

Notice of Intent to Sole Source

Posting Date: June 10, 2021

Title: Contract with Adobe for Enterprise Term License Agreement

Deadline for Questions: June 28, 2021 12:00AM EDST

Contact: Jeff O'Dell

Email: Jeffrey.O'Dell@tridenttech.edu

In accordance with the Sole Source section 11-35-1560 listed in the South Carolina Consolidated Procurement Code, Trident Technical College is announcing the intent to procure Adobe Enterprise Term License Agreement as a sole source procurement from Adobe through Adobe appointed fulfillment agent. The total value of this procurement is \$308,544.00.

Bidder's right to protest as listed in section 11-35-4210 in the South Carolina Consolidated Procurement Code applies to this intent to sole source.

Protest to be filed with:

Chief Procurement Officer

Materials Management Office

1201 Main Street, Suite 600

Columbia, SC 29201

Fax: 803 737-0639

Email: protest-mmo@mmo.sc.gov

This notice is posted in the South Carolina Business Opportunities (SCBO) as required by SC Code 11-35-1560.

JUSTIFICATION FOR
SOLE SOURCE PROCUREMENT

Based upon the following determination, the proposed procurement action described below is being procured pursuant to the authority of Section 11-35-1560 of the South Carolina Procurement Code and 19-445.2105 of the Rules and Regulations, 1976 South Carolina Code of Laws.

This governmental body proposes to procure: Adobe Enterprise Term License Agreement for Adobe Products and Services

From: Adobe Systems Inc., 345 Park Ave., San Jose CA 95110

The basis for this sole source determination and the reason no other vendor is suitable is: The College trains and prepares its students using industry-standard equipment and software necessary to their chosen field of study. The industry standard for digital editing is the Adobe suite of products. Therefore, the College uses the full suite of Adobe products for its classroom and online instruction including but not limited to film and visual arts programs, engineering programs, ReadySC, as well as by the College's Marketing and other departments of the college.

The College requires the Adobe suite of Adobe Pro Document Cloud (DC) products as Adobe is the only company that provides all of the products needed for training and preparing students to industry standards for digital editing.

Adobe is the only vendor that can provide the full suite of all products used by the college. The Adobe Enterprise Term License Agreement includes the Pro Document Cloud products and support and Adobe's flagship product, Adobe Acrobat Pro DC. The College has Adobe Acrobat Pro DC installed and in use on all College computers. Licenses for Adobe Acrobat are bundled, at deeply discounted prices, with the Adobe Enterprise Term License Agreement and cannot be segregated from the Agreement.

Adobe has established fulfillment agents which serve as intermediary entities for Adobe in the fulfillment of orders on behalf of Adobe and Trident Technical College at prices negotiated between Adobe and the College. As the fulfillment agents only serve as intermediary entities of Adobe and no additional or less value is created by the fulfillment agents for the College, the products are considered only available from Adobe. See attached additional information.

Date: June 10, 2021

Contract Period: 08/01/21 -07/31/24

TRIDENT TECHNICAL COLLEGE

Contract Amount: \$308,544.00

CB

Mary Thornley
Mary Thornley, Ed. D.
PRESIDENT

Com. Code: 20800

Blanket sole source: ___ YES XX NO

Contract \$50,000 or greater. Drug Free Workplace Act (Section 44-107-30 Code of Laws of SC) applies:

XX Yes ___ No JHO Buyers Initials

Signed Drug Free Workplace Certification form attached:

XX*Yes ___No JHO Buyers Initials * See contract clause on sales order form

Open Trade Certification on file or attached XX Yes ___No JHO Buyers Initials

REV: 03/02/16 TTC



Agreement Number: 00854175.0

Adobe Contract Number: 00854175

4/28/2021

Alvin Demore
Desktop Support Services Manager
Information Technology Services
Trident Technical College
7000 Rivers Avenue
North Charleston SC, 29406

Dear Mr. Demore:

Under an Adobe Enterprise Term License Agreement, Adobe appoints a third party to serve as a fulfillment agent. The fulfillment agent is contractually obligated to quote and sell to the end user at the price agreed between the end user customer and Adobe. The fulfillment agent may not alter the pricing in any way. When Adobe uses a fulfillment partner to process payment and/or delivery on Adobe's behalf, the customer does not have the opportunity to negotiate pricing with the fulfillment agent.

To summarize, Adobe, as the supplier, specifies the end user pricing in its agreement with the fulfillment agent. Adobe's contract with the fulfillment agent permits no deviation or discounting from that pricing by the fulfillment agent. In addition, Adobe is the only entity that can negotiate the terms of the ETLA agreement between the end user customer and Adobe.

Sincerely,

Adobe Inc. (ADUS)
345 Park Avenue, San Jose, CA 95110, United States

A handwritten signature in cursive script, appearing to read 'Anthony Miller'.

Authorized Signature

Anthony Miller

Print Name

Manager, Order Management

Title

Jun 2, 2021

Date

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