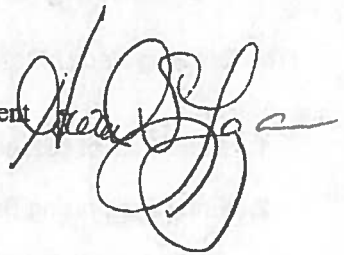




MEMORANDUM

TO: Robert D. Goode, Assistant City Manager

FROM: Howard S. Lazarus, P.E., PWLF, Director, Public Works Department 

DATE: January 11, 2016

SUBJECT: Request for Certificate of Exemption – Sole Source Procurement
Installation of Dynamic Signs for Parking System in Downtown Austin

Purpose:

The purpose of this memorandum is to request approval of a Certificate of Exemption to allow the City to sole source installation services to TCS International for dynamic signs in the downtown area. The Austin Transportation Department would like to provide information to the public, and direct them to parking spaces available in participating parking garages downtown. This memorandum supersedes the memorandum submitted on October 29, 2015 with additional information to support this request.

Background:

This scope of work for which a sole source exemption is requested is part of a larger project in which the City hired MERJE through a Request for Proposals selection process to create a masterplan for wayfinding downtown. As part of their professional services to us, MERJE brought forward TCS to the City as a leading firm capable of providing expertise for both design services and installation of dynamic signage systems. The City has been working with TCS for four years to integrate the software design and data transmission of the dynamic parking system with the City's existing data storage and communication systems. We have relied on information from TCS concerning equipment component sizes, power requirements, data transmission capabilities, cost, etc. Our current design is based upon this information.

Justification:

Retaining TCS to provide installation services for the dynamic parking system signage provides significant benefits to the City. If the City were required to prepare a separate bid package, it would experience significant additional costs and schedule impacts. The complex communications operation would also be more difficult to integrate, potentially causing system inoperability.

Approved: 
Robert D. Goode, Assistant City Manager

Directions for Completing

FSD Purchasing Office Certification of Exemption Form

(The following steps must be completed prior to forwarding form to Purchasing)

1. Enter date of request in MM/DD/YYYY format
2. Enter Purchasing Buyers name
3. Enter Department requesting exemption
4. Enter Originator of certification
5. Enter phone number of Originator
6. Select one of the exemptions that that apply to this procurement
7. Complete the Exemption Form providing any additional information required for the chosen exemption
8. Enter Vendor's Company Name
9. Enter Total Aggregate Amount
10. Obtain signature of:
 - Person requesting exemption (Originator)
 - Department Director or designee
 - AE General Manager (for Critical Business Needs)
 - Assistant City Manager, AE General Manager or designee (for all other exemptions where the purchase > \$50,000)
11. Forward completed form to Purchasing:
 - Buyer reviews and signs document
 - Purchasing Officer or designee (only required if purchase > \$50,000)



City of Austin FSD Purchasing Office

Certificate of Exemption

DATE: 07/09/2015

DEPT: Public Works

TO: Purchasing Officer or Designee

FROM: Burton Jones

BUYER: Terry Nicholson

PHONE: 974-7278

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure of \$50,000 or more, unless the expenditure falls within an exemption listed in Section 252.022.

Senate Bill 7 amended Chapter 252 of the Local Government Code to exempt from the requirements of such Chapter expenditures made by a municipally owned electric utility for any purchases made by the municipally owned electric utility in accordance with procurement procedures adopted by a resolution of its governing body that sets out the public purpose to be achieved by those procedures. The Austin City Council has adopted Resolution No. 040610-02 to establish circumstances which could give rise to a finding of critical business need for Austin Energy.

This Certification of Exemption is executed and filed with the Purchasing Office as follows:

1. The undersigned is authorized to submit this certification.
2. The undersigned certifies that the following exemption is applicable to this purchase. (Please check which exemption you are certifying)
 - ☐ a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality
 - ☐ a procurement necessary to preserve or protect the public health or safety of municipality's residents
 - ☐ a procurement necessary because of unforeseen damage to public machinery, equipment, or other property
 - ☒ a procurement for personal, professional, or planning services
 - ☐ a procurement for work that is performed and paid for by the day as the work progresses
 - ☐ a purchase of land or right-of-way
 - ☐ a procurement of items available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; films, manuscripts, or books; gas, water, and other utility services; captive replacement parts or components for equipment; books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits
 - ☐ a purchase of rare books, papers, and other library materials for a public library
 - ☐ paving, drainage, street widening and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements
 - ☐ a public improvement project, already in progress, authorized by voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes as authorized by the voters

- ☐ a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212
- ☐ personal property sold: at an auction by a state licensed auctioneer; at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391
- ☐ services performed by blind or severely disabled persons
- ☐ goods purchased by a municipality for subsequent retail sale by the municipality
- ☐ electricity
- ☐ advertising, other than legal notices
- ☐ Critical Business Need (Austin Energy Only)

3. The following facts as detailed below support an exemption according to Section 252.022 of the Local Government Code for this purchase. Please verify the steps taken to confirm these facts. If you are citing the following exemptions, please provide the additional information requested below. A more detailed explanation of these exemptions is attached.

- **Preserve and Protect the Public Health and Safety** – Describe how this purchase will preserve and protect the public safety of residents.
- **Sole Source** – Describe what patents, copyrights, secret processes, or natural monopolies exist. Attach a letter from vendor supporting the sole source. The letter must be on company letterhead and be signed by an authorized person in company management.
- **Personal Services** – Describe those services to be performed personally by the individual contracted to perform them.
- **Professional Services** – Describe what mainly mental or intellectual rather than physical or manual and/or disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence are required to perform this service.
- **Planning Services** – Describe the services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.
- **Critical Business Need** – Describe the procurement necessary to protect the competitive interests or position of Austin Energy.

Professional Services - TCS is a company that has provided support and technical expertise and knowledge to the City of Austin for the past 4 years as we have conceptualized and then designed a digital dynamic sign system to inform the public as to locations and numbers of public parking spaces available in downtown Austin. This system must be integrated with the existing traffic control system in the City of Austin. TCS has also worked intimately with several departments in the City of Austin to coordinate hardware and software control of the signage system. To accept a different manufactured system would require the time and effort to redesign and ensure conformance to existing systems within the City.

4. Please attach any documentation that supports this exemption.
5. Please provide any evaluation conducted to support the recommendation. Include the efforts taken to ensure the selected vendor is responsible and will provide the best value to the City (Ex: evaluation of other firms, knowledge of market, etc).

MERJE was selected by the City of Austin in an open RFP to provide design services to develop a wayfinding masterplan for downtown Austin. MERJE has worked closely with TCS to develop the concepts and working details of this plan (please see attached letter). Part of the reason the City opted to work with MERJE was their connections to expertise in the wayfinding community, such as TCS, that could support and help with MERJE's efforts.

6. Because the above facts and documentation support the requested exemption, the City of Austin intends to contract with TCS
which will cost approximately \$ 550,000.00 (Provide estimate and/or breakdown of cost).

Recommended
Certification

Originator

Date

Approved
Certification

Department Director or designee

Date

Assistant City Manager / General Manager Date
or designee (if applicable)

Purchasing Review
(if applicable)

Buyer

Date

Manager Initials

Exemption Authorized
(if applicable)

Purchasing Officer or designee

Date

02/26/2013

July 10, 2015

Mr. Burton Jones
Architect / Project Management
City of Austin, Public Works Department
505 Barton Springs Rd.
Austin, TX 78704

RE: DOWNTOWN AUSTIN WAYFINDING / TCS INT'L DYNAMIC PARKING SIGNAGE

Dear Burton,

Thank you for contacting me regarding the Downtown Austin Wayfinding Program. As requested below is a summary of our coordination with TCS Int'l during the development of the project. Just a note: TCS Int'l was not a paid consultant during this process; they acted primarily as a resource of information that helped to inform our efforts and recommendations as we developed the Master Plan and associated design.

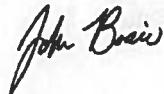
In 2011, MERJE was hired by the City of Austin to develop a Downtown Wayfinding Master Plan. We worked with a variety of COA departments, including Planning and Transportation/Parking, as well as local stakeholders to develop this plan, which is currently being prepared for bid.

Phase 1 of our effort was an overall Wayfinding Analysis for Downtown Austin; this included an investigation into parking related issues and strategies. We worked closely with COA Transportation/Parking Department on this aspect of the plan. As part of this task, we contacted TCS Int'l to provide us with information in regards to how we may include dynamic parking signage into the overall wayfinding philosophy and approach. TCS Int'l acted as our primary source of information in regards to understanding the ROI benefits of digital signs, the technology framework and equipment required, as well as the associated cost of these components. This information was also used to identify preliminary budgets for the overall wayfinding project, which included dynamic parking signage as a key element.

Phase 2 of our project included the design and documentation of the proposed wayfinding and signage system. During this period we again coordinated with TCS Int'l to specify the appropriate digital signage components, as well as the technical specifications.

I hope you find this information helpful, if you have any questions please do not hesitate to contact me directly.

Sincerely,



John F. Boslo
Principal
MERJE

Cc: Tonya Swartzendruber