

Vendor Name		Posting Start Date	Posting End Date	Buyer's Initials
CMC Neptune LLC	There are no other products on the marketplace that offer a custom music solution specifically designed for high school and college athletics sports that are comparable to Neptune GameTime. That is why we are the only official custom music solution provider for the NFHS.	04/16/2024	04/26/2024	GC

THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA
PURCHASING
REQUEST FOR SOLE SOURCE APPROVAL

The School District of Osceola County is bound by School Board policy to an open and competitive bidding process. To enforce this, the use of proprietary specifications and/or Sole Source purchases are normally not allowed. However, in some circumstances they may be justified, but there are a number of tests that must be passed first.

This is a Sole Source request for [list product or service]: NEPTUNE GAME TIME

Supplier: _____
Supplier's full address: PO Box 132691 Tyler TX 75713
Supplier's contact person: BRYAN HOUSTON
Supplier's phone #: 903-287-0032

In order to consider any request for Sole Source status, the following must be completed and submitted with the request:

1. Sole Source Letter from the supplier.
2. Cut Sheets and Specifications.
3. Written justification, to include responses to the following questions:
 - a. Is there truly only one vendor who is able to furnish the product or service? Does the supplier possess exclusive capabilities? What are they? Provide verifiable information.
 - b. Is there a lack of responsive competition for the product or service? Why? How have you verified this?
 - c. Is the product or service vital to the District? Why/How?
 - d. Is the product or service unique and easily established as one-of-a-kind? Why/How?
 - e. Can requirements be modified so that competitive products or services be used?
 - f. What would the user agency do if the product or service were discontinued?
 - g. Are there patented or proprietary rights that fully demonstrate:
 - i. A feature providing a superior utility not obtainable from similar products.
 - ii. Product availability from only one prime source and not merchandised through wholesalers, jobbers or retailers where competition could be encouraged?

The Purchasing Department will review the request and all the supporting information and make a determination. Sole Source requests, if accepted and approved, which have a dollar value exceeding the formal bid threshold may be submitted to the School Board for review and final, formal approval.

STATEMENT OF NEED: As requester, my recommendation for Sole Source is based upon an objective review of the product/service being required and appears to be in the best interest of the District. I know of no conflict of interest on my part or involved in any way with this request. No gratuities or favors have been accepted or have had any influence on my request to Sole Source this purchase.

Signature of Requester/Supervisor: _____ Date 4-12-24
Signature of Principal/Director: Dr. Rene Clayton _____ Date 4/12/24

Approved Not approved

Purchasing Dept. Signature: _____ Date _____

GameTime Music -

A, B. To the vendor's knowledge, there is no other company doing the things that Neptune GameTime does. Other music providers do not triple-screen all music for obscenities, racial slurs, suggestive lyrics about sex, drugs, alcohol, violence against women and police. Neptune GameTime also does not play any radio edits. If the offending word is blanked out of the song, it is not included in their library.

No other service that they are aware of does customized messages about our schools or school district. No other service produces game-specific, date-driven messages for each and every game. No other service offers a platform where our district can generate revenue through the sale of sponsor commercials that run on the platform.

No other service that they are aware of is a licensed background music providing that pays copyright licensing fees to the four major music publishing companies.

c. Neptune GameTime offers a way for district administrators to easily control the content that plays over a PA system at games because of their very strict lyric policy. Without their service, we always run the risk of someone plugging in their own phone and playing something that was not properly screened, resulting in inappropriate, offensive lyrics playing at a public event where spectators of all-ages attend.

d. The product or service is unique and easily established as one-of-a-kind based on the information provided above. None of the other typical music platforms offer all the features GameTime does. Not Spotify, YouTube, Apple Music, or any other music source.

e. The GameTime service cannot be modified so that competitive services or products can be used. The music, messaging and local commercials are delivered via their company controlled media player. No outside party can alter the player, add files that violate the lyric-safe, school-appropriate music policy or change any of the content produced exclusively by CMC Neptune.

f. If Neptune GameTime was discontinued, which is unlikely because they currently work with more than 2100 high schools and universities, our district personnel would be responsible for the extremely time-consuming task of screening every song that plays at every game in the district. The district would be at the mercy of each person's judgement regarding the appropriateness of said lyrics. There would be no uniform music policy that would be adhered to by every coach and administrator at every event. The risk of our personnel missing an inappropriate lyric in a song increases drastically just based on human error, distraction, and some person being less thorough than others.

g. The software is not patented but is created, owned and operated by CMC Neptune alone. All software is designed to the company's exact specifications with no outside influence from any other entity.

h. The GameTime software can only be purchased directly from CMC Neptune by the district. No other company has access or capability of selling the GameTime software through a wholesaler, jobbers or retailers.



Neptune GameTime Single Source Affirmation

To the best of our knowledge, there are no other products on the marketplace that offer a custom music solution specifically designed for high school and college athletics sports that are comparable to **Neptune GameTime**. That is why we are the only official custom music solution provider for the NFHS.

Neptune GameTime is a licensed background music supplier in good standing with BMI, SESAC, ASCAP, and GMR and as such covers all background music licensing fees associated with music played at sports events and in weight rooms, practice facilities, and other school facilities. While there are streaming services that provide licensed background music, such as Spotify and Apple Music, none of them offer the combination of services and guarantees provided by **Neptune GameTime**.

Specifically:

- The above-named company is the Sole Source of the item(s) and/or service(s) listed above, and no other company sells or distributes **Neptune GameTime** custom music solution services. To the best of our knowledge, there is no competition in providing the above-named item(s) and/or service(s). To the best of our knowledge, there is/are no other item(s) and/or service(s) available for purchase that would serve the same purpose or function.
- **Neptune GameTime** is the only service that provides a custom-curated library of over 40,000 songs that is added to weekly. All songs in the database have been manually screened to ensure that both language and lyrics are appropriate for public settings. Other services may offer "non-explicit" music that attempts to screen out foul language, but this does not address inappropriate lyrics, such as those related to sex, drugs, alcohol, and violence. **CMC Neptune** has a strict music policy that does not allow any songs with offensive lyrics to be placed on our database. We are aware of no other service that does this.
- **Neptune GameTime** is not a streaming service. Although periodic connection to the internet is required for updates and changes to playlists and messages, playback is NOT dependent upon an internet connection. We are aware of no other service that does this.
- **Neptune GameTime** creates a unique gameday atmosphere for each school using custom 'Stingers' and Long-Running messages that sound like a live radio station that exists solely for that school. We are aware of no other service that does this.
- **Neptune Gametime** provides schools with the ability to sell advertisements and sponsorships on 'their radio station' thus enabling them to raise funds for their athletics programs. We even have a team dedicated to helping schools do this by providing customized toolkits and proposals. We are aware of no service that does this.

As a growing business, we are continuously reviewing the marketplace for any potential competitors in our field of expertise. Should any competitor that offers comparable services be identified, this affirmation will be modified accordingly.

I hereby attest that the above information is true to the best of my knowledge.

Sincerely,

A handwritten signature in black ink that reads "Jim Moseley". The signature is written in a cursive style with a long, sweeping underline.

Jim Moseley

Vice President of Integration, CMC Neptune

March 21, 2024