



**CITY OF FORT WORTH
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

Section 1: General Information

Requesting Department: Water Department

Name of Contract Manager: Charmaine Baylor

Department's Attorney: Taylor Paris

Item or Service sought:

Goods:

Service:

Anticipated Amount: \$4,533,000.00

Vendor: Paymentus Corporation

Current/Prior Agreement for item/service: Yes No

CSC or Purchase Order #: CSC 52288

Amount: \$4,120,845.00

Projected M&C Date: February 28, 2023

How will this item or service be used? Continuation of electronic bill payment services for the Water Billing System.

Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service? Yes No

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: [DETAILED DESCRIPTION]

Section 2: Claimed Exemption and Justification (Other than sole source)

NOTE - For a claimed sole-source exemption, complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

- A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- A procurement for personal, professional, or planning services;
- A procurement for work that is performed and paid for by the day as the work progresses;
- A purchase of land or a right-of-way;
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- Personal property sold:
 - at an auction by a state licensed auctioneer;
 - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
- Services performed by blind or severely disabled persons;
- Goods purchased by a municipality for subsequent retail sale by the municipality;
- Electricity; or

Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form.[INSERT DETAILED EXPLANATION AS TO HOW/WHY CLAIMED EXCEPTION APPLIES TO THIS PURCHASE]

Section 3: Claimed Sole-Source Exemption and Justification

NOTE - For any non-sole-source exemption, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions

*A procurement of items that are available from only one source, including:

- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

Because Paymentus is integrated into the Water Billing System and only Paymentus can maintain or support it's bill payment system,it is a sole source.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

[SHOW YOUR RESEARCH/WORK THAT LEAD TO YOUR CONCLUSION]

Did you attach a sole source justification letter? Yes No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.). This is a sole source because it is only maintained and supported by Paymentus, however it is a core part of the Water Utility's Billing System. It is a part of a complex integration of the Billing System, Bill Printing and Mailing, as well as the IVR

Section 4: Attorney Determination

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase? Yes No.

Was there anything attached to this form that was relied on in making this determination? Yes No.

If yes, please explain: The Department provided a sole source letter.

Was there anything not included on this form or attached hereto that was relied on in making this determination? Yes No.


If yes, please explain: N/A

Will the standard terms and conditions apply? Yes No.

Will the contract require special terms? Yes No.

Will the contract require review by the department attorney? Yes No.

Approved By:



Taylor Paris / Jessika Williams
Assistant City Attorney

Date: 2/16/2023

Paymentus

February 9, 2023

City of Ft. Worth – Utility Department

Attention: Charmaine Baylor

Subject: **Sole Source Justification of Paymentus Solutions**

Dear Ms. Baylor and whom it may concern:

This letter serves to justify the sole source acquisition and renewal of Paymentus' All-Inclusive Bill Payment and Payment Processing for the Utility department. Beyond on-line payments, the City is seeking continued support of a comprehensive electronic billing, payment, and customer notification capability to make the process easier and more effective for both customers and staff. Paymentus is uniquely qualified to deliver a complete and reliable, customizable automation solution for The City of Ft. Worth with the following unique needs and requirements that is only provided by Paymentus:

1. Integrated IVR with Selectron and preferred partner
2. One of 2 providers able and actively integrated real-time with your current CIS
3. The only provider integrated with both your CIS, Selectron, and your analytics portal with SEW in a fully hosted environment
4. The only provider who can use patented technology to integrate into SEW while offloading PCI compliance
5. The ability to maintain all auto pays and the only provide to be able to upgrade features inside of the existing solution

Paymentus' All-Inclusive Suite is the only solution on the market today that delivers all of the essential components of an effective customizable billing and electronic payments solution including On-line payments, automated phone (IVR), Mobile payments with responsive web design technology (RWD), Text-2-Pay, Outbound customer notification services via IVR (with option to 'Press 2 to make a payment now by IVR'), Email or SMS Text outbound messages, and integrated payment processing with real-time data exchange with the your CIS. Paymentus' broad and useful feature set provides payment options for all customers, including multi-language web and IVR interfaces and mobile payment capabilities. Additionally, Paymentus is the only vendor capable of providing this breadth of functionality as a fully-hosted service, which means the City is relieved of the burden of hardware and software procurement, support, PCI, and maintenance.

Supported by over 1200 staff members, with a stellar track record of 99.9% uptime and no security breaches, Paymentus has been working exclusively with local governments and municipalities for over two decades. Our *All-Inclusive Suite* is an offering that has come from extensive market research, feedback, processing almost a billion transactions annually, and supporting over 1,700 local governments including some of the largest municipalities and utilities in the nation.

We are excited to continue our relationship with Ft. Worth that began in 2018, and to provide this support for the City's Utility solution. If you have any questions, please do not hesitate to contact me by email at nhaskins@paymentus.com or by phone at 540-951-6462.

Sincerely,



Nicole L. Haskins

Vice President of Sales, Paymentus
