
Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47125
Date: June 14, 2022
Re: Sole Source Certification Number 4478 to provide Curve Advisory Reporting Service After Care for the Mississippi Department of Transportation (MDOT).
Contact Name: Roshunda Mitchell
Contact Phone Number: 601-432-8223
Contact E-mail Address: Roshunda.Mitchell@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4478 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Rieker, Inc. as the sole source provider of Curve Advisory Reporting Service (CARS) After Care through September 30, 2023 in an amount not to exceed \$39,250.00. If the Mississippi Department of Transportation (MDOT) opts to renew curve advisory reporting service after care, this sole source certification shall be valid through September 30, 2025. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, support, or equipment are within scope during the certification period and may increase the spending authority accordingly. Should Rieker, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment B: 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 CARS system is unique in the industry in that it combines 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 internal sensor technology to other suppliers, so the capabilities are unique to the Rieker product.

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

MDOT contracted with Rieker Inc. in 2016 and 2019 to utilize their Curve Advisory Reporting Service (CARS) equipment and software to meet the 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 average daily traffic (ADT) be reevaluated per the Manual on Uniform Traffic Control Devices (MUTCD) 2009 standards to survey and re-sign all horizontal curve for safe curve speed. There is a need to keep a limited version of the company's specific services in place until curve warning sign plans are developed. The CARS After Care services will allow access to the previously collected data, reporting features, and allow additional data to be collected. Rieker, Inc. is the only company whose products and software can handle a project of this volume within the limited timeframe.

- 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:

Currently, Rieker is manufacturing this unique system and offering it exclusively to the Departments of Transportation. Rieker is the only solution on the market today that will allow the individual states to be compliant with the 2019 deadline from the Manual of Uniform Traffic Control Devices (MUTCD). The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	06/14/22
Second Advertisement Date	06/21/22
Response Deadline From Objectors	06/28/22 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/29/22

Project Details

In October 2014, MDOT procured the CARS system through then approved sole source process for two years at a total cost of \$8,400.00. In May 2016, ITS issued Sole Source Certification Number 3918 for CARS hardware and software for three years to reevaluate the state's roads. In July 2019, ITS issued Sole Source Certification number 4217 for CARS After Care to allow access to the collected data and allow follow up data collection as needed. In July 2021, ITS issued Sole Source Certification number 4397 to add additional license miles for Copiah and Warren Counties. The data collection and data analysis portion of the 2019 CARS After Care agreement is complete, but there is a need to keep a limited version of the company's specific services in place while curve warning sign plans are developed. The total spent to date is \$403,940.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Curve Advisory Reporting Service After Care 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 Tuesday, June 28, 2022 at 3:00 p.m. (Central Time) to Roshunda Mitchell at Roshunda.Mitchell@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 Roshunda Mitchell 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. 4478-47125
Accepted until June 28, 2022 @ 3:00 p.m.,
ATTENTION: Roshunda Mitchell

If you have any questions concerning the information above or if we can be of further assistance, please contact Roshunda Mitchell at 601-432-8223 or via email at Roshunda.Mitchell@its.ms.gov.

- Attachment A: Vendor Correspondence
- Attachment B: Sole Source Procurement Overview



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7-June-2022

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 internal sensor technology to other suppliers, so the capabilities are unique to the Rieker product.

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


Tyler Johns

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FORM NUMBER: RK0013_01/07

Attachment B

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 A.

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.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS.

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.