

State of Nevada  
Department of Administration

Purchasing Division

515 E. Musser Street, Suite 300  
Carson City, NV 89701



Brian Sandoval  
Governor

Patrick Cates  
Director

Jeffrey Haag  
Administrator

<b>Purchasing Use Only:</b>	
Approval#:	161104

**SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM**

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

<b>Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:</b>			
<b>State Agency:</b>		<i>Office of the State Treasurer</i>	
<b>1a</b>	<i>Contact Name and Title</i>	<i>Phone Number</i>	<i>Email Address</i>
	<i>Amber Law, Deputy Treasurer</i>	<i>775-684-5752</i>	<i>alaw@nevadatreasurer.gov</i>

<b>Vendor Information:</b>	
<b>1b</b>	Identify Vendor: <i>Libera, Inc.</i>
	Contact Name: <i>Eric Wicklund</i>
	Address: <i>1509 Buffalo St, Jamestown, NY 14701</i>
	Telephone Number: <i>716.665.2800 ext 1111</i>
	Email Address: <i>eric@libera.com</i>

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

<b>Contract Information:</b>					
<b>1d</b>	Is this a new Contract?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Amendment:	#			
	CETS:	<i>#18190</i>			

<b>1e</b>						<b>Term:</b>	
One (1) Time Purchase:						<input type="checkbox"/>	
Contract: <input checked="" type="checkbox"/>			Start Date:	<i>Clerk Approval</i>	End Date:	<i>01/31/2017</i>	

<b>1f</b>		<b>Funding:</b>	
State Appropriated:		<i>052 BA 1081 Cat 04 (College Savings Trust)</i>	
Federal Funds:			
Grant Funds:			
Other (Explain):			

<b>1g</b>	<b>Total Estimated Value of this Service Contract, Amendment or Purchase:</b>
	<i>\$46,778.00</i>

2	<b>Provide a description of work/services to be performed or commodity/good to be purchased:</b>
	<i>The Office of the State Treasurer, Prepaid Tuition Program utilizes this vendor to provide project management and oversight of the design and configuration of the Prepaid Tuition database software and portal to allow fiscal interface migration that is required to link the existing program provided exclusively by this vendor to the new electronic payment provider (Wells Fargo Payment Gateway).</i>

3	<b>What are the unique features/qualifications required for this service or good that are not available from any other vendor:</b>
	<i>The Treasurer's Office released a RFP (# 1871) for these services in 2011; however, Libera Inc. was the only vendor to respond who could provide the specialized services in conjunction with their software. The current system was created by Libera specifically for this office to replace an outdated Advantage accounting system. It contains programming and software that is specific to this vendor. Another vendor could not duplicate it and would have to recreate the programming that has already been done in order to accomplish the change in electronic payment providers. We have had a maintenance agreement in place with Libera since 2011; however, in order to make the required transition from First Data (our current merchant services vendor/contract that expires on 12/31/16) to Wells Fargo, it requires software programming.</i>

4	<b>Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:</b>
	<i>When the RFP was released initially, Libera, Inc. was the only vendor to respond. Due to the specialized nature of the software and programming already purchased by STO in 2011, it would be too costly and inefficient to bid out the service that is required to allow the existing software to interface with the current electronic payment application. In addition, the Treasurer's Office holds a maintenance agreement on the existing software.</i>

5	<b>Were alternative services or commodities evaluated? Check One.</b> Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
	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>
	<i>Libera, Inc. was the only vendor to respond to RFP # 1871.</i>
	b. <i>If not, why were alternatives not evaluated?</i>

6	<b>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 ALL previous waivers MUST accompany this request.</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
	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>			
	<i>Term</i> <i>Start and End Dates</i>	<i>Value</i>	<i>Short Description</i>	<i>Type of Procurement (RFP#, RFQ#, Waiver #)</i>
	1/11/11    1/11/13	\$229,020	Contract Management System	RFP# 1871

			\$		
			\$		
			\$		
			\$		

7 What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?  
*If this waiver request is denied, it would prevent the State Treasurer's Office, Prepaid Tuition Program from being able to accept electronic checks and credit cards during the open enrollment process and ongoing for contract payments and enrollment fees.*

8 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?  
*The Treasurer's Office released a RFP (# 1871) for these services in 2011; however, Libera Inc. was the only vendor to respond who could provide the specialized services in conjunction with their software. The service needed is to re-program software already purchased from the existing vendor. Purchasing software and programming is fair and reasonable compared to having another vendor recreate the existing software that's needed to complete the integration project.*

9 Will this purchase obligate the State to this vendor for future purchases? Before selecting your answer, please review information included on Page 2, Section 9 of the instructions. Yes:  No:  X

a. *If yes, please provide details regarding future obligations or needs.*  
*Currently, the Prepaid Tuition Program utilizes the State's merchant services contract with First Data that is expiring on 12/31/16. This sole source request is for a one time only cost to migrate Prepaid Tuition from First Data to the required merchant services vendor Wells Fargo.*

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.

Agency Representative Initiating Request

Amber Law

Print Name of Agency Representative Initiating Request

11-3-16

Date

Signature of Agency Head Authorizing Request

Vincent Melgazzo

Print Name of Agency Head Authorizing Request

11-3-16

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:

Administrator, Purchasing Division or Designee

11-4-2016

Date