

JUSTIFICATION FOR
SOLE SOURCE PROCUREMENT

Agency: Trident Technical College

Sole source Vendor: Adobe Systems Inc., 345 Park Ave., San Jose CA 95110

Based upon the following determination, Agency proposes to acquire the supplies, construction, information technology, and/or services described herein from the Vendor named above per S.C. Code Ann. 11-35-1560 and S.C. Regulation 19-445.2105, Sole Source Procurement.

Description of the Agency need that this procurement meets: Access to Adobe Acrobat and Creative Cloud and Document Cloud suite of products.

Description of market research Agency performed to determine the availability of products or services that would meet the Agency's needs: 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.

Description of supplies, construction, information technology, and/or services Vendor will provide under the contract: Access to Adobe Acrobat and Creative Cloud suite of products.

Detailed explanation why no other vendor's supplies, construction, information technology, and/or services will meet the needs of the Agency: 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. With nearly 61% of market share of the application-development market, the Adobe suite of products is considered the industry standard. While other manufacturers may offer similar individual types of software programs that comprise the Adobe Suite, no other manufacturers are identified that collectively offer all of the different types of software programs provided in the Adobe Suite.

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 Creative Cloud and 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 and Creative 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.

Contract Period: 08/01/24 – 07/31/27

Contract Amount: \$471,628.80

Com Code: 20800

CB

Authorized Signature

Printed Name: Mary Thornley, Ed.D

Title: President

Date: 06/18/24

Blanket sole source: ____ Yes X No

Contract \$50,000 or greater. Drug Free Workplace Act (Section 44-107-30 Code of Laws of SC) applies:
 X Yes ____ No JHO Buyers Initials

Signed Drug Free Workplace Certification form attached:

 X Yes ____ No JHO Buyers Initials

Open Trade Certification on file or attached X Yes ____ No JHO Buyers Initials



Agreement Number: 01119700.0

Adobe Contract Number: 01119700

6/18/2024

Adrian Do
Endpoint Services Security Consultant
TRIDENT TECHNICAL COLLEGE
7000 RIVERS AVENUE
CHARLESTON, SC 29406-4607
UNITED STATES

Dear Adrian Do,

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

Tyrone Harris

Authorized Signature

Tyrone Harris

Print Name

Order Management Manager

Title

Jun 18, 2024

Date

18 June 2024 6:32:58 AM