

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.

D&S Communications

Revised:
April 21, 2022

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 4/25/2022

1. Please indicate the following:

Procurement: Goods
 Services

Description of Item: Yearly maintenance for technical support of the County's phone system.

(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: D&S Communications

Address: 1355 N. McLean Blvd. City: Elgin State: IL

Phone Number: (800) 494-7978 Fax: ()

Contact Person: Manuel Taveira Title: National Sales Director

Federal Employer #: 36-34897036

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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 has supported the County voice/telecommunications technology for more than ten years. They intimately understand the County's data network and have access to nodes across the County's wide area network in support of voice services and technology.

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?

The current system has an installed value of over 5 million dollars, changing the system would not be feasible at this time. There are no unique performance features of the product/brand other than the investment in the current system by the County.

c) Why are these specific features/qualifications required?

The vendor must be a license Mitel distributor in North America and can extend the Mitel manufacture warranty, support upgrades, patches, and firmware updates in accordance with the manufacturer's software releases.

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

ITD is in the process of evaluating cloud technologies. Due to cost and current budget forecast, ITD is looking to extend this current contract with D&S Communications, however at the same time creating a migration plan to merge to the Cloud. Future RFP will seek these new services.

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

Other vendors do not have the access nor intimate knowledge through the longevity of support that D&S has acquired to support these voice technologies. This would take a significant amount on all parties involved to get a new vendor with the same level of information, security access to support the County's voice technologies.

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

There are no unique performance features required. The cost of replacement is not conducive at this time.

g) Estimated Costs:

\$250,000.

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

No


Yes (Please describe)

The urgency is to maintain support and maintenance for the County's telecommunications systems


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.

DocuSigned by:

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Requestors Signature

5/9/2022 | 9:05 AM PDT
Date

DocuSigned by:

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Authorized Signature by Department Head

5/9/2022 | 9:40 AM PDT
Date

DocuSigned by:

7B741937AA0D41B...
Approved by Contracts/Purchasing Officer

5/9/2022 | 9:55 AM PDT
Date