

From: Sheets, Mike - Purchasing
Sent: Friday, August 23, 2019 5:29 PM
To: Dmalcomb <Dmalcomb@WVPublic.org>
Cc: Whittaker, Frank M <Frank.M.Whittaker@wv.gov>; Nisbet, Guy L <Guy.L.Nisbet@wv.gov>; Gale, Stephanie L <Stephanie.L.Gale@wv.gov>; Steven Grindstaff <sgrindstaff@wvpublic.org>; Totten, Mark L <Mark.L.Totten@wv.gov>
Subject: RE: [External] Need an approval for an emergency purchase.

Dale,

Your emergency is approved for a one-month period. Please follow emergency purchasing procedures as found in the Handbooks and follow up with award documentation within 30 days.

Regards,
Mike

From: Dale Malcomb <dmalcomb@wvpublic.org>
Sent: Friday, August 23, 2019 4:35 PM
To: Sheets, Mike - Purchasing <William.M.Sheets@wv.gov>
Cc: Whittaker, Frank M <Frank.M.Whittaker@wv.gov>; Nisbet, Guy L <Guy.L.Nisbet@wv.gov>; Gale, Stephanie L <Stephanie.L.Gale@wv.gov>; Steven Grindstaff <sgrindstaff@wvpublic.org>
Subject: [External] Need an approval for an emergency purchase.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are expecting the content. -- WV Office of Technology

Mr. Sheets:

Attached is a request for an emergency purchase, and a WV65 as the purchase must be made as a Direct Award. This only became an emergency as a result of our poor purchasing procedures in the past, and I sincerely apologize for that. Please believe we are working as hard as we can to prevent such situations but we must deal with these surprises as they arise until we get this completely under control.

I have requested CTO approval as this is software and will forward it once it is received. This is only for \$1,458.74 but we have already exceeded \$25,000.00 in software over the last 12 months.

Thank your for your time and consideration.

Dale Malcomb

Purchasing Coordinator

Director of Information Technology

Phone: (304) 254-7858

Cell: (304) 222-9252

dmalcomb@wvpublic.org

West Virginia Public Broadcasting

"Telling West Virginia's Story"

www.wvpublic.org

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Mike Sheets
Purchasing Director
West Virginia Purchasing Division
Phone: (304) 558-0492
Email: William.M.Sheets@wv.gov

August 23rd, 2019

Dale Malcomb
Purchasing Director
Phone: (304) 254-7858
Cell: (304) 222-9252
Email: DMalcomb@WVPublic.Org

Re: EBAr68263, the emergency purchase of the licensing for the software bundled with our Radio Automation System.

Mr. Sheets:

We are currently working to submit a five-year contract for the licensing of software that is part of our Radio Automation System. This software automatically generates our Radio broadcast stream based upon input by our staff and is a core component of our Radio service.

Unfortunately, we have been unable to complete this contract and our licensing expires on September 1st, 2019. We need to pay for this licensing by the month until our new contract is complete. I believe a one-month purchase will be sufficient. The monthly cost is \$1,458.74, the annual cost should be \$17,505.17, and the five-year cost should be around \$88,000. I can't give an exact number for the 5-year cost as it is still being negotiated.

I understand that this requires CTO approval and have submitted a request. I will forward the CTO response as soon as I have it and will process all other necessary documentation as well. This is also a Direct Award. I am submitting the WV65 separately.

If you would approve an emergency purchase for one month of this software licensing it would keep us operating until October 1st, 2019. I believe we can have the five-year contract completed by then. As always, thank you for your time and consideration.

Sincerely,



C. Dale Malcomb, Purchasing Director
West Virginia Educational Broadcasting Authority

Enclosures

CC Steven Grindstaff, Purchasing Agent, WV Educational Broadcasting Authority
CC Frank Whitaker, Assistant Director, WV Purchasing Division
CC Stephanie L Gale, Buyer, Purchasing Division
CC Guy Nisbet, Buyer Supervisor, Purchasing Division



West Virginia Purchasing Division

DIRECT AWARD POSTING: Agency Request and Public Notice Form

Public Notice Instructions

Statutory Authority: Pursuant to *West Virginia Code* §5A-3-10c, a state agency may request, and the Director of Purchasing may award, a contract directly to a vendor without competitive bidding if certain requirements are met. Those requirements include providing the Purchasing Division with justification to support the Direct Award, along with providing certain information to the vendor community for a period of no less than 10 business days.

Agency Request: The agency identified below has requested that the Purchasing Division make a Direct Award to the vendor identified below to provide the commodity or service identified below. The support for the Direct Award, and any additional documentation has been included in this form or as an attachment.

Vendor Interest: Any vendor interested and able to provide the commodity or service in question must make their interest known, prior to the deadline published in wvOASIS, by expressing such interest in writing to the Purchasing Division Buyer identified as the appropriate contact in wvOASIS. If interest is expressed and deemed to be valid by the Purchasing Division, this Direct Award will be converted to a competitive bid.

Direct Award Information

Agency / Department: 0439 Educational Broadcasting Authority

Procurement Officer: Dale Malcomb

Date of Request: August 23rd, 2019

1. Provide description of commodity or service (Include a copy of any proposed contract documents):

This is software that is part of our Radio Automation System. This software automatically generates our Radio broadcast stream based upon input by our staff and is a core component of our Radio service.

If requesting software as a sole source, is this software as a service?

Yes No

2. Justification showing that the direct award is in the best interest of the state:

This software was purchased as a bundle with the hardware used to generate our Radio broadcast stream. Only one company licenses and supports this software. Without this software we would have to redesign our entire Radio studio and hire extra staff to do what the software does now.

3. **Basis for Direct Award:** Please select one of the following and provide details and documentation sufficient to confirm the basis.

Competition is not available from any other source: (If this item is selected answer the question below)

A. The agency attempted to identify other sources by:

Contacting the software manufacturer for a list dealers or distributors. A letter stating the manufacturer is the only source is attached.

No other source would be willing or able to replace the existing source without a detrimental effect on the spending unit (Please describe the detrimental effect in detail):

4. **Other Information Required for Direct Award Posting:**

A. A time-period by which delivery must be made or performance must occur:

Delivery for a one month purchase must occur by 9/1/2019. Delivery on a 5-year contract must occur by 10/1/2019.

B. The price that will be paid for the commodity or service (include vendor quote):

\$1,458.74 per month, and \$17,505.17 per year.

C. Any limitations that a competing vendor would need to satisfy:

Another vendor can't provide this. If we used another vendor for this software it would require us to also purchase new hardware from them for Radio automation.



Agency Procurement Officer Signature

8/23/2019

Date:

For Purchasing Division's Use Only

Request to Advertise Direct Award Denied

Request to Advertise Direct Award Approved

Purchasing Director / Designee Signature

Date:



Myers Information Systems, Inc.
110 Elm Street
Westfield, MA 01085

August 16, 2019

West Virginia Educational Broadcasting Authority
WVPB
124 Industrial Park Road
Beaver, WV 25813

Subject: Sole Source

This is to confirm that Myers Information Systems, Inc. is the sole developer, provider and maintainer of the ProTrack™ Software System. Myers Information Systems, Inc. is the only qualified provider for ProTrack updates and technical support.

Myers Information Systems, Inc. does not have a dealer network.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Crist A. Myers', is written over a faint, light blue watermark of the Myers Information Systems logo.

Crist A. Myers

President and Chief Executive Officer

24526

TEL 413-585-9820 X5424
FAX 413-585-9821
Accounting@MyersInfoSys.com

please note invoice # on remittance

SOLD TO: West Virginia Educational Broadcasting Finance & Administration 600 Capitol Street Charleston, WV 25301-1223	SHIP TO: West Virginia Educational Finance & Administration 600 Capitol Street Charleston, WV 25301-1223
CONTACT:	CONTACT:

INVOICE DATE	DUE DATE	CUSTOMER NO.	TERMS
08/01/19	09/30/19	WVP001	NET 60
P.O. NUMBER	P.O. NAME	ORDER NUMBER	SALESPERSON
	Annl Lic Renew: 9/1	52976	BPERKINS

QTY	PART NUMBER	PART DESCRIPTION	UNIT PRICE	TOTAL PRICE
9.00	108797	3rd Party Software: Annual Licensing & Support Fee <i>2 ea added 7/2018 for Radio</i>	\$6.94	\$62.46
1.00	108826	ProTrack TV: Annual Licensing & Support Fee <i>Includes Sales Module and one DTV Module Support</i>	\$576.50	\$576.50
1.00	100152	ProWeb Module: Annual Licensing & Support Fee	\$33.70	\$33.70
1.00	100467	ProTrack PBS KIDS: Annual Licensing & Support Fee <i>Installed 1/1/2017</i>	\$77.25	\$77.25
1.00	100222	MIS BackUP: Annual Service Fee <i>Start 5/1/18</i>	\$55.00	\$55.00
1.00	108811	ProTrack Radio: License Acquisition <i>added 7/2018</i>	\$142.50	\$142.50
1.00	100445	A/R Module: Annual Licensing & Support Fee <i>added 7/2018 Radio</i>	\$37.50	\$37.50
1.00	100056	ProTrack Radio Automation: Annual Support Fee <i>Added 7/2018 Radio</i>	\$36.00	\$36.00
1.00	100049	ProTrack TV Automation: Annual Licensing & Support Fee <i>- Vendor: Digital Broadcast, Inc Added 11/2018</i>	\$229.50	\$229.50

COMMENTS

THANK YOU

THIS INVOICE REPLACES 24474 <VOIDED.

Remit to: Myers Information Systems, INC
110 Elm Street
Westfield, MA 01085

L3C19
Monthly bill of annual contract.

TAX:	\$0.00
TOTAL:	\$1,458.74
PAID:	\$0.00
BALANCE:	\$1,458.74



24526

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 FAX 413-585-9821
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please note invoice # on remittance

SOLD TO: West Virginia Educational Broadcasting Finance & Administration 600 Capitol Street Charleston, WV 25301-1223	SHIP TO: West Virginia Educational Finance & Administration 600 Capitol Street Charleston, WV 25301-1223
CONTACT:	CONTACT:

INVOICE DATE	DUE DATE	CUSTOMER NO.	TERMS
08/01/19	09/30/19	WVP001	NET 60
P.O. NUMBER	P.O. NAME	ORDER NUMBER	SALESPERSON
	Annl Lic Renew: 9/1	52976	BPERKINS

QTY	PART NUMBER	PART DESCRIPTION	UNIT PRICE	TOTAL PRICE
1.00	100174	Media Asset Management Module: Annual Support Fee <i>Added 1/2019</i> Coverage Period: 09/01/19 to 09/30/19	\$208.33	\$208.33

COMMENTS L3C19 Monthly bill of annual contract.	<h1>THANK YOU</h1>		TAX: \$0.00
	THIS INVOICE REPLACES 24474 <VOIDED.		TOTAL: \$1,458.74
	Remit to: Myers Information Systems, INC 110 Elm Street Westfield, MA 01085		PAID: \$0.00
			BALANCE: \$1,458.74

24474

TEL 413-585-9820 X5424
FAX 413-585-9821
Accounting@MyersInfoSys.com

please note invoice # on remittance

SOLD TO: West Virginia Educational Broadcasting Finance & Administration 600 Capitol Street Charleston, WV 25301-1223	SHIP TO: West Virginia Educational Finance & Administration 600 Capitol Street Charleston, WV 25301-1223
CONTACT:	CONTACT:

INVOICE DATE	DUE DATE	CUSTOMER NO.	TERMS
08/02/19	09/01/19	WVP001	NET 30
P.O. NUMBER	P.O. NAME	ORDER NUMBER	SALESPERSON
	Annl Auto Lic Renew: 9/1	52976	BPERKINS

QTY	PART NUMBER	PART DESCRIPTION	UNIT PRICE	TOTAL PRICE
9.00	108797	3rd Party Software: Annual Licensing & Support Fee <i>2 ea added 7/2018 for Radio</i>	\$83.31	\$749.79
1.00	108826	ProTrack TV: Annual Licensing & Support Fee <i>Includes Sales Module and one DTV Module Support</i>	\$6,918.03	\$6,918.03
1.00	100152	ProWeb Module: Annual Licensing & Support Fee	\$404.35	\$404.35
1.00	100467	ProTrack PBS KIDS: Annual Licensing & Support Fee <i>Installed 1/1/2017</i>	\$927.00	\$927.00
1.00	100222	MIS BackUP: Annual Service Fee <i>Start 5/1/18</i>	\$660.00	\$660.00
1.00	108811	ProTrack Radio: License Acquisition <i>added 7/2018</i>	\$1,710.00	\$1,710.00
1.00	100445	A/R Module: Annual Licensing & Support Fee <i>added 7/2018 Radio</i>	\$450.00	\$450.00
1.00	100056	ProTrack Radio Automation: Annual Support Fee <i>Added 7/2018 Radio</i>	\$432.00	\$432.00

COMMENTS L3C USPS	Received Date	THANK YOU	TAX:	\$0.00
	AUG 07 2019		TOTAL:	\$17,505.17
	WV Educational		PAID:	\$0.00
	Broadcasting Authority		BALANCE:	\$17,505.17

24474

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please note invoice # on remittance

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CONTACT:	CONTACT:

INVOICE DATE	DUE DATE	CUSTOMER NO.	TERMS
08/02/19	09/01/19	WVP001	NET 30
P.O. NUMBER	P.O. NAME	ORDER NUMBER	SALESPERSON
	Annl Auto Lic Renew: 9/1	52976	BPERKINS

QTY	PART NUMBER	PART DESCRIPTION	UNIT PRICE	TOTAL PRICE
1.00	100049	ProTrack TV Automation: Annual Licensing & Support Fee <i>- Vendor: Digital Broadcast, Inc</i> <i>Added 11/2018</i>	\$2,754.00	\$2,754.00
1.00	100174	Media Asset Management Module: Annual Support Fee <i>Added 1/2019</i> Coverage Period: 09/01/19 to 08/31/20	\$2,500.00	\$2,500.00

COMMENTS L3C USPS	THANK YOU	TAX: \$0.00
		TOTAL: \$17,505.17
		PAID: \$0.00
		BALANCE: \$17,505.17