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

Purchase Requisition Number: TBD

Date: December 9, 2020

Description of Item: Complete a Fort Ord Habitat Resource Management Plan (RMP) as required by the Installation-Wide Multispecies Habitat Management Plan (HMP) for Former Fort Ord, California.

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: Denise Duffy & Associates, Inc.
Address: 947 Cass Street, Suite 5 City: Monterey State: CA
Phone Number: (831) 373-4341 Fax: N/A
Contact Person: Erin Harwayne, AICP Title: Project Manager/Senior Planner
Federal Employer #: N/A

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?

Denise Duffy & Associates (DD&A) is a locally-based environmental consulting firm that is uniquely qualified to provide biological consulting services for the County on the former Fort Ord, as they currently provide similar services for multiple projects within the County and region. DD&A has comprehensive understanding of the Installation-Wide Habitat Management Plan (HMP) for the former Fort Ord. DD&A has worked extensively over the last 25 years on the former Fort Ord and are intimately familiar with the biological resources within this area. A few key Fort Ord projects that DD&A worked on are:

- **Fort Ord Habitat Conservation Plan (HCP) Environmental Impact Report (EIR);**

- **Monitoring and reporting for the East Garrison California Tight Salamander Interim Habitat Management Plan;**
- **Environmental review and planning for the Fort Ord Dunes State Park Campground Project, the California Central Coast Veterans Cemetery Phase II, and the Monterey Bay Charter School; and**
- **Fort Ord Reuse Plan Reassessment (Fort Ord Reuse Authority).**

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?

DD&A have over 25 years of biological experiences within the Central Coast and holds the appropriate licensing and certifications necessary to perform the work. DD&A staff hold certifications such as American Institutions of Certified Planners, and specialize in the California Environmental Quality Act. DD&A has performed countless amount of work for the Monterey County. In this particular case, DD&A is considered well qualified to perform this work, as they are completely experienced and have a tremendous amount of knowledge regarding the biological environment of the Fort Ord area. DD&A's extensive environmental and biological work history on the former Fort Ord uniquely qualify the firm for this project, and the company's work to complete the HCP EIR provides the biological foundation upon which the RMP to be developed for County-owned habitat lands on the former Fort Ord will be built.

c) Why are these specific features/qualifications required?

On June 30, 2020, the Fort Ord Reuse Authority (FORA) dissolved and transferred the remaining properties that received regulatory soil and munitions clean up clearance to the County. A significant portion of the County's acreage are habitat restricted parcels, and the County is required, pursuant to the deed restrictions for the parcels, to comply with the HMP for former Fort Ord, which requires the preparation and completion of a site-specific Habitat RMP. For nearly two (2) decades, FORA pursued the regional HCP intended to serve this purpose; however, prior to dissolution, FORA failed to adopt the regional HCP. Now that all the properties have transferred to the County and the HCP is no longer under development, the County is obligated to develop its RMP and receive regulatory approval of the plan within six (6) months or as soon as feasible. DD&A's experience on the former Fort Ord and in particular, on the HCP EIR, is unmatched by any other environmental service provider and will enable DD&A to develop the County's RMP in an efficient cost-effective manner. The County will also benefit from DD&A's long-standing relationship working with United States Fish and Wildlife Service (USFWS) and other regulatory agencies on the development of the draft HCP and completion of the EIR, as the RMP requires regulatory approval by USFWS.

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

No other vendor options have been explored.

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

As described in greater detail above, DD&A is intimately knowledgeable of the biological resources and have completed other key projects on Fort Ord. Since they are already aware of the specific constraints and the environment, staff feels they are best suited to provide the services needed by the County to ensure the RMP is developed efficiently, cost-effectively, and will fully meet the regulatory requirements for species protection and expected timeline for completion.

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

The Fort Ord Habitat RMP is one component of work that needs to be completed in order to comply with the HMP for former Fort Ord. As this plan moves forward, other reports such as the Oak Woodland Conservation, which DD&A is contracted by the County to complete, and Fort Ord Recreational Habitat Area Trail Master Plan are also needed. These plans are underway; however obtaining DD&A to begin the development of the RMP is needed so the County may move these other planning projects to completion. The regular RFP process would extend the timeframe and result in additional delays in not meeting the requirements per the HMP for former Fort Ord in the necessary regulatory timeline.

- g) Estimated Costs:

\$273,883

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

No

Yes (Please describe) As indicated, the County is compelled to develop the RMP within six (6) months of receiving the Fort Ord properties, or as soon as feasible thereafter, and therefore, must get DD&A under contract as soon as possible to begin the RMP development process and coordination with USFWS for regulatory approval of the plan.

THE FOLLOWING TO BE COMPLETED BY THE REQUESTOR

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.

REQUESTOR

PRINT NAME: Jacquelyn M. Nickerson

PRINT TITLE: Management Analyst I

Jacquelyn M. Nickerson
Requestor Signature

December 9, 2020
Date

DEPARTMENT HEAD

PRINT NAME: Carl H. Holm, AICP

PRINT TITLE: HCD Director

Carl H. Holm
Department Head Signature

12/9/2020
Date



APPROVAL BY CONTRACTS/PURCHASING

PRINT NAME: Debra Wilson

PRINT TITLE: DRW

DocuSigned by:
Debra Wilson, Contracts/Purchasing Supervisor
7B741937AA9D41B
Contracts/Purchasing Signature

12/16/2020
Date

Revised 1/8/16