



FILE COPY

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Approval#:	160905

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

ALL FIELDS ARE REQUIRED – INCOMPLETE REQUESTS WILL BE RETURNED TO THE AGENCY

1a	Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:		
	State Agency:	<i>State Controller's Office</i>	
	<i>Contact Name and Title</i>	<i>Phone Number</i>	<i>Email Address</i>
	<i>H. Wes Bills, Management Analyst 2</i>	<i>775-684-5636</i>	<i>wbills@controller.state.nv.us</i>
	<i>Linnette Ollson, IT Manager 2</i>	<i>775-684-5608</i>	<i>lollson@controller.state.nv.us</i>

Vendor Information:		
1b	Identify Vendor:	<i>Emerson Network Power, Liebert Services Inc.</i>
	Contact Name:	<i>JoAnn Tarantello</i>
	Address:	<i>610 Executive Campus Drive, Westerville, OH 43082</i>
	Telephone Number:	<i>619-381-8057</i>
	Email Address:	<i>jtarantello@norman-wright.com</i>

1c	Type of Waiver Requested – Check the appropriate type:	
	Sole or Single Source:	<input checked="" type="checkbox"/>
	Professional Service Exemption:	<input type="checkbox"/>

Contract Information:					
1d	Is this a new Contract?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Amendment:	<input type="checkbox"/>			
	CETS:	<input type="checkbox"/>			

1e	Term:			
	One (1) Time Purchase:	<input type="checkbox"/>		
	Contract: 13449	Start Date:	<i>9/1/2016</i>	End Date:

1f	Funding:	
	State Appropriated:	<i>100 %</i>
	Federal Funds:	<input type="checkbox"/>
	Grant Funds:	<input type="checkbox"/>
	Other (Explain):	<input type="checkbox"/>

1g	Total Estimated Value of this Service Contract, Amendment or Purchase:
	<i>\$41,627.58 over an four--year period.</i>

	Provide a description of work/services to be performed or commodity/good to be purchased:
2	<i>1. Provide semi-annual preventive maintenance, support and 24/7 monitoring services for the Emerson/Liebert Uninterruptable Power System (UPS), batteries and monitoring equipment located in the State Controller's Office Data Center at 515 E. Musser Street, Carson City, Nevada.</i>

	What are the unique features/qualifications required for this service or good that are not available from any other vendor:
3	<i>Liebert Global Services/Emerson Network Power is the original equipment manufacturer for the UPS system. Emerson Network Power/Liebert Services, Inc. employs service engineers who are specifically trained at the factory to perform maintenance on this UPS system and associated batteries and monitoring system.</i>

	Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:
4	<i>The Controller's Office information systems, which include the State's Integrated Financial System (IFS), are mission critical to the State of Nevada. The UPS provides clean filtered power during normal conditions, and emergency power during power outages. Testing, monitoring and maintenance of this system must be performed by factory trained and authorized technicians. Liebert Global Services/Emerson Network Power is the original equipment manufacturer for the UPS system and trains the authorized service technicians. Other vendors do not have factory-trained service technicians authorized to perform maintenance on this UPS system.</i>

	Were alternative services or commodities evaluated? Check One.	Yes:	<input type="checkbox"/>	No:	<input checked="" type="checkbox"/>
5	a. <i>If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility.</i>				
	b. <i>If not, why were alternatives not evaluated?</i>				
	<i>Other service vendors do not employ the highly-qualified, factory-trained service engineers who are authorized to service this specialized UPS system.</i>				

	Has the agency purchased this service or commodity in the past? Check One. Note: If your previous purchase(s) was made via solicitation waiver(s), a copy or copies of <u>ALL</u> previous waivers <u>MUST</u> accompany this request.				Yes:	<input checked="" type="checkbox"/>	No:	<input type="checkbox"/>
6	a. <i>If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for this service or commodity, please provide the following information:</i>							
	Term Start and End Dates		Value	Short Description	Type of Procurement (RFP, RFQ, Waiver #)			
	9/1/2012	8/31/2016	\$39,998.83	Service/Monitoring of UPS	No Waiver – the contract summary states the agency received 3 bids.			
	9/1/2009	8/31/2012	\$29,996.49	Service/Monitoring of UPS	Waiver # 090305			
	9/1/2006	8/31/2009	\$29,996.49	Service/Monitoring of UPS	Waiver #110 dated 3/23/06 for Amendment #3, 03/06			

					- 02/09
	8/31/2005	8/31/2006	\$ 7,298.00	Service/Monitoring of UPS	No Waiver
	8/14/2004	8/31/2005	\$	Initial Service of UPS after the Controller's Office IT moved into the building at 515 E. Musser St.	RFP

7	<p>What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?</p>
	<p><i>We have been informed that since the equipment is specifically configured to the State Controller's Data Center site and operational requirements, that the original equipment manufacturer authorized service provider is the best maintenance vendor, with local technicians and parts distribution in the Reno area. Other vendors who claimed they could support this equipment were out of the local area, do not employ factory trained and authorized technicians, and some had only used equipment that they would cannibalize when they needed replacement parts. Our application is mission critical to the State, we need quick, reliable support backed by the manufacturer of the equipment. Also, this system utilizes specialized Liebert monitoring equipment, which we have already purchased, and which is maintained only by Liebert.</i></p>

8	<p>What efforts were made or conducted to substantiate there is no competition for the service or good and to ensure the price for this purchase is fair and reasonable?</p>
	<p><i>In 2004, Nevada Generator of Sparks expressed an interest in maintaining the equipment. However, when asked to look into an existing problem with the UPS, they conceded that it was a job that should be left to the manufacturer, Emerson Network Power. Since that time, I am not aware of another vendor who indicated they could provide factory authorized maintenance.</i></p>

9	<p>Will this purchase obligate the State to this vendor for future purchases? Check One.</p>	Yes:	<input checked="" type="checkbox"/>	No:	<input type="checkbox"/>
	<p>a. <i>If yes, please provide details regarding future obligations or needs.</i></p>				
	<p><i>Emerson Network Power installed the Series 600 UPS system in the basement of the 515 Musser Street building, and configured it specifically for the installation site and the building's Data Center requirements. It is reasonable to assume that Liebert Power Products, as the only factory-authorized maintenance provider for this UPS system, should maintain the equipment until such time as the product reaches its normal end-of-life at approximately 20 years, at which time an RFP would be required to find another UPS system and service provider; or is no longer required. With proper maintenance, this UPS system could remain operational beyond its normal end-of-life.</i></p>				

By signing below, I know and understand the contents of this Solicitation Waiver Request and Justification and attest that all statements are true and correct.

H. Wes Bills

Agency Representative Initiating Request

H. Wes Bills, Management Analyst 2

Print Name of Agency Representative Initiating Request

9/27/2016

Date

[Signature]

Signature of Agency Head Authorizing Request

James W. Smack, Chief Deputy Controller

Print Name of Agency Head Authorizing Request

9/27/16

Date

PLEASE NOTE: In an effort to avoid possible conflict with any equipment, system or process already installed or in place by the State of Nevada or to assist in our due diligence, State Purchasing may solicit a review of your request from another agency or entity. The signature below indicates another agency or entity has reviewed the information you provided. **This signature does not exempt your agency from any other processes that may be required.**

Name of agency or entity who provided information or review:

Representative Providing Review

Print Name of Representative Providing Review

Date

Please consider this memo as my approval of your request. This exemption is granted pursuant to NAC 333.150(2)(a)(b)(c), NRS 333.400. This exemption may be rescinded in the event reliable information becomes available upon which the Purchasing Administrator determines that the service or good sought may in fact be contracted for in a more effective manner. Pursuant to NRS 284.173(6), contracts for services do not become effective without the prior approval of the State Board of Examiners (BOE).

If you have any questions or concerns please contact the Purchasing Division at 775-684-0170.

Signed:

[Signature]

Administrator, Purchasing Division or Designee

9-30-2016

Date