



Request # WCP20-022

**CITY OF PITTSBURGH
REQUEST FOR WAIVER OF COMPETITIVE PROCESS**

Contract Title: _____ CITY WIDE CAMERA SERVICE AND SUPPORT _____ Johnson Controls

Contract Description: SERVICE, EXPANSION & SUPPORT OF CITY'S SECURITY CAMERA & VIDEO MGMT. SYSTEM

Contract Duration: _____ 5 years _____

Requesting Department: Public Safety Contract Type: professional service

Requests for exemption must be based on one or more of the categories listed in City Code 161.02B located here:

Please list all category numbers that apply (1-14) _____ 10 _____

Justification: The Department of Public Safety is seeking approval for a continuation of services on the existing Professional Services Agreement with Johnson Controls Corporation. This agreement is essential in the sustainably of the Department's City-Wide Security Camera Network that is a critical tool in aiding the Bureau of Police in in the ongoing efforts of crime prevention, mitigation and investigations. As of current, there are a number of ongoing projects between the City and Johnson Controls that have not been completed due to networking and computer resources availability within the City's Virtual Environment maintained by the Department of Innovation and Performance. I&P is currently taking steps to enhance this environment however, this work will not be completed by the end of the existing Professional Services Agreement deeming it necessary for a continuation of services to ensure ongoing projects already underway are completed successful.

Signed by: *Mendell D. Hurm*
Department Director

Date: 8-7-2020

Waiver Request is hereby: X Granted _____ Denied

OMB Procurement: *Jennifer L. Olinger* Date: 8/10/20

After completion, please email this form, along with any appropriate backup to procurement@pittsburghpa.gov

If a waiver is granted, contract authorization is then required by City Council. Department shall submit appropriate legislation and note the Resolution number on this form and submit a copy along with the contract when submitting to the Controller's Office for signature.

Resolution Number _____ Effective Date _____

§ 161.02B – EXEMPTIONS FROM COMPETITIVE PROCESS

(a) The following contracts are exempt from the requirement of a competitive process for selection, contingent upon obtaining a written waiver issued by the Director of the Office of Management & Budget or his/her designee, confirming that a recognized exemption applies to the contract because it falls within one or more of the following categories:

- (1) Emergency Contract, defined as: A contract required where there exists unforeseen circumstances beyond the City's control that either: (a) present a real and identifiable threat to the proper performance of essential functions or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- (2) Sole Source contracts, defined as: contracts involving services documented to fall within one of three categories: (i) where competition is precluded due to existence of patent rights, copyrights, or related proprietary claim; (ii) where supplier is the only identifiable source of the product or service; or (iii) where distributor or service provider has exclusive franchise or operating agreement w/ supplier or manufacturer of goods otherwise determined to be sole source.
- (3) Single Source contracts, defined as: contracts involving services documented to fall within one of the three categories: (i) available from only one source (in which case accompanying waiver request must clearly define the scope in which it is unique); (ii) for which only one prospective contractor is willing to enter into a contract with the City; or (iii) where an item required for the service has design and/or performance features that are essential to the department, including due to compatibility with services or goods currently in use, and no other source satisfies the City's requirements.
- (4) Contracts requiring compliance with terms and conditions of a court order, grant, collective bargaining agreement or governmental order.
- (5) Contracts for expert witnesses, consultants, or counsel associated with anticipated, pending, or potential litigation, including cases in which confidentiality could be compromised by public solicitation.
- (6) Intergovernmental agreements.
- (7) Contracts for supplies, equipment, or materials at auctions and surplus sales conducted by the government of the United States or any agency thereof, any agency of the Commonwealth of Pennsylvania, any municipality or other government agency, or any private party, if the items can be obtained at a competitive price, if determined in advance and in writing that the procurement by auction or surplus sale is in the best interests of the City.
- (8) Contracts for subscriptions to periodicals, databases, legal research services, or legal publications.
- (9) Services of visiting speakers or performing artists.
- (10) Contracts for which a continuation of services is desired by the using department in order to maintain the essential functions of the City as determined in writing by the Office of Management and Budget, including but not limited to contracts for maintenance of existing software or equipment.
- (11) Legally required advertisements and postage.
- (12) Dues and memberships in trade or professional organizations.
- (13) Abstracts of titles for real property and title insurance.
- (14) Statutorily-dictated procurement.

(b) The Office of Management & Budget shall maintain a policy further defining the categories listed above and the process by which waivers are to be requested, reviewed and executed if deemed appropriate.