

Department of General Services

Emergency Procurement ("EP") Approval Request

Bureau of Procurement

If either of the following two conditions exist, an EP is not required and should not be requested:

1. Material / Service available from DGS statewide contract.
2. Estimated Cost of the Material / Service is within the Small, No-bid Procurement threshold identified in the Procurement Handbook, Part I, Chapter 7.

Agency requests approved to proceed with an emergency procurement under Section 516 of the Commonwealth Procurement Code (62 Pa. C.S. §516).

Requesting Agency Information

Agency/Bureau:	Office of Administration (under Governor's Office)					
Contact Person:	Jamie Zarr					
Contact Address:	400 North Street Harrisburg PA 17120					
Contact Tel#:	717-214-6529					
Contact Email:	jzarr@pa.gov					
Description Of Material (or) Service (or) IT	IT	The Department of Transportation's Highway Administration design projects use CADD engineering software to support planning, construction, design and maintenance for highways, bridges and traffic. The current Enterprise License Agreement with Bentley Systems, Incorporated will end on March 17, 2018, impacting current and future projects which use, but are not limited to the following critical engineering software products: Microstation, Inroads, Inroads Survey, gINT, and ROWS.				
SAP Material Groups:	81112200					
Estimated \$ Amount:	999101.69					
Length of EP:	3 months until the replacement sole source is in place.					
Delivery Location:	City	Montoursville (statewide)	State	Pennsylvania	ZipCode	17120

Basis for the Emergency Purchase☐

Threat to public health, welfare, or safety

Identify the Threat:

Provide a brief explanation of the need for the material and/or service:

State the consequence if the procurement is not done on emergency basis:

Indicate whether approval
was obtained from DGS.

If "Yes", provide the following:

- ☐ Yes a. Name of person granting approval:
☒ No b. Date of approval:



Circumstances outside the control of the agency create an urgency of need, which does not permit the delay in using more competitive methods

NOTE: Verbal approval will not be provided for this basis. Agency cannot proceed with emergency procurement until this form is completed and approved by DGS.

Identify the Circumstances:

The Department has attempted to obtain this software through an unsuccessful IFB because the vendor did not agree to the IT Standard Terms and Conditions. More time was spent when preparing the Sole Source request because Bentley Systems Inc. objected to the Terms and Conditions for the sole source.

**Why are those
circumstances outside of
the control of Agency?**

The Department has exercised its final extension of the current PO. An IFB was conducted and Bentley System Inc. was the only bidder. A sole source is necessary because the vendor would not agree to the IT Standard Terms and Conditions that were attached to the IFB. The time spent negotiating the terms and conditions for the sole source was longer than anticipated.

**Provide a brief explanation
for the urgent need:**

Without access to Bentley's suite of CADD software products, design efforts would be impacted, and schedules for repairs and upgrades on highways and bridges could be affected.

Information Required

For ALL EP's provide the following information:

**Brief description of selection
process:**

The current PO 4300354892 was a Sole Source, expiring 3/17/18. The Department released an IFB and Bentley Systems, Inc. was the sole bidder. Bentley did not agree to the IT Contract Terms and Conditions. This emergency is required for the time it will take to obtain sole source approval and execute a replacement procurement.

**Full supplier
information
(if known at time of
submission of form)**

Name: Bentley Systems Inc

Address: 685 Stockton Drive

Telephone #: 610-955-3125

SAP Vendor#: 172784

Total Amount

For EP's that are NOT a threat to public health, welfare, or safety, provide the following information

**Include a list of the solicited
suppliers, their contact information,
and their quotations:**

The Department released an IFB and Bentley Systems Inc. was the sole bidder.

**Funds have already been
encumbered for this request
(Yes/No):**

- ☐ Yes
☒ No

If applicable, what has been done previously to procure this material/service? (Also provide the previous SAP/SRM PO number and/or Contract Number)

Previously the software/services were acquired under a five-year sole source PO 4300354892.

NOTE: If any Agency only intends to solicit a quote from one supplier, the following section, "Supplemental Single Source Information" must be completed

Supplemental Single Source Information Required

This section of the EP APPROVAL REQUEST Form is only required to be completed if the following is applicable:

- 1. Category of Emergency is due to "Circumstances outside the control of the agency create an urgency of need, which does not permit the delay in using more competitive methods."***
- 2. It is not practical for the agency to obtain two or more quotes.***

Is only a single supplier capable of providing the material or services? If Yes, please explain. If not applicable, leave blank and respond in the next block.

Yes, because the Department released an unsuccessful IFB for these CADD products and Bentley was the sole bidder. Now the Department needs to obtain sole source approval for this procurement.

Explain why it is not practical to obtain two or more quotes for this emergency procurement.

As previously stated, the Department released an unsuccessful IFB and only received Bentley Systems Inc.'s bid. Bentley Systems Inc. is the sole provider of these services in 46 of 50 states and the remaining states do not have systems requiring this software.

If timing is a factor, what is the time factor and why? If yes, please explain.

Are there compatibility requirements or compliance requirements? If yes, please explain.

NOTE: If the purpose of the emergency procurement is to prevent a lapse in contracted services, one of the following must be checked. Include status of the new contract/purchase and note any special conditions of the emergency procurement.

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To extend a current contract with the current contractor to prevent a lapse in contracted services.

☐

To bridge a gap between an expiring contract and a new contract by allowing the new contractor to begin work before the new contract is fully

☐

To authorize a supplier, who has been properly selected through one of the methods of award, to begin work before the new contract is fully executed because the agency needs the services immediately and cannot wait until full execution of the

☒

If none of the above is applicable, explain how the emergency supplier was selected.

The current Bentley PO 4300354892 has exhausted its last extension, and CADD services and software will expire on 3/17/18. The Department requests an emergency PO until the replacement sole source procurement is in place.

Agency Approvals

IMPORTANT*:The printed names on this form shall constitute the signatures of these individuals. Agencies must insure that these individuals review the completed form and give their consent to apply their printed name on this form. No handwritten signatures shall be required in order for the form to be considered "signed" by those individuals whose names appear in the signature section

Requesting Authority (Agency Head or Designee reviewing and approving this request)

Requesting Authority signature connotes concurrence with the Agency EP request to procure the material and/or service

Title:

Director

Signature:

Diane Chamberlin

Date:

02-28-18