



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 18, 2024

Department: District Attorney

Title: Sole Source Determination for PROSECUTORbyKarpel

Management Update/Work Session Date: September 3, 2024 Audio/Visual aids []

Time Required: 5 min Contact: Toby Giddings Phone: x5047

Requested Action: Approval of the Sole Source Determination for PROSECUTORbyKarpel

Issue, Description & Background: The Marion County District Attorney's Office (MCDA) criminal division is seeking a new case management system. The existing system is not meeting the current needs of the District Attorney's Office. A Brand Name Specification and Request for Information have both been completed as findings to support the Sole Source Determination.

Financial Impacts: none at this time

Impacts to Department & External Agencies: none at this time

List of attachments: Sole Source Determination, Request for Information, Brand Name Specification

Presenter: Brendan Murphy and Toby Giddings

Department Head Signature: Paige Clarkson



SOLE SOURCE DETERMINATION

DA1573-24

for

Criminal Justice Case Management

1. PURPOSE

Marion County District Attorney's Office (County) is conducting a Sole Source Procurement pursuant to ORS 279B.075 and MCPCR 20-0275.

If approved, the County intends to award a contract to Karpel for the Prosecutor Case Management Software (PROSECUTORbyKarpel) and related services. The initial term of the Contract is anticipated to be 5 years with options to renew the contract until such a time a replacement system is implemented.

2. BACKGROUND

The Marion County District Attorney's Office (MCDA) criminal division is seeking a new case management system. The existing system is not meeting the current needs of the District Attorney's Office.

In 2023, the Marion County Board of Commissioners approved a new data system for the Marion County District Attorney's Office.

3. REQUIREMENTS

Pursuant to MCPCR 20-0275 The county may award a contract without competition as sole source procurement pursuant to the requirements of ORS 279B.075.

The County must determine that the goods or services, or class of goods or services, are available from only one source. The county's determination of a sole source must be based on written findings that may include:

- (a) The efficient utilization of existing goods or services requires the acquisition of compatible goods or services;
- (b) The goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
- (c) The goods or services are for use in a pilot or an experimental project; or

- (d) Other findings that support the conclusion that the goods or services are available from only one source.

4. DETERMINATION AND FINDINGS

A. ORS 279B.075(2)(a)

The efficient utilization of existing goods or services requires the acquisition of compatible goods or services;

For the following reasons, efficient utilization of both goods and services requires the acquisition of compatible goods or services.

- i Marion County District Attorney (MCDA) “files” are paperless. Any compatible goods or services must also support paperless DA case files to afford seamless transition of services.
- ii Marion County utilizes Microsoft Office Suite for software services. Any MCDA data system must integrate to that array of services to avoid duplicative, wasteful resources. A prime example is Microsoft Outlook. Currently, MCDA employees must use two calendars: eProsecutor’s separate integrated calendar to support case-calendaring, and Outlook to support employment-based calendaring. This creates confusing, inefficient, and duplicated efforts to calendar simple business tasks, such as meetings.
- iii 24-7 customer service is required, especially if a vendor is based in a different time zone.
- iv Database vendor must understand and comply with Criminal Justice Information System (CJIS) protocols and standards, including access and upgrades to Marion County DA files and information.
- v Oregon DA offices must comply with victim rights notification obligations. Any DA criminal system must be able to provide victim notices and rights information. Compatible and similar victim right notification procedures are required for any data system.

B. ORS 279B.075(2)(b)

That the goods or services required to exchange software or data with other public or private agencies are available from only one source;

- i PROSECUTORbyKarpel is the only DA data system that currently integrates with Oregon Courts’ state-wide system (Odyssey) and has a track record of doing so. This

includes automated docket scheduling with Microsoft Outlook, Marion County's calendaring system.

- ii PROSECUTORbyKarpel is the current data system vendor for 33 of Oregon's 36 District Attorney offices. (Curry County does not have a data system, utilizing an Excel spreadsheet and paper files; Linn County is currently switching from their current vendor; Marion is the only other non-Karpel county, with eProsecutor.) Therefore,
 - (1) DA offices using PROSECUTORbyKarpel are able to share and collect information regarding case files, defendants and/or witnesses from other offices using PROSECUTORbyKarpel. Non-Karpel systems do not allow for this efficiency.
 - (2) PROSECUTORbyKarpel integrates with several of Marion County's law enforcement databases to leverage (upload from law enforcement) previously entered witness information.
 - (3) PROSECUTORbyKarpel is able to provide Oregon-specific customer service support and technological upgrades.
- iii PROSECUTORbyKarpel has "plug-and-play" access to data reports used by other Oregon DA offices, which allows MCDA to compare and retrieve similar criminal justice data efficiently. Non-Karpel systems require building reports from scratch to ensure that data is the same.
- iv PROSECUTORbyKarpel integrates with Evidence.com, which is the cloud-based data transfer system used by several Marion County law enforcement agencies.
- v Karpel currently attends Oregon DA conferences to provide training, updates and system advice/streamlining.

C. ORS 279B.075(2)(c)

That the goods or services are for use in a pilot or an experimental project; or

- i N/A

D. ORS 279B.075(2)(d)

Other findings that support the conclusion that the goods or services are available from only one source.

- i Numerous legal case management systems focus on civil work, or BOTH law enforcement and DA databased systems. MCDA has been able to only identify one

source that focuses primarily on DA data systems, with all other (if any) systems being secondary to that focus.

ii Request for Information

Request for Information DA1573-24 was issued on August 7 with a response due date of August 14, providing the public the opportunity to provide information regarding the availability of PROSECUTORbyKarpel through a provider other than Karpel. The only response to the RFI was a submission from Karpel confirming that PROSECUTORbyKarpel is a Sole Source product. No other responses were received as a result of this posting.

iii Brand Name Specification

A Brand Name Specification was completed and included with the Request for Information to demonstrate the findings that only PROSECUTORbyKarpel will meet the need of the DA’s Office.


5. REVIEW AND APPROVAL

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

Chair _____ Date _____

Commissioner _____ Date _____

Commissioner _____ Date _____

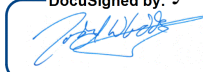
Authorized Signature:  Signed by: Paige Clarkson
1D15B38FC4C9497 _____ Date: 8/30/2024

Department Director or designee _____ Date _____

Authorized Signature: _____
Chief Administrative Officer _____ Date _____

Reviewed by Signature: _____

Marion County Legal Counsel _____ Date _____

Reviewed by Signature:  DocuSigned by: _____
E4592AF8CAA542C _____ Date: 8/30/2024

Marion County Contracts & Procurement _____ Date _____



REQUEST FOR INFORMATION

DA1573-24

for

Criminal Justice Case Management

Release Date: **August 7, 2024**

Response Due Date: **August 14, 2024 – 3:00PM**

Submit questions and responses via the Marion County Procurement Collaboration Portal

<https://contracts-marioncountygcc.msapproxy.net/gateway/>

Instructions are listed in Section 6

Electronic copies of this RFI and attachments, if any, can be obtained from the Marion County Procurement Collaboration Portal at the URL listed above

1. INTRODUCTION

Marion County District Attorney's Office (County) is planning to award a contract to Karpel for the Prosecutor Case Management Software (PROSECUTORbyKarpel) and related services as a Sole-Source award.

The County is required to demonstrate that these services are available from only one source. The County is seeking information from individuals, firms, teams, or consultants, with knowledge and experience related to this request.

2. BACKGROUND

Located in the heart of the Mid-Willamette Valley, Marion County has a population of 347,818, stretches from the Willamette River to the Cascade Mountains, and encompasses nearly 1,200 square miles. Marion County has 20 cities, including the Oregon's capital, Salem. The Marion County government organization is headed by an elected Board of Commissioners and has 15 departments, seven of which are headed by elected officials.

The Marion County District Attorney's Office (MCDA) criminal division is seeking a new case management system. The existing system is not meeting the current needs of the District Attorney's Office.

In 2023, the Marion County Board of Commissioners approved a new data system for the Marion County District Attorney's Office.

3. PURPOSE

This RFI is being issued to ensure that the PROSECUTORbyKarpel is only available from one source, Karpel. If the responses or lack of responses from this RFI confirm these services are only available from one source, a Sole Source Contract & Purchase Order will be awarded in accordance with MCPCR 20-0275 and ORS 279B.075.

4. BRAND NAME SPECIFICATION

A brand name specification has been completed and is available to download from the Marion County Procurement Collaboration Portal.

5. REQUEST

Submit a response to this RFI if you are able to provide PROSECUTORbyKarpel Prosecutor Case Management Software.

6. RESPONSE INSTRUCTIONS

A. Log Into the Procurement Collaboration Portal

- i Go to the Marion County Procurement Collaboration Portal which can be found at: <https://contracts-marioncountygcc.msapproxy.net/gateway/>
- ii Sign In or Create an Account
- iii Creating an account MUST be completed 15-30 minutes before files will be able to be submitted through the portal.

B. Solicitations Tab

- i At the top of the page, hover over Solicitations
- ii Select Search All Solicitations
- iii Click View next to the applicable solicitation

C. Opportunity Details

- i **Viewing Documents** – Scroll down the page to the Files, Documents, Images section, Public Files: subsection. Here you will find all of the relevant files.
- ii **Submitting a Question** – If you would like to submit a question, scroll down the page to the Questions & Answers section. Type your question in the My Questions/Answers text box and click the Ask Question box.

- iii **Register as Respondent** - If you are interested in responding to the posting, click the button Register as Respondent on the left side of the screen.
- iv **Submitting Documents** – If you would like to submit a response to this posting, scroll down the page to the Files, Documents, Images section, My Files: subsection. Here you will Select a file, select a File Category, and type a description before clicking the Save File button.
- v **Response Status** – Once you have registered as a respondent and submitted documents, scroll to the bottom of the page to the Response Status section and select the appropriate status for your submission, then click Submit.

7. PUBLIC RECORDS

Respondents should be aware that any records they submit to the County shall become the property of the County and a public record, subject to public disclosure as provided under Oregon's Public Records Law.

If it is necessary to submit trade secrets or other confidential information in order to comply with the terms and conditions of this RFI, Responders shall label any information that it wishes to protect from disclosure to third parties as a trade secret under ORS 192.501(2) with the following: "This material constitutes a trade secret under ORS 192.501(2) and is not to be disclosed except as required by law." Each page containing the trade secret or other confidential information must be so marked.

The County shall take reasonable measures to hold in confidence all such labeled information but shall not be liable for release of any information when required by law or court order to do so, whether pursuant to the Oregon Public Records Law or otherwise and shall also be immune from liability for disclosure or release of information under the circumstances set out in ORS 646.473(3).

In submitting a response, each respondent agrees that the County may; (a) reveal any trade secret or other confidential materials contained in the proposal to County staff and to any outside consultant or third party who is hired by the County and (b) post the response on the County's intranet for purposes related to its evaluation. Furthermore, each proposer agrees to indemnify and hold harmless the County and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the respondent has designated as a trade secret and/or as confidential information. Any respondent that designates its entire response as a trade secret may be disqualified.

8. DISCLAIMER

This RFI is issued solely for determining findings to support a Sole Source award; it does not constitute a solicitation. There will not be an evaluation or scoring of the material submitted.

No information received in response to this RFI will be returned. Responses to this notice are not an offer and cannot be accepted by the County to form a binding contract. Respondents will not necessarily be notified the result of this RFI, or future solicitation opportunities.



BRAND NAME SPECIFICATION

DA1573-24

for

Criminal Justice Case Management

1. PURPOSE

Marion County District Attorney's Office (County) is issuing a Sole Source that includes a Brand Name Specification pursuant to ORS 279B.215(2).

2. REQUIREMENTS

ORS 279B.215(2) A brand name specification may be prepared and used only if the contracting agency determines for a solicitation or a class of solicitations that only the identified brand name specification will meet the needs of the contracting agency based on one or more of the following written determinations:

- (a) That use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;
- (b) That use of a brand name specification would result in substantial cost savings to the contracting agency;
- (c) That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
- (d) That efficient utilization of existing goods requires the acquisition of compatible goods or services.

3. DETERMINATION AND FINDINGS

A. ORS 279B.215(2)(a)

That use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;

i N/A

B. ORS 279B.215(2)(b)

That use of a brand name specification would result in substantial cost savings to the contracting agency;

PROSECUTORbyKarpel is the current data system vendor for 33 of Oregon's 36 District Attorney offices. This would allow MCDA to leverage existing systems, processes, procedures and templates to avoid MCDA needing to contract with a vendor for those specific needs, such as notification procedures for compliance with Oregon's victim rights notification laws.

Furthermore, PROSECUTORbyKarpel is the only known tool that currently integrates with Oregon Courts' data system. This is both necessary and extremely efficient, allowing for automatic docketing of DA cases, calendaring, and notice generation. Automation of these areas would result in substantial cost savings to MCDA as we currently have personnel scheduling and double-checking dockets to ensure accurate compliance with court calendaring.

Finally, Karpel has a history of successfully transitioning customers to PROSECUTORbyKarpel, having just recently converted the largest DA office in the state (Multnomah).

C. ORS 279B.215(2)(c)

That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or

- i Karpel is the only seller of the PROSECUTORbyKarpel
- ii MCDA has determined that Karpel is the only vendor with a demonstrated history of successful, integrated, case file management systems for Oregon District Attorney Offices. Specifically, long-standing integration with Oregon courts' system and Oregon law enforcement systems provides assurance of quality control and leveraged resources. Furthermore, 24/7 customer support is also necessary to minimize software problems.

D. ORS 279B.215(2)(d)

That efficient utilization of existing goods requires the acquisition of compatible goods or services.

- i Marion County District Attorney "files" are paperless. Any compatible goods or services must also support paperless DA case files to afford seamless transition of services.
- ii Marion County utilizes Microsoft Office Suite for software services. Any MCDA data system must integrate to that array of services to avoid duplicative, wasteful resources. A prime example is Microsoft Outlook. Currently, MCDA employees must use two calendars: eProsecutor's separate integrated calendar to support case-calendaring, and

Outlook to support employment-based calendaring. This creates confusing, inefficient, and duplicated efforts to calendar meetings.

- iii 24-7 customer service is required, especially if a vendor is based in a different time zone.
- iv Database vendor must understand and comply with Criminal Justice Information System (CJIS) protocols and standards, including access and upgrades to Marion County DA files and information.
- v Oregon DA offices must comply with victim rights notification obligations. Any DA criminal system must be able to provide victim notices and rights information. Compatible and similar victim right notification procedures are required for any data system.



9717 Landmark Parkway • St. Louis, MO 631237 • 314-892-6300 • www.karpel.com

August 12, 2024

Marion County Finance Department
Toby Giddings, Contracts & Procurement Manager
555 Court St. NE, Suite 4247
Salem, OR 97301

Re: Request for information-DA1573-24 Criminal Case Management

Dear Mr. Giddings,

This letter is in response to above mentioned RFI issued August 7, 2024, on behalf of the District Attorney's Office for Brand Name Specification of PROSECUTORbyKarpel. This letter is to confirm that PROSECUTORbyKarpel is a sole source product, sold, serviced, and distributed exclusively by Karpel Computer Systems, Inc., d/b/a Karpel Solutions. This product can only be purchased directly from Karpel Solutions. There are no agents or dealers authorized to resell this product.

On behalf of Karpel Solutions, I look forward to the next steps that will follow this RFI response.

Sincerely,

A handwritten signature in blue ink that reads "Jane Quick". The signature is fluid and cursive.

Jane Quick, Sales Executive
Karpel Solutions
Phone: (314) 892-6300 x1141
Email: jquick@karpel.com