

**DISTRICT OF COLUMBIA LIBRARY
DETERMINATION & FINDINGS FOR MANDATORY SET-ASIDE OF
CONTRACTS \$250,000.00 OR LESS**

1. AUTHORIZATION

DC Official Code Section 2-218.44 and 2-218.45.

2. MINIMUM NEED

The District of Columbia Public Library (DCPL) has a need to renew the maintenance agreement and license for the SenSource thermal counters for FY16.

3. CONTRACTOR

SenSource Inc.

4. ESTIMATED REASONABLE PRICE

\$6,960.00

5. FACTS WHICH JUSTIFY AWARD TO OTHER THAN A CERTIFIED SMALL BUSINESS ENTERPRISE (SBE) OR CERTIFIED BUSINESS ENTERPRISE (CBE) CONTRACTOR

- A. The District of Columbia Public Library uses the SenSource thermal counters for monitoring and tracking customer visits to multiple library locations across the District.
- B. SenSource is the developer and sole provider of all SenSource thermal counters products and specialized services.
- C. SenSource thermal counter is a proprietary solution available from SenSource only and SenSource retains the exclusive copyright, trade secret and patent rights to the SenSource thermal counters products.
- D. SenSource has sole knowledge of the development of the SenSource thermal counters configuration requirements exclusive to the SenSource thermal counters products.
- E. In consideration of the above, SenSource is the only source able to provide the maintenance, license, and services required by DCPL.


- F. In addition, DC Official Code Section 2-354.13(15) - Competition Exemptions states that "Contracts for the following procurements shall be exempt from the competition requirements established by this chapter." Specifically, Exemption No. (8) states the following:

Maintenance and support of software and technology to the extent that the creator of the intellectual property is still protected and is the only source of the maintenance and support of the existing software and technology.

DETERMINATION

Based on the above findings and in accordance with the DCPL Procurement Regulations, DC Official Code Section 2-218.44 and 2-218.45, I hereby determine that the award of this procurement action for the goods or services described herein is in the best interest of the District of Columbia Public Library.

12/14/15
Date


Diane Wooden
Diane Wooden
Chief Procurement Officer