

SOLE SOURCE:

- 19. Authorize Sole Source Procurement and authorize the issuance of Purchase Order Grant Locator Services, to eCivis, Inc., Pasadena, CA (Subscription Agreement - \$33,750)**

eCivis, Inc., provides a web-based software and database of all grant opportunities on Federal, State, and Foundation levels. Access rights, training, and instructional support are given to county employees for locating grant funding opportunities specific to their projects. Details of the grant criteria and required documentation to prospective funders are made available through this grant locator service.

A demonstration of the software was conducted to staff members on August 30, 2005. A 30 day trial (test) of the software is currently being utilized by the Staff. The software is very beneficial in searching for grant opportunities.

It is intended for county employees to work with our grant writing consultant to pursue eCivis identified opportunities as well as those identified by the consultant. Utilization of both services is anticipated to significantly improve Seminole County grant activity. Furthermore, the subscription agreement allows for access rights to be given to nonprofit organizations in Seminole County, so they too can utilize the services of eCivis to locate and secure funding sources. The cost of the annual software for unlimited users is \$33,750.00.

Fiscal Services/Grant Division and Fiscal Services/Purchasing and Contracts Division recommend that the Board approve the Sole Source Procurement and authorize the issuance of a Purchase Order(s) to eCivis, Inc.

eCIVIS GRANTS LOCATOR

Date 8/19/2005
Contract No. 10662

SUBSCRIPTION AGREEMENT

Between eCivis, Inc., a Delaware corporation ("eCivis")
Address: 150 E. Colorado Boulevard, Suite 215
Pasadena, CA 91105
Phone: (877) 232-4847
Sales Contact: Carl Stough

Customer Name, type of entity, and jurisdiction: County of Seminole
Address: County of Seminole
1101 East First Street
Sanford, FL 32771
Phone: (407) 665-7219
Principal Contact and Master Access Holder: J. Kevin Grace, County Manager

This Agreement provides for eCivis to grant access to your Access Holders, on a password-restricted basis, through the Internet, the following products for the following fees ("Fees"):

- ✓ **Grants Locator software and database: Federal, Florida and Foundation Version**
 - \$33,750 for Unlimited Access Holders (Includes Community Based Option)
 - Payment: \$33,750 Due October 1, 2006 (net 30)
 - Term: Date of Signing to September 30, 2006 (the "Termination Date")
 - Toll Free Customer support (877-2 eCivis) and web-based *Grants Locator* training included
- ✓ **10 "Improving Your Grant Skills Series" Courses**

Please Choose One:

To Guarantee a Price-Protected Extension: This agreement will automatically renew *Grants Locator* for additional calendar year(s) of 365 days unless eCivis receives written notification on or before the termination date. Notification must be sent to eCivis at the address listed below. Fees will be calculated as the lesser of the previous year's price plus 5% or the then current maximum price. Fees will be invoiced and payment is due within 30 days of contract extension. Initial to agree to the Price-Protected Extension option: ☐

All Grants Locator contracts are a Year-to-Year except if the Price Protected Extension option is selected. This offers an extension agreement, which must be signed each year in advance of the current contract termination date. No guarantee is implied regarding a maximum price increase from year to year.

This Agreement, including the *Terms and Conditions* is the complete and exclusive statement of the agreement between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

eCivis, Inc.

By: 

Karl T. Rectanus
Vice President
eCivis, Inc.

County of Seminole

By: _____

Print Name

Print Title

Date

TERMS AND CONDITIONS

1. **General.** “You” means the single end-user organization executing this Agreement.

“Access Holder” means each individual that is an employee of your organization that uses *Grants Locator*. If the Community Based Organization and/or Library option is purchased, then an “Access Holder” also includes an approved employee of the selected group.

“*Grants Locator*” means the most current version of the online grants database libraries. eCivis reserves the right to discontinue *Grants Locator* at any time by giving written notice to you.

2. **License.** eCivis grants you, subject to this Agreement, a nonexclusive, nontransferable right and license.
1. To permit each allowed Access Holder to access *Grants Locator* through the Internet.
 2. To create printouts, download and store in electronic form, and re-purpose *Grants Locator* for internal use in connection with your normal business activities.

You may not engage in such activity if it is for commercial sale, redistribution, broadcast or transfer of such materials. You agree not to rent, lease, sublicense, distribute, or transfer any information to entities or people outside your organization. You agree to take all reasonable steps to protect *Grants Locator* from unauthorized access, copying, or use.

If people or entities outside your organization use your usernames to access *Grants Locator*, eCivis reserves the right to terminate this contract.

3. **Passwords.** You agree to assume sole responsibility for the security of your passwords.

4. **Help Desk.** eCivis maintains a help desk from 9 AM to 5 PM Pacific Time capable of providing technical assistance for *Grants Locator*. eCivis does not hold itself out as a professional expert and advisor regarding your computer or information needs.

5. **Your Responsibilities.** You are responsible for determining whether the *Grants Locator* will achieve the results you desire; You are responsible for adopting reasonable measures to limit your exposure with respect to potential losses and damages arising from use, nonuse, interruption, delay, errors, or omissions in *Grants Locator*. You agree to indemnify and hold eCivis, its managers, members, officers, employees, harmless from and against any loss, claims, demands, expenses, or liability of whatever nature or kind of you or any third parties arising out of your use of *Grants Locator*.

6. **Term.** The initial term of this Agreement shall commence on the date set forth above and end on the Termination Date.

7. **Fees.** eCivis will charge, and you agree to pay, the Fees. Full payment shall be made to eCivis within thirty (30) days after the original date of the invoice. eCivis will charge you interest at the rate of 1.5 % per month if payment is not received within the 30 days. Cancellation of any subscription will not result in any refund or credit of fees already paid and any additional payments remain due according to pre-determined terms. Subscription fees are charged up-front and no refunds or credits will be given upon cancellation. Additional fees may apply if you decide to re-subscribe at a later date.

8. **Changes.** eCivis reserves the right to change its fees and any other terms and conditions, at any time, effective upon publication. These changes will NOT affect any existing contract Term.

9. **Proprietary Protection.** eCivis is the sole owner of *Grants Locator* and any associated intellectual property rights. eCivis claims U.S. and foreign copyright ownership with respect to *Grants Locator*. You agree not to remove any copyright notices from printouts of *Grants Locator*.

10. Indemnification. If a third party claims that *Grants Locator* or your use of *Grants Locator* pursuant to this Agreement infringes any U.S. patent, copyright, or trade secret, eCivis will defend you and all Access Holders against such claim at eCivis' expense and pay all damages that a court finally awards, provided that you promptly notify eCivis in writing of the claim, and allow eCivis to control, and cooperate with eCivis in, the defense or any related settlement negotiations. If such a claim is made or appears possible, eCivis may, at its option, secure for you the right to continue to use the Product, modify or replace the Product with equivalent information so they are noninfringing, or, if neither of the foregoing options is available in eCivis' sole judgment, terminate this Agreement by paying you a credit equal to the portion of previously paid fees and charges allocable to the remaining term of this Agreement. THIS PARAGRAPH STATES eCIVIS' ENTIRE OBLIGATION WITH RESPECT TO ANY CLAIM OF INFRINGEMENT.

11. Limitations. eCivis shall employ due care and attention in obtaining and maintaining *Grants Locator*. However, you acknowledge that any collection and compilation of data entails the likelihood of some human and machine errors, omissions, delays, interruptions, and losses, including inadvertent loss of data or damage to media, which may give rise to loss or damage. Accordingly, you agree that the *Grants Locator* is provided "as is"; eCivis makes no representation or warranty with respect to their accuracy, completeness, and eCivis specifically disclaims any other warranty, express, implied, or statutory, including, any warranty of merchantability or fitness for a particular purpose. eCivis shall not be liable because of any such errors, omissions, delays, or losses, including data losses and corruption, unless caused by eCivis' gross negligence or willful misconduct. You further agree that in no event will the total aggregate liability of eCivis for any claims, losses, or damages arising under this agreement and services performed hereunder, whether in contract or tort, including negligence, exceed the total amount paid by you to eCivis during the preceding twelve-month period, even if eCivis has been advised of the possibility of such potential claim, loss, or damage.

You acknowledge that eCivis is not a consulting firm or a grant-writing firm. You agree always to read the full original grant notice provided. You acknowledge that eCivis does not warrant that use of the *Grants Locator* will result in any grant acquisition. You acknowledge that *Grants Locator* may not include all potential data. Specifically, eCivis makes no warranty that *Grants Locator* has all grants that the federal or a state government may have available.

12. Default. Should you fail to pay Fees due hereunder or fail to carry out any other obligation under this Agreement or any other agreement with eCivis, eCivis may, at its option, in addition to other available remedies, terminate this Agreement provided that it first gives you fifteen (15) days' prior notice to permit you to cure your default. eCivis reserves the right, with or without notice, to suspend access to or use of any Product in the event of any delinquency or default. eCivis may elect, in eCivis' sole discretion, after delinquency, to terminate all personal information and settings associated with an Access Holder. Such information and settings will be unrecoverable after such termination.

13. Force Majeure. eCivis shall not be liable or be deemed to be in default for any delay or failure in performance or interruption resulting directly or indirectly from any cause or circumstance beyond the reasonable control of eCivis; equipment, or telecommunications failure; labor dispute; or failure of any third party to perform any agreement with eCivis that adversely affects eCivis' ability to perform its obligations hereunder.

14. Governing Law. Agreement shall be governed by and construed and enforced in accordance with the laws of the State of California as it applies to a contract made and performed in such state.

***** End of Terms and Conditions *****



Statement of Sole Source

Introduction:

This statement represents eCivis' understanding of any online competitive products similar to *Grants Locator* that currently exist. **There is no other product that is similar in scope and robustness to Grants Locator for Federal grants, State of California grants, State of Florida grants, State of Illinois grants, State of Texas grants, State of Virginia grants, or State of Ohio grants.**

Sales to Cities and Counties:

eCivis has sold *Grants Locator* to over 400 cities and counties including the City of Chicago, City of Los Angeles, City of Oakland, County of Fulton, and County of Hamilton, and none of those entities has found an online competitor to *Grants Locator*. Many of these entities have bid requirements that require sole-source status in order not to have an open bid.

eCivis continually monitors the competitive landscape for grants products and will continue to do so in the future. eCivis conducted an extensive review of competitors as part of its business plan process in September 2000. During that review, the only competitor identified was Grantseeker.com, which has since gone out of business.

Product Specifications:

The features of Grants Locator that eCivis uses as a comparison are the following:

- Product is available online
- Product is searchable
- Product contains materially all current grants (at least 95%)
- Product is real time
- Product contains original research
- Product has management tools that allow review of sub user activity
- Product contains a "priority system" for local governments.

eCivis feels that there are more criteria that could be used to differentiate *Grants Locator*, such as examples of previously won grant applications, ability to personalize settings, its library of forms, etc, but will use the above seven points to establish itself as a sole source.

Product Is Available Online:

eCivis knows of only one company online that has attempted to build a database similar to *Grants Locator*. The company was called Grantseeker.com and existed until 2003. Grantseeker.com only had about 60-100 grant programs, and we were told they went out of business by a consultant that worked for them. There are likely many newsletter products that have some of the grants that are in Grants Locator, but these products are

If you have questions about this statement, please feel free to call Omie Ismail at (877) 232-4847, x621.



not comparable to Grants Locator. *Currently, there is no grants database product that is available online similar to Grants Locator.*

Product Is Searchable:

Part of the value of Grants Locator is that it is searchable by many fields. One of the major deficiencies of the free Federal Register is that it is not searchable. Grants Locator is searchable by department, keyword, category, funding amount, due date, etc. eCivis knows of several very low cost products (<\$100) that are searchable, but these products are merely repackaging efforts of the free Catalogue for Domestic Federal Assistance.

In addition to being fully searchable, Grants Locator also has search agent functionality that allows users to save up to 20 of their favorite searches. This feature further enhances the value of the search functionality and gives users faster access to grant opportunities. *eCivis knows of no product that is searchable and contains original research. In addition, eCivis knows of no product similar to Grants Locator that has search agent functionality.*

Product Contains Materially All Current Grants:

While there are likely to be many newsletters or even web pages that focus on a select number of grants, *eCivis knows of no comprehensive database that contains at least 95% of all current grants available at the Federal level or State level.* eCivis believes it has materially all current competitive federal grants, State of California grants, State of Florida grants, State of Illinois grants, State of Texas grants, State of Virginia grants, and State of Ohio grants. In addition, eCivis includes information about grants that are not currently competitive or not in the current funding cycle.

There may be many consultants that can provide information on certain grants, but eCivis knows of no consultant or lobbyist that provides information on materially all federal (or state grants). eCivis' own parent company with over 80 local government clients had one of the best grant alert services (the basis for Grants Locator), but this service encompassed less than 30% of the total grants that are in *Grants Locator*.

Product is Real Time:

eCivis makes changes to its federal and state products on a daily basis. New federal grants are posted by 5PM EST each day. One of the two major drawbacks of the Catalogue for Federal Domestic Assistance is that it is only updated twice per year and is therefore not able to provide timely updates to users. *eCivis knows of no product in the market that is updated in a real time fashion that is also searchable.*

Product Contains Original Research:

Each *Grants Locator* grant is analyzed by an analyst at eCivis and put into a standardized format. This analysis includes contacting program officers to gain more insight and information into the grant. While this information may be obtainable from consultants or lobbyists, the information is not online in a searchable database. *eCivis knows of no*



other online database product that includes original research that incorporates information from program officers.

Product has Management Tools:

Grants Locator was designed to meet the needs of local governments. *Grants Locator* is built to ensure that employees are utilizing it correctly and frequently. eCivis has enabled this review by creating Master Accounts that allow management users to review the activity, type of grants, and personal notes of individual accounts. *eCivis knows of no other system that allows one or several accounts holders to view the activity, grants, or personal notes of other users within the same organization.*

Product has a “Priority System” for Local Governments:

eCivis has developed a priority system for grant opportunities that is based on the needs of local governments. This priority system allows eCivis to provide clients with fast information on the most crucial grant opportunities, often before the grant is released to the public.

The priority system was also designed to help local governments refine their grant search process. All users can utilize the advanced search feature to search based on priority. *eCivis knows of no other system that has a priority system based on the needs of local governments. Furthermore, eCivis knows of no other product that allows users to refine their search based on grant priority.*

This statement is updated as of March 1, 2005. eCivis will modify this statement when it becomes aware of any competitive product that meets the seven criteria listed above.



OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS
115 S. Andrews Avenue, Room 406 • Fort Lauderdale, Florida 33301 • 954-357-7575 • FAX 954-357-6573

MEMORANDUM

May 24, 2005

TO: Glenn Cummings, Director, Purchasing Director

FROM: Pamela Madison, Director *Pam*
Office of Public and Governmental Relations

SUBJECT: eCivis Sole Source Memo

As you are aware, the Office of Public and Governmental Relations has utilized eCivis as a grants location service for use by Broward County Agencies since 2002 as a sole source product. The Grants Locator offers the following features that make it sole source in nature:

Product Is Available Online:

We have been advised that there is only one company online that has attempted to build a database similar to Grants Locator. The company was called Grantseeker.com and existed until 2003. There are likely many newsletter products that have some of the grants that are in Grants Locator, but these products are not comparable to Grants Locator. Currently, there is no grants database product that is available online similar to Grants Locator.

Product Is Searchable:

Part of the value of Grants Locator is that it is searchable by many fields. Grants Locator is searchable by department, keyword, category, funding amount, due date, etc. In addition to being fully searchable, Grants Locator also has search agent functionality that allows users to save up to 20 of their favorite searches.

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New federal grants are posted by 5PM EST each day. One of the two major drawbacks of the Catalogue for Federal Domestic Assistance is that it is only updated twice per year and is therefore not able to provide timely updates to users.

Product Contains Original Research:

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To: Glen Cummings, Director, Purchasing Division

From: Pamela Madison, Director, Office of Public & Governmental Relations

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If you have any questions regarding the information provided, please feel free to contact me.

Thank you for your consideration of this request.

PM:rf



"Carl Stough"
<cstough@ecivis.com>
08/30/2005 01:57 PM

To <rhooper@seminolecountyfl.gov>
cc
bcc
Subject eCivis-Grants Locator Agreement & Sole Source & Broward County

History: This message has been replied to.

Ray-

It was a pleasure talking with you on the phone today.

I have enclosed the agreement and sole source information as you had mentioned.

Please reply to let me know you received it.

Thanks!
Carl

<<Seminole County FL 8 19 05.pdf>> <<eCivis Statement of Sole Source 2005.pdf>> <<Broward_Sole Source Memo.pdf>>

Carl C. Stough IV
Business Development
eCivis, Inc.
(877) 232-4847 x622 (direct)
(626) 578-6632 (fax)
(818) 802-8245 (cell)

"If we are to achieve results never before accomplished, we must expect to employ methods never before attempted"

-Francis Bacon

About eCivis, Inc.

eCivis, provides a proven web-based research solution ("Grants Locator") for local government that is unparalleled in the marketplace today. Drawing on extensive government and grants experience, eCivis has developed the most robust and comprehensive research system available to streamline the grants locator process.

With "Grants Locator", clients transform their grants process and bring more funding to their communities. "Grants Locator" brings management tools and funding information just a click away. For more information, contact eCivis at 877-232-4847 or visit << <http://www.ecivis.com> >>.

- *The City of Huntsville, TX had 5 times the number of grant rewards in it's first year of Grants Locator.*
- *The City of Miami, FL tripled it's grant awards during it's first year*

of Grants Locator.

- *The City of Rialto, CA got \$13 million for infrastructure improvements with the help of Grants Locator within the first twelve months of using the service.*

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