

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D. ^{CPO}

CC: ITS Project Number 42578

Date: May 17, 2016

Re: Sole Source Certification Number 3918 for Curve Advisory Reporting Service (CARS) software and hardware for the Mississippi Department of Transportation (MDOT)

Contact Name: Cerria Walker

Contact Phone Number: 601-432-8013

Contact E-mail Address: cerria.walker@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3918 for Curve Advisory Reporting Service (CARS) software and hardware for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award to Rieker Inc., as the sole source provider of CARS software and hardware through June 30, 2019, in an amount not to exceed \$235,500.00. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

The Curve Advisory Reporting Service (CARS) automatically captures all road data needed in one pass with traffic, then auto-uploads to the CARS online app for automated Horizontal Curve Advisory Speed Reporting. The software analyzes the safe curve speed for 7,580 miles of curves throughout the state utilizing up to 9 ball bank vehicle mounted units. This comes with training, software access (thru portal) and technical support. This company's product and software is the only source available that can handle this volume of work within a limited timeframe. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

Product and services are necessary in order for MDOT to meet a 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 average daily traffic

(ADT) be reevaluated per 2009 criteria. This will involve approximately 7,580 road miles. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Rieker Inc. has recently completed the development of a proprietary system and is now making it available as the Rieker Curve Advisory Reporting Service (CARS). The system is unique in the industry in that it combines proprietary ball bank technology with a proprietary software solution. Rieker is manufacturing this unique system and offering it directly to the Departments of Transportation and is the only source to purchase this complete solution. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	05/17/16
Second Advertisement Date	05/24/16
Response Deadline From Objectors	06/01/16, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/02/16

Project Details

In September 2014, MDOT originally conducted a trial and verification period for CARS service. MDOT was pleased with the results and decided to move forward with purchasing Curve Advisory Reporting System Licensing for 2 years, as a sole source from Rieker Inc., at a total cost of \$8,400.00. CARS is a fully integrated Road Survey system, with internal GPS, that will automatically record and determine recommended safe curve speed along with the curve radius and super elevation. This system will allow a driver to continuously survey miles of roads over hours of driving in a day without stopping. Road telemetry is recorded to the tablet as a permanent record for later analysis. MDOT is now seeking to purchase CARS software and hardware to reevaluate state routes.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the of the Curve Advisory Reporting Service software and hardware should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Rieker Inc.

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

- 1.3 Comments will be accepted at any time prior to Wednesday, June 1, 2016, at 3:00 p.m. (Central Time) to Cerria Walker at cerria.walker@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Cerria Walker to verify the receipt of their Responses. Responses received after the deadline will be rejected.
- 1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 3918-42578
Accepted until June 1, 2016 @ 3:00 p.m.,
ATTENTION: Cerria Walker**

If you have any questions concerning the information above or if we can be of further assistance, please contact Cerria Walker at 601-432-8013 or via email at cerria.walker@its.ms.gov.

- Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview



3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: <u>Curve Speed Analysis Software</u>		Stimulus (ARRA) Funds? Yes No <u>X</u>	
Customer Contact Information			
Agency/Public University: Department of Transportation Address: 401 North West Street Jackson, MS 39201		Contact Person: Bo Dickerson Phone: 601-359-7483 Fax: Email Address: bdickerson@mdot.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000251 (MDOT- Transportation Jackson)		Division/Dept: Handmail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): Software that will analyze the safe curve speed for 7,580 miles of curves throughout the state utilizing up to 9 ball bank vehicle mounted units. This comes with training, software access (thru portal) and technical support.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):			
Cost Estimates <i>Fiscal Year</i>	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: 3/31/16 Funds Expire:
2016-2019	\$235,500.00		Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years
Total			
Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds)			
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
CARS Kit	Up to 8	Curve Speed Advisory Reporting Service	
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification: Hardware comes with 8 CARS kits with software preloaded, vendor provides access to portal for retrieving reports and data analysis. This is a vendor hosted system.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? N/A			
Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.			
Specific business requirements to be met by the requested products or services: Product and services are necessary in order for MDOT to meet a 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 ADT be reevaluated per 2009 criteria. This will involve approximately 7,580 road miles.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): The Curve Advisory Reporting Service (CARS) automatically captures all road data needed in just one pass with traffic. Then auto-uploads to the CARS online app for automated Horizontal Curve Advisory Speed Reporting. Software that will analyze the safe curve speed for 7,580 miles of curves throughout the state utilizing up to 9 ball bank vehicle mounted units. This comes with training, software access (thru portal) and technical support. This company's product and software is the only source available that can handle this volume of work within the limited timeframe.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Rieker Inc. has recently completed the development of a proprietary system and is now making it available as the Rieker Curve Advisory Reporting Service (CARS). The system is unique in the industry in that it combines proprietary ball bank technology with a proprietary software solution. Rieker is manufacturing this unique system and offering it directly to the Departments of Transportation and is the only source to purchase this complete solution.			
Explain why the amount to be expended for the services is reasonable: N/A			
Explain what your agency did to obtain the best possible price for the services: N/A			
Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.			
Place Order To Vendor Name: Rieker Inc.		Remit To Vendor Name: Rieker Inc.	



12-January-2016

To: Whom it may concern

Re: Rieker Curve Advisory Reporting Service (CARS™)

Rieker Inc. has recently completed the development of a proprietary system and is now making it available as the Rieker Curve Advisory Reporting Service (CARS™). CARS will facilitate the MUTCD 2009 mandate to survey and re-sign all horizontal curves for safe curve speed. This development was built on the existing Rieker® RDS7-BB09 technology which is currently the basis for electronically ball banking curves. The development was the outgrowth of feedback collected from various DOT's over the years to allow a single driver to complete a survey safely and accurately.

The new system satisfies the MUTCD 2009 standards. The system is unique in the industry in that it combines the Rieker proprietary ball bank technology with a proprietary software solution. The system allows a single driver to survey a road at virtually any speed, without the need to achieve a speed necessary to exceed the recommended lateral acceleration. In addition, the system automates reporting and stores the road telemetry for future analysis or review. To date, no other supplier has a similar system that produces results using any test speed. In addition, Rieker does not resell the CARS product to other suppliers.

Rieker is the Original Equipment Manufacturer, and has been supplying mechanical ball bank indicators to the department of transportation since the 1960's and the electronic ball bank units since the mid 1990's. The electronic ball bank indicator, with its adjustable alarm settings and serial data output, is currently the standard for determining safe curve speed throughout the US and the world.

Rieker developed the system to meet the MUTCD 2009 mandate which requires a standardized method for posting of safe curve speed. Compliance is required by year end 2019. In order to meet this aggressive timeline, an efficient solution that minimizes human resources is required.

Rieker is manufacturing this unique system and offering it directly to the Departments of Transportation and is the only source to purchase this complete solution. Rieker is not aware of any solution on the market today that will allow the individual states to be compliant with the 2019 deadline from the MUTCD. Any manual solution satisfying the same requirements would cost several million dollars and require much more organization than can be achieved with the Rieker CARS™ solution.

Available for immediate distribution

Signed



Joe Caruso

Attachment C: Sole Source Procurement Overview

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Attachment C: Sole Source Procurement Overview

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.