



Suspension of Competition Acquisition Request

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1. Fully describe the product(s) and/or service(s) being requested.
Maintenance and support for Penlink Equipment which include (5) PLX software licenses Intercept Edition (Phone), (5) PLX software licenses-Intercept Edition (IP), Pen-Proxy for PLX software license Intercept Edition (Telephone), and (5) Target Content Licenses (Telephone and/or IP).
2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.
Penlink
5944 Vandervoort Dr.
Lincoln, Nebraska 68516
(402) 421-8857
John Spomer
jspomer@penlink.com
3. What is the total cost of the acquisition? If an agreement, state the total cost of the initial term and the amounts for potential renewal terms.
The first year of maintenance and support was covered with the initial purchase of the equipment. The remaining four years would be at a cost of \$93,933.75 per year. However, if prepaid for there would be a discount of \$51,091.48. Total cost including the discount is \$324,643.52
4. Identify the unique qualities and/or capabilities of the service(s) and/or product(s) that qualify this as a Suspension of Competition acquisition.
Some of the unique capabilities of this product include the ability to load large quantities of data from an array of file types and sources, the ability to identify data links, frequencies, timelines, and call associations using an array of charting tools, and the ability to collect judicially authorized pen register and Title III data and content in real-time for monitoring, analysis, and reporting. The support and maintenance of this product would be unique in that the Penlink equipment is currently being utilized in the Multi-Agency Gang Enforcement Consortium (MAGEC) program and maintenance and support of this equipment would be necessary in order to continue program investigations.
5. Identify from Administrative Policy #34 what circumstances constitute a Suspension of Competition.
☐ In an emergency when goods or services are immediately necessary for the preservation of the public health, welfare, or safety, or for the protection of County property.
☐ When the contract is with a federal, state, or local governmental agency.
☐ When the department head, with the concurrence of the Purchasing Agent, finds that the cost of preparing and administering a competitive bidding process in a particular case will equal or exceed the estimated contract amount or \$5,000 whichever is more.
☐ When a contract provides only for payment of per diem and travel expenses and there is to be no payment for services rendered.
☐ When obtaining the services of expert witnesses for litigation or special counsel to assist the County.
☒ When in unusual or extraordinary circumstances, the Board of Supervisors or the Purchasing Agent/Purchasing Manager determines that the best interests of the County would be served by not securing competitive bids or issuing a request for proposal.
6. Explain why the unique qualities and/or capabilities described above are essential to your department.
Investigations include a large amount of smart phone, text, and voicemail data as well as communications through social media or messaging apps. The Penlink PLX software will allow investigators to quickly search, sort, filter, and layer together a wide range of visual presentation to present a full picture of the criminal activities. The information can also be used to corroborate other investigative information. Penlink would be essential for our MAGEC program as it is the platform currently being utilized and would be necessary for continued operations.
7. Provide a comprehensive explanation of the research done to verify that the recommended vendor is the only vendor with the unique qualities and/or capabilities stated above. Include a list of all other vendors contacted, what they were asked, and their responses.
There are currently no other products similar to Penlink's PLX platform which features automated ingestion capabilities from hundreds of diverse data sources, including cell phones, social media, email, web browsing, apps, location pings, tower dumps, and mobile forensic extractions. All records can be mapped providing views of a targets cell phone activity to help identify what locations targets frequent. Also, the platform offers advanced filtering, commonality analysis and reporting capabilities so investigators can operate with detailed, up-to-date information while on the field.

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Requested By:

Supvr. Accountant

Title

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I approve this request to suspend competition for the service(s) and/or product(s) identified herein.

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Department Head Signature

[\[✕ Sign\]](#) Double click!

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Purchasing Manager Signature

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