Includes 1<sup>st</sup> Year Maintenance)</b>	<b>Rate</b>	<b>Students</b>	<b>Total</b>
Student Information System	\$18.00	5,335	\$ 96,030
Before and After Care	\$ 3.00	4,234	\$ 12,702
			<b>\$ 108,732</b>

<b>Hardware</b>	<b>Rate</b>	<b>Units</b>	<b>Total</b>
TR210 Attendance Kiosk	\$ 429.00	7	\$ 3,003
TR172 Mobile Attendance Device	\$ 329.00	5	\$ 1,645

Shipping (3 Business Days)	\$ 12	\$ 180
	15.00	
		<b>\$ 4,828</b>

**Professional / Implementation**

Services	Rate	Units	Total
Project Management On-Site	\$ 1,800	15	\$ 27,000
Training On-Site	\$ 1,250	20	\$ 25,000
Data Conversion & Cleansing	\$ 1,250	25	\$ 31,250
Off Site Support	\$ 1,250	5	\$ 6,250
Additional On-Site Support	\$ 1,800	10	\$ 18,000
			<b>\$ 107,500</b>

**GrandTotal \$ 221,060**

8. The \$108,732 for Software License Fees which includes the first year of maintenance is exempt from competitive bidding pursuant to section 35.18(C)(7)(h) and 35.18(C)(7)(i) of the City's Code of Ordinances. In addition, the \$4,828 for the Focus TR210 Attendance Kiosk and the Focus TR172 Mobile Attendance Device are sole source hardware products from Focus School Software, LLC, which are exempt from competitive bidding pursuant to section 35.18(C)(3) of the City's Code of Ordinances. Furthermore, the \$107,500 in Professional Services for the Implementation of the system is exempt from competitive bidding pursuant to section 35.18(C)(2) of the City's Code of Ordinances.

9. The City shall pay Focus School Software, LLC. \$110,530 at Contract Execution and the remaining \$110,530 at Scheduling Go-Live, which is anticipated to be on February 25, 2021 pursuant to the attached Pembroke Pines SIS Implementation Timeline.

10. The Annual Maintenance & Support Costs are based on the following rates, due annually on September 1, 2021 and annually thereafter:

**Year 2-5 Annual Costs**

Maintenance & Support	Rate
Student Information System	\$ 4.00
Before and After Care	\$ 3.00
Cloud Hosting	\$ 1.00

11. As a result of potential increases in the student population over the five year period, the Charter Schools are including a 10% Owner's Contingency to the current estimates, which results in an annual cost not to exceed \$71,259.10 for years 2 through 5:

Year 2-5 Estimated Annual Costs			10% Owner's		
Maintenance & Support	Rate	Students	Sub-Total	Contingency	Total
Student Information System	\$ 4.00	5,335	\$ 21,340	\$ 2,134.00	\$ 23,474.00
Before and After Care	\$ 3.00	4,234	\$ 38,106	\$ 3,810.60	\$ 41,916.60

Cloud Hosting	\$ 1.00	5,335	\$ 5,335	\$ 533.50	\$ 5,868.50
			<b>\$ 64,781</b>	<b>\$ 6,478.10</b>	<b>\$ 71,259.10</b>

12. In addition, Focus School Software, LLC. has also completed the Equal Benefits Certification Form and has stated that the "Contractor currently complies with the requirements of this section."

13. Request Commission to approve entering into the Focus Software Master License Agreement, Product Schedule and Addendum with Focus School Software, LLC. for the Pembroke Pines Charter Schools Student/School Information System, in the amount of \$221,060 for the initial year and an annual amount not to exceed \$71,259.10 thereafter, pursuant to sections 35.18(C)(2), 35.18(C)(3), 35.18(C)(7)(h) and 35.18(C)(7)(i) of the City's Code of Ordinances.

#### FINANCIAL IMPACT DETAIL:

**a) Initial Cost:** \$221,060 for the initial year.

**b) Amount budgeted for this item in Account No:** There is \$196,060 available in account # 1-513-2002-307-64051 (Computer programs); and \$25,000 available in account # 1-513-2002-34995 (IT Contractual Services) for the training.

**c) Source of funding for difference, if not fully budgeted:** Not Applicable.

**d) 5 year projection of the operational cost of the project:**

	Current FY	Year 2	Year 3	Year 4	Year 5
Revenues	\$0	\$0	\$0	\$0	\$0
Expenditures	\$221,060	\$71,259.10	\$71,259.10	\$71,259.10	\$71,259.10
Net Cost	\$221,060	\$71,259.10	\$71,259.10	\$71,259.10	\$71,259.10

**e) Detail of additional staff requirements:** Not Applicable.