

MEMORANDUM

Date: November 17, 2017

To: Agenda, Senior Executives

From: Rick Squires

Re: Council Approval for Contract Award Without Tender Invitation – Gray Matter Systems, LLC

It is recommended by Lynnann Winsor, Deputy City Manager – Public Works, to award this contract to Gray Matter Systems, LLC who is the sole supplier of the software licensing and hardware keys required for the SCADA upgrade. The cost is \$81,222.09.

Taxes are not included in the quoted price.



Rick Squires
Manager, Supply Chain

ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

TO: GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
THE MINISTER OF WORKS, SERVICES AND TRANSPORTATION

(Pursuant to Section 10 of The Public Tender Act, 1984 and Section 9 of the Regulations)

REPORT ON CONTRACT AWARD WITHOUT TENDER INVITATION

FROM: GOVERNMENT FUNDED BODY
City of St. John's, P.O. Box 908, St. John's, NL, A1C 5M2

Contract Description

Upgrade of existing GE iFix SCADA HMI visualization software at the Riverhead Wastewater Treatment Facility to enable compatibility with new SCADA servers.

Contractor, Supplier or Lessor:

Name: Gray Matter Systems, LLC. - CANADA EAST

Address: 6415 Northam Drive, Mississauga, ON L4V 1J2

Contract Price \$ 81,222.09 (HST Extra)

Date of Award: November 15, 2017

Public Tender Act relevant exemption clause (tick as applicable):

3(2)(b) 3(2)(d) X 3(2)(e) 4(1)(b) 4(5)

Reason(s) why the tender was not invited:

Gray Matter Systems is the only authorized supplier of the software licensing and hardware keys required for the SCADA upgrade.

Head of Government Funded Body

Prepared by: Deanne Harper

[Signature]
City Manager

Date: November 15, 2017

Date:

Nov 15 / 17

* *[Signature]*

CONTRACT AWARD WITHOUT TENDER INVITATION

Relevant Exemption Clauses:

- 3(2)(b): Where the estimated cost of the work or acquisition is not more than \$25,000, exclusive of goods and services tax imposable under Part IX of the Excise Tax Act (Canada) and retail sales tax imposable under the Retail Sales Tax Act, and it appears to the Chief Commissioner that in view of the nature of the work or acquisition it is not advisable to invite tenders.
- 3(2)(d): In the case of a pressing emergency where the delay resulting from inviting tender would be injurious to the public interest.
- 3(2)(e): Where the dealer, supplier or contractor providing the work or acquisition is the only source of that work or acquisition.
- 4(1)(b): The estimated rental value of the space is not more than \$30,000 exclusive of goods and services tax imposable under Part IX of the Excise Tax Act (Canada) and retail sales tax imposable under the Retail Sales Act, and it appears to the Chief Commissioner, in view of the nature of the lease, that it is not advisable to invite tenders.
- 4(5): A lease for space that was not originally publically tendered or that was originally publicly tendered without a clause for a further option to renew and a lease for an increase of the area of leased space may be renewed with the approval of the Lieutenant-Governor in Council.
 - (a): In accordance with the original terms of the lease; or
 - (b): On terms more favorable to the City where, in the opinion of the Chief Commissioner, those terms are consistent with the fair market value for that leased space.