

# Attachment A

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## SOLE SOURCE/SOLE BRAND JUSTIFICATION

### OVERVIEW:

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. This document does not replace an Agreement.

“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.

“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.

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. 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.

In an effort to expedite sole source/brand requisition requests through Contracts/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, along with a Department Head signature approving the request on behalf of their department. If sole source/brand justification is warranted and accepted by Purchasing, the request shall be signed by the Contracts/Purchasing Officer (CPO).

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.

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

The **JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST** is **NOT** an agreement.

**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, Contracts/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.

If you are requesting a particular vendor, brand, or product, you must make this fact clear on your request. 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.

The **JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST** is **NOT** an agreement.

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

Please make copies of the Criteria for Sole Source/Brand form for your future use.

**County of Monterey**  
**General Services- Contracts/Purchasing Division**  
**JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST**

Date November 7, 2023

1. Please indicate the following:

Procurement:       Goods  
                          Services

Description of Item: Environmental Consulting for Moss Landing Community Plan Update.

(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 the 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.

Sole Source/Sole Brand Request is not an Agreement.

2. Vendor Selection:

Preferred Vendor  
 Sole Source

Vendor Name: EMC Planning Group, Inc.

Address: 301 Lighthouse Ave., Suite C City: Monterey State: CA

Phone Number: (831 ) 649-1799 Fax: (831 ) 649-8399

Contact Person: Teri Wissler Adam Title: Senior Principal

Federal Employer #: 77-0126607

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

a) Why were product and/or vendor chosen?

This vendor was selected to complete an Environmental Impact Report (EIR) process that was started under Professional Services Agreement (PSA) A-1194 on February 9, 2011. An 80% administrative draft of the Draft EIR was provided to the County February 17, 2021, however PSA A-1194 (which was on Amendment 11) expired on May 22, 2022 prior to work on the EIR being completed.

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?

EMC has completed approximately 80% of the Draft EIR for the Moss Landing Community Plan Update and has detailed working knowledge of the project.

c) Why are these specific features/qualifications required?

Since EMC has completed the majority of the Draft EIR, it would be in the County's best interest to have EMC complete the project, saving time and funds as well as expediting the project's completion.

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

Alternatives to working with EMC to complete the EIR would be for County staff to finish the EIR or to start a new RFQ process. Given EMC's experience and institutional knowledge as described in "a" and "e," continuing with EMC would be more expeditious and cost effective.

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

Working with another consultant on the draft would entail re-doing work that has been completed by EMC and familiarizing a new consultant with the project, potentially delaying the environmental review process and increasing overall consultant costs for the project.

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

Completing the draft environmental document and environmental review process based on the existing 80% draft EIR, which was prepared by this consultant. A new consultant would not be able to readily pick up on an 80% draft document and complete it in an expedient manner.

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- g) Estimated Costs:

The base cost is anticipated to be \$207,953.90. An additional 10%, \$20,795.39, contingency is included in the scope of work, which if used, would bring the total cost to \$228,749.29.

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

No

Yes (Please describe)

There is no unusual or compelling urgency, however, the Moss Landing Community Plan Update is identified as being a high priority task on the County's Long-Range Planning Work Program for the 2023 - 2024 fiscal year.

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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:  
Melanie S Benetti 11/7/2023  
Requestor's Signature Date

DocuSigned by:  
Craig Spencer 11/13/2023  
Authorized Signature by Department Head Date

DocuSigned by:  
Debra Wilson 11/16/2023  
Approved by Contracts/Purchasing Officer Date