

CITY OF CARLSBAD SOLE SOURCE AND EMERGENCY PROCUREMENT REQUEST AND DETERMINATION FORM

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the Purchasing Manager. *A purchase order will not be issued and orders may not be placed until the sole source determination as been posted for a minimum of 15 days.*

I. Name of Company: Visual Statement Date: 10/3/16

Please Check One: New Sole Source Renewal of Existing Sole Source

Please Check One: Product Services Product and Services

Type of Sole Source Requested: *(Please check the one that best describes the type of Sole Source you are requesting)*

Company Sole Source (Only one company can provide the goods or services)

Brand Name Sole Source (Only this brand will serve the intended purpose or function with existing equipment or systems, including software)

Unique Professional Services (Only one company or individual can provide this service due to the creative nature of the service or custom delivery of goods or services that are unique and subject to custom design and/or fabrication.

***Please note- True Professional Services under \$60,000 in value are considered a small purchase and does not require a sole source determination.*

Proprietary Sole Source (Only this company provides this product or service and only this company can provide after sale maintenance, repairs or service agreements)

Local Sole Source (Only one company exists to provide this product or service locally and due to the nature of the purchase, it is not feasible or reasonable to obtain the product or service from non-local sources. Only one local vendor is able to respond to the need in a timely manner due to local proximity)

Amount of Purchase \$ 11,230.10

II. ___ Emergency Procurement Request

DEFINITION OF EMERGENCY CONDITIONS:

An emergency condition is a situation which creates a threat to public health, welfare, safety or property such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- A. the functioning of government;
- B. the preservation or protection of property; or
- C. the health or safety of any person.

Please provide a detailed explanation for why the purchase required meets the above definition of an Emergency Condition.

** The Emergency Determination will only be in effect as long as needed to alleviate the emergency conditions. Once the emergency condition has passed, regular procurement methods and procedures must be followed.

Amount of purchase: \$ _____

Sole Source Determination

- III. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor *the one source* capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the "best" source or the "least costly" source. Those factors do not justify a "sole source.")

The police department researched crash scene and crime scene mapping software solutions to use in conjunction with existing total station (mapping) equipment. The following options were explored: Visual Statement EdgeFx, FARO Arcas 360 and Leica IMS Map 360. Following a careful review of the above stated programs, EdgeFx offers one unique feature. They offer MEX software which is loaded on the data collector for use in the field. MEX bridges the gap between the total station and EdgeFx which makes collecting data points easier. EdgeFx also has a basic dongle which allows all officers in the department to utilize basic features of the program at any work station for only \$595.⁰⁰. New Mexico State Police Traffic Crash Reconstructonists also utilize EdgeFx. Utilizing the same software allows us to cross train more efficiently. Recently our traffic unit has been invited to attend the quarterly trainings.

- IV. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are *unique* and how this uniqueness is substantially related to the intended purpose of the contract.

1) MEX bridging software makes field collection easier and more efficient.

2) EdgeFx has a basic dongle which allows multiple users to utilize basic features of the program without the purchase of additional licenses.

V. Explain why other similar professional services, services, construction or item(s) of tangible personal property cannot meet the intended purpose of the contract.

FARO and Leica do not sell a bridging software such as MEX. MEX was manufactured to interface with EdgeEx.

VI. Provide a narrative of the due diligence used in determining the basis for the procurement, including a review of available sources and include Include a list of businesses contacted (do not state that no other businesses were contacted), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, provide the goods or services; or an explanation of why the department has determined that no businesses other than the prospective contractor can provide the goods or services requested.

Online demonstration of Leica IMS Map 360 through Holman's on May 24, 2016.

Online demonstration of FARO Accas 360 on August 24, 2016

Online demonstration of Edge Ex on July 20, 2016.

We also spoke with NMSP Crash reconstruct. onists for guidance. They utilize FARO when they use a scanner which utilizes point cloud data. We don't have scanner equipment. We only have a basic total station. NMSP field experience is FARO does not perform as effectively as EdgeEx when using total station data. They however prefer FARO when using point cloud data.

Certified by:

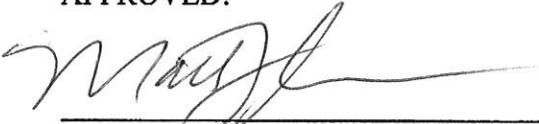
Date: 10.03-16



Department Director

APPROVED:

Date: 10-25-16



Chief Procurement Officer

Authority to Proceed

- 1) the signature of the CPO on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
- 2) the sole source is granted as of the date of signature by the State Purchasing Agent; and
- 3) the signature of the CPO on this form is the final signature required for this sole source procurement.



October 3rd, 2016

Source Letter

VS Visual Statement Inc. is the sole developer and owner of the product source code for EdgeFX software - including EdgeFX Forensic, EdgeFX Forensic Advanced and Forensic Elite, and mFX software. As such Visual Statement is the only company that can add enhancements and modifications to this software and provide ongoing maintenance and updates.



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ONE STEP AHEAD



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 CANADA
 (250) 828 0383 (Main)
 (888) 828 0383 (Toll Free)
 (250) 984 7454 (Fax)
 www.visualstatement.com

Sales Quote

Date: October 3, 2016

Please send your Purchase Order via Fax: 1-250-984-7454 or E-mail: to accounting@visualstatement.com or contact your Representative for further information.

| Agency | |
|--------------------|----------------------------|
| Contact: | Jennifer Moyers |
| Agency Name: | Carlsbad Police Department |
| Address: | 405 S Halagueno St |
| City, State & Zip: | Carlsbad, NM 88220-5632 |

| Details | |
|---------------|-----------------------------|
| Order No: | S-39116 |
| Contact Name: | Adam Hunter |
| | (888) 828-0383 |
| | ahunter@visualstatement.com |

| PRODUCT NUMBER | QTY | PRODUCT NAME | PRODUCT DESCRIPTION | MISC. | UNIT PRICE | TOTAL PRICE |
|----------------|-----|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|-------------|
| VS002371 | 1 | EdgeFX Forensic Advanced Edition | EdgeFX diagramming software includes 2D Diagramming, Always3D Engine, SketchUp integration, Evidence Markers, Bullet Trajectory, SmartRoads, SmartRooms, Aerial Imagery (Bing Maps), Measurements, TerrainFx, AvatarFx, 2D Animation, VehicleSpecsFx, CrumpleFx, PhotoFx, 3D Animation (MotionFx), LightingFx, TimelineFx, SmartTrucks, MomentumFx, and CrashMath, Smart Dongle | | \$4,995.00 | \$4,995.00 |
| VS002383 | 1 | True Partner Maintenance (TPM) - EdgeFX Forensic Advanced | Prepaid annual maintenance includes: Priority tech support via toll-free phone and email, free minor updates to the program (update protection), free yearly vehicle specifications database updates, Up to 5 custom model requests (restrictions apply), 25% discount on any additional components purchased during annual maintenance period, and 25% discount on major upgrade releases. | | \$899.10 | \$899.10 |

| | | | | | | |
|----------|---|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| VS001962 | 1 | mFX Suite w/ L-Series Trimble Nomad | mFX Data Collection software, L-Series Trimble Nomad | _____ | \$3,095.00 | \$3,095.00 |
| VS002479 | 3 | EdgeFX Basic | Basic EdgeFX diagramming software which includes 2D Diagramming, Always3D Engine, Aerial Imagery (Maps), Measurements, TerrainFx, AvatarFx, 2D Animation, VehicleSpecsFx, and CrumpleFx. This version includes a Smart Dongle. | _____ | \$595.00 | \$1,785.00 |
| VS002431 | 6 | Online Training - 3 day EdgeFX - Basic Diagramming | 3 day EdgeFX basic diagramming training delivered by a Certified VS Trainer live online via Webex | _____ | \$249.00 | \$1,494.00 |
| VS002432 | 3 | Online Training - 2 day EdgeFX- Advanced Diagramming | 2 day advanced EdgeFX diagramming training delivered by a Certified VS Trainer live online via Webex | _____ | \$249.00 | \$747.00 |
| _____ | 1 | Free Insured Shipping & Handling | Limited to orders in the continental USA | _____ | \$0.00 | \$0.00 |

NET TOTAL (USD) \$13,015.10

Pricing is guaranteed 60 days from date of proposal.

Notes

Terms and Conditions

All customer purchases for Visual Statement products and services are subject to Visual Statement's End User License Agreement which can be viewed at www.visualstatement.com/products. Such terms, along with any additional terms and conditions agreed to and accepted by VS in Customer's Purchase Order or otherwise stipulated in writing, shall prevail over any differing or conflicting terms in this Proposal.