

**RIVERSIDE COMMUNITY COLLEGE DISTRICT**

**RESOLUTION NO. 56-17/18**

**RESOLUTION TO APPROVE SOLE SOURCE PROCUREMENT OF COLLEGENET SOFTWARE MAINTENANCE AND FUTURE PRODUCT ENHANCEMENT SERVICES THROUGHOUT THE DISTRICT AND FOR AWARD OF CONTRACT TO COLLEGENET BASED UPON THE FINDING THAT COMPETITIVE BIDDING WOULD NOT PRODUCE ANY ADVANTAGE**

**WHEREAS**, The Riverside Community College District has had an agreement with CollegeNET, Inc. since 1996 for initial and updated software programs as well as maintenance for those programs. These software programs are proprietary in nature and cannot be maintained by any company other than CollegeNET, Inc.; and

**WHEREAS**, 25Live (CollegeNET, Inc.) is the District's Enterprise Facilities and Event Scheduling system which organizes and processes information about, but is not limited to, student class scheduling and event scheduling; and

**WHEREAS**, California Public Contract Code Section 20651 requires the District to advertise publicly for bids for the purchase of goods or services involving an expenditure which exceeds the state mandated bid limit; and

**WHEREAS**, sufficient evidence exists for the Board of Trustees to support a finding that a competitive bidding process is not feasible or practical, and that a sole source procurement is in the best interest of the District, permitting an exception to be allowed under these circumstances; and

**WHEREAS**, CollegeNET is the only authorized provider of installation, customization, training and educational services for the CollegeNET Software; and

**WHEREAS**, the District already utilizes CollegeNET, Inc. software systems throughout the District, the District's intent is to continue the existing CollegeNET, Inc. systems to avoid the considerable cost of changing systems and retraining District personnel currently using the CollegeNET, Inc. system; and

**WHEREAS**, the District desires the continued use of the current 25Live software suite and associated annual maintenance agreement for the next five years; and

**WHEREAS**, the District has determined that the only manufacturer who may provide software and maintenance systems is CollegeNET, Inc.; and

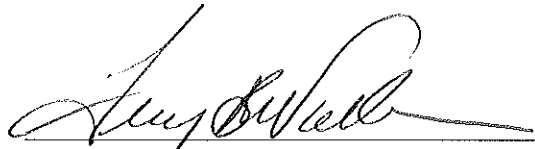
**WHEREAS**, it is in the best interest of the District to let a purchase order contract without formal, public advertising and receiving of bids.

**WHEREAS**, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 hold that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity and not produce any advantage; and

**NOW, THEREFORE, IT IS RESOLVED THAT**, the District intends to continue to expend funds toward software and software maintenance systems District-wide and is concerned with critical issues including: establishing a District-wide standard for software applications and maintenance of same, avoiding incompatibility issues; provide consistent and cost-effective and reduced maintenance, operating and repair costs; reducing personnel time and costs for District personnel to operate the CollegeNET, Inc. system currently in place.

**IT IS FURTHER RESOLVED THAT**, the foregoing reasons are sufficient to support a finding by the Board of Trustees that it is in the District's best interest to authorize the letting of sole source contracts, as needed, to CollegeNET, Inc.

ADOPTED this 17<sup>th</sup> day of April, 2018

A handwritten signature in cursive script, appearing to read "Tracey Vackar", is written over a horizontal line.

Tracey Vackar  
President of the Board of Trustees  
Riverside Community College District