

## **SOLE SOURCE/SOLE BRAND JUSTIFICATION**

### **OVERVIEW:**

Contracts/Purchasing recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Purchasing. Even though the department's review process prior to the submittal of a requisition may be sound, departments may unknowingly discourage free and open competition by requesting a single vendor or product. Additionally, the County is bound by both federal and local laws as well as County Policies of which County Staff may not be aware of. The lack of an effective means of communication between buyer and requesting departments can lead to both lost time in completing the requisition as well as possible adverse legal actions towards both the County and the requesting staff member. Purchasing can be an effective partner in a competitive review process given adequate time and involvement in your requirement definitions.

In an effort to expedite sole source/brand requisition requests through purchasing, we would encourage you to review the criteria for Sole Source/Brand form herein. If you feel your request meets such criteria, follow the instructions in filling out the form and attach it to your requisition. If sole source/brand justification is warranted and accepted by Purchasing, the requisition will be processed for the sole source/brand as requested.

This is an internal review process. Departments are requested to use discretion in their discussion with vendors so as not to compromise any competitive advantage the Buyer may utilize, regardless of the acceptance or rejection of the sole source/brand justification.

Rather than merely a shift of the review process and burden, this process acknowledges the significant effort a department may undertake when identifying a vendor or brand and provides you with the method by which to make your requisitioning efforts more efficient under sole source/brand conditions.

Purchasing will advise you when a particular competitive review process may both serve the County better and/or be required by governing law.

In order for us to accept a request for sole source/brand the certification, the form referenced herein should be made a part of your justification and be signed by an authorized department representative. This certification will remain on file as part of your requisition package for audit purposes.

### **SOLE SOURCE PURCHASING:**

On rare occasions there may be a need to purchase goods or services from one vendor/contractor without going to formal bid or requesting competitive quotations. This is known as "Sole Source" purchasing.

“Sole Source” purchasing is authorized by Monterey County Code 2.32.040, Emergency Purchases, and by Monterey County Code 2.32.070, Competitive Bidding Not Required.

A sole source may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiably in the best interest of the County.

“Sole Source” purchasing may be necessary under certain circumstances such as an emergency wherein the department head or other County Official who is authorized to sign requisitions may purchase items for the continuance of the department function, or that items purchased are necessary for the preservation of life or property, and that no authorized purchasing department personnel are immediately available to make the purchase.

The designation of a “Sole Source” supplier must be authorized by the County Purchasing Agent or Deputy-Purchasing Agent before the requirement for competitive quotations is waived.

**PROCEDURE:**

Sole source/brand purchasing is an exception to the normal procurement function and requires a detailed justification. In processing sole source/brand requests for supplies, services and/or equipment, Purchasing adheres to and is governed by the principles set forth in both the Federal and State Laws governing public purchasing and the Public Contract Code, and by the adopted and approved County of Monterey Policies and Procedures. As such, our decision is final.

If you are requesting a particular vendor, brand, or product, you must make this fact clear on your requisition. Such a request should not be made unless the request is reasonable and appropriately justified to meet legal requirements and can withstand a possible audit. The County requirements and the format for submitting such requests are contained herein. Please make copies of the Criteria for Sole Source/Brand form for your future use.

The following factors **DO NOT** apply to sole source/brand requests and should not be included in your sole source/brand justification. They will not be considered and only tend to confuse the evaluation process.

1. Personal preference for product or vendor
2. Cost, vendor performance, and local service (this may be considered an award factor in competitive bidding)
3. Features which exceed the minimum department requirements
4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors
5. A request for no substitution submitted without justification. This is a sole source/brand request requiring detailed justification including established sole source/brand criteria

**County of Monterey  
Contracts/Purchasing Department  
JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST**

Purchase Requisition Number \_\_\_\_\_

Date September 9, 2021

Description of Item:

1. Please indicate the following:

Procurement:            Goods  
                                  Services

(Check One)

Sole Source: Item is available from one source only. Item is a one-of-a kind and is not sold through distributors. Manufacturer is exclusive distributor.

Sole Brand: Various sources can supply the specified model and brand and competitive bids will be solicited for the requested brand only. Meets form, fit and function- nothing else will do.

Note: Sole Source/Sole Brand Requests are not maintained as a standing request. Each request is for a single one-time purchase only.

2. Vendor Selection:

Preferred Vendor  
 Sole Source

Vendor Name: Black & Veatch Corporation  
Address: 10950 Grandview Drive, Bldg. 34 City: Overland Park State: KS  
Phone Number: 952-896-0774 Fax: \_\_\_\_\_  
Contact Person: Nathan Petry, PE Title: Engineering Manager  
Federal Employer #: 43-1833073

3. Provide a brief description of the goods/services to be purchased and why this purchase is being proposed under a sole source acquisition.

Monterey County Information Technology Department is seeking engineering and design services from Black & Veatch Corporation. Black & Veatch Corporation had conducted a site readiness assessment (Seismic Study) of the County's thirteen (13) most critical telecommunications sites which identified deficiencies that require engineering and design prior to repair. Furthermore, Black & Veatch Corporation is a vendor that has provided radio site and systems design and assessment for the Next Generation Radio System (NGEN) project which will replace the existing mission critical public safety and local government voice and data radio networks. The

NGEN project is a collaborative effort involving the Monterey County Sheriff and eighteen (18) public agencies within the County, including all its incorporated cities and several special districts. The NGEN system and the facilities that support them are essential to the NGEN users, County users, and public safety.

a) Why were product and/or vendor chosen?

Black & Veatch Corporation is a market leader in delivering solutions that integrate economic, community, and environmental considerations to accommodate public safety client needs.

Black & Veatch Corporation has been a part of the County's design team for several years. Black & Veatch Corporation is an authorized partner and has a history of providing excellent services to the County.

More importantly, Black & Veatch Corporation was the only vendor to officially respond to the ITD Infrastructure Readiness Study RFQ# 10527. The study was high in complexity due to its telecommunications assessment and how these systems interact with the sites' supporting facilities, e.g., towers, grounding characteristics, and network topology.

The County has an extensive existing telecommunications system that provides services to many departments. It is essential to utilize this vendor that assisted in the site readiness assessment and NGEN project design to ensure continuity of service in the County to accomplish urgently needed repairs in a timely way and thereby avoid catastrophic failures in County communications systems. Because Black & Veatch Corporation conducted the telecommunications site readiness assessment and because it designed the NGEN system, it has the data in-house to be able to immediately produce the design and conduct the engineering needed to implement the urgently needed remediation.

b) What are the unique performance features of the product/brand requested that are not available in any other product/brand? For Services: what unique qualifications, rights, and licenses does the vendor possess to qualify as a sole source/brand request?

Using a vendor besides Black & Veatch would jeopardize the continuity of the County's telecommunications systems and facilities as Black & Veatch's site readiness study identified serious vulnerabilities which must be rectified as soon as possible, to safeguard public health and safety. Because of its existing, in-depth knowledge of County systems and facilities and the County's urgent needs, Black & Veatch can accomplish the required remediation quickly and accurately, before a natural disaster or emergency strikes that undermines County communications. Conversely, as explained below, a vendor other than Black & Veatch would insist on performing its own assessment and evaluation of County Systems before providing engineering and design solutions to repair the identified

deficiencies; that in turn, would engender delay in achieving the required remediation. In these circumstances, delay endangers communications with, for example, first responders, placing public safety at risk.

Additionally, Black & Veatch Corporation has provided engineering and design services for the first two years of the multi-year Site Readiness project which is in its final year. This last year will be a continuation of the previous contract agreement.

- c) Why are these specific features/qualifications required?

The County is standardizing on systems design and telecommunications equipment. Thorough subject matter knowledge is critical in designing facilities that support these public safety systems which require 99.999% availability (virtually no downtime). Black & Veatch Corporation, by virtue of its intimate familiarity with and assessment of County Communications systems, can timely provide a seamless design which translates into facilities repair/construction to support implementation and cutover of mission critical systems.

- d) What other products/services have been examined and/or rejected?

For the previous Site Readiness engineering and design contract agreements, ITD conducted preliminary vendor to ascertain the availability of the needed design services. ITD's inquiries yielded similar responses-engineers and engineering firms respond that they will not rely on an assessment that they did not conduct themselves. Thus, utilizing another vendor to engineer and design the repairs that Black & Veatch has identified would effectively mean that another study would be conducted first, by the other vendor. That, in turn, would delay rectification of the repairs to County systems, even though they need urgent attention, and would result in redundant costs, essentially, requiring the County to pay for the same assessment twice.

- e) Why are other sources providing like goods or services unacceptable (please give a full meaningful explanation)?

This vendor has a history of providing design services that integrates the County's public safety communications and supporting site facilities and is currently under agreement to provide assessment of existing systems which support the County infrastructure. Transitioning into design would be efficient and quick. Unique efficiencies would be achieved by utilizing Black & Veatch because it has already developed some of the engineering and construction design drawings needed to address deficiencies identified in its site readiness study for some of the County's telecommunications sites as part of the County's Next Generation Radio Project (NGEN).

- f) What are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this particular item or service?

Technical design and engineering work needs to be accomplished quickly given significant deficiencies identified and risk to County communications infrastructure; using Black & Veatch will eliminate redundant assessment work and speed the accomplishment of repairs. Using another vendor would, as explained above, result in duplicative assessments and resulting delay in accomplishing the needed repairs

- g) Estimated Costs:

\$500K for design and engineering services (20% of estimated construction cost) over the next two years.

4. Is there an unusual or compelling urgency associated with this project?

- No  
 Yes (Please describe)

Repair work involves fixing deficiencies that were categorized as needing immediate action (Level 5 – failure imminent) or in a vulnerable state (Level 4 – may fail during earthquake or adverse conditions). A system failure due to these deficiencies could result in the catastrophic loss of mission critical public safety communications and potentially other related consequences.

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**THE FOLLOWING TO BE COMPLETED BY THE REQUESTOR**

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I hereby certify that:

1. I am an approved department representative and am aware of the County's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment.
3. The information contained herein is complete and accurate.
4. There is justification for sole source/brand purchasing noted above as it meets the County's criteria.
5. A sole source/brand purchase in this case would withstand a possible audit or a vendor's protest.

DocuSigned by:  
*Alex Zheng*  
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Requestors Signature

10/7/2021 | 10:31 AM PDT  
Date

DocuSigned by:  
*Eric Chatham*  
747D862C7BD04AE...  
Authorized Signature by Department Head

10/7/2021 | 2:08 PM PDT  
Date

DocuSigned by:  
*Debra R. Wilson*  
7B741937AA0D41B...  
*Contracts/Purchasing Officer*

10/7/2021 | 2:43 PM PDT  
*Date*