

	JUSTIFICATION FOR EXEMPTION FROM COMPETITIVE PROCUREMENT PROCESS	PROCESS OWNER: Tina Yoke
		DOCUMENT NO.: F-741-048
		REVISION: D
		EFFECTIVE DATE: August 15, 2013
Page 1 of 3		

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INSTRUCTIONS

Use this form to document justification for non-competitive procurements and contracts per EL-5.2.12. The unit requesting the sole source/single source acquisition must complete this form and attach a justification memo along with any other documentation supporting the request.

1. **PRIOR TO COMPLETING THIS FORM PLEASE TELEPHONE THE BAO PROCUREMENT DESIGNEE (x3021) AND DISCUSS THE PROPOSED REQUEST. PLEASE OBTAIN VERBAL APPROVAL FROM THE BAO PROCUREMENT DESIGNEE PRIOR TO COMPLETING THE FORM OR CONTACTING THE VENDOR.** The reason for this discussion is to maintain eligibility of the vendor. If the request is not approved and later when the vendor has to compete for the bid, the company will still be eligible. If one vendor has more information than other vendors as a result of our contact, the process may not be competitive and fair to all bidders.
2. **PLEASE ALSO NOTE THAT YOU DO NOT NEED TO COMPLETE THIS JUSTIFICATION IF THE PRODUCT YOU ARE REQUESTING AN EXEMPTION IS ON THE "APPROVED MATERIALS LIST" POSTED ON THE PURCHASING UNIT'S INTRANET WEB PAGE LOCATED AT <http://www.aqua.gov/organization/divisions-offices/administration/procurement-operational-services-division/unit/purchasing-consultant-contracts-war> IF THE PRODUCT IS NOT ON THE LIST YOU WILL NEED TO COMPLETE THIS FORM TO ADD THE MATERIAL ON THE LIST.** The approved materials list was compiled from previous approvals and will be updated every two years.
3. Complete the **Requesting Unit Contact Information**, the **Vendor and Product Information**, and the **Supplier Evaluation** sections.
4. Determine which standard(s) apply and click the check box next to the standard. More than one standard may apply.
5. Prepare a **Justification Memo**. The justification memo must include all specific and comprehensive information as required by this form. Prepare the memo as follows:
 - a. From: The Requester To: The BAO Procurement Designee
 - b. Subject: Include a reference to the standard and the item or service needed.
 - i. EXAMPLE: Sole Source Contract for Industrial Hygiene Services
 - ii. EXAMPLE: Single Source Purchase of A/C Compressor
 - c. Follow the instructions within the form that appear below the box you marked with an "x" in #3 above. Answer all the questions, keeping it simple, clear, and concise.
If both standards apply, include responses to the instructions and questions under both standards.
The best evidence that supports the vendor is a sole source—a letter on a manufacturer's or developer's letterhead stating that fact.
6. Add **Price Analysis** information in your memo prepared in #4 above, following the instructions that appear in this section on the form. A sole/single source procurement is also subject to price evaluation. You do not solicit bids. An explanation of why you believe the price to be reasonable is usually adequate. Include the basis for your conclusion.
7. Use the **Routing Instructions** section to indicate the approval flow.
8. The **Recommendation** must be reviewed and signed off by the initiator, his or her manager, and the unclassified officer above them.
An incomplete memo will be returned to the initiator resulting in a time delay.
9. **Approval** by the BAO or BAO Procurement Designee regarding whether the justification meets the requirements stated in EL-5.2.12 must be obtained.
10. All parties of the preparation and approval for the justification must sign the **Disclosure Statement**.

	JUSTIFICATION FOR EXEMPTION FROM COMPETITIVE PROCUREMENT PROCESS	PROCESS OWNER: Tina Yoke DOCUMENT NO.: F-741-048 REVISION D EFFECTIVE DATE: August 15, 2013
		Page 2 of 3

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REQUESTING UNIT CONTACT INFORMATION	
Name of Requester: Steve Peters	Extension: 2518
Unit Name: Treasury, Debt, and Grants Management	Unit No.: 106





VENDOR AND PRODUCT INFORMATION	
Vendor Name: Stantec Consulting Services	
Address: 370 Interlocken Blvd., Suite 200	
Contact: Amy Broughton	Telephone No.: (303) 439-2759
Type of Purchase: <input type="checkbox"/> Commodity <input checked="" type="checkbox"/> Consultant Services <input type="checkbox"/> Non-Consultant Services <input type="checkbox"/> Other	
Describe the product or service: Federal and State loan and grant funding attainment services	


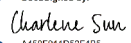
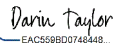
JUSTIFICATION MEMO
(Check the appropriate statement[s] below. Attach a written memorandum and supporting documentation to address the questions following the statement[s])
<input type="checkbox"/> The best interest of the District cannot be served through a competitive procurement because only one firm exists that can provide the service, supply, or equipment, and there is not an available equivalent to meet the District's minimum needs. (Sole Source) A situation created due to the inability to obtain competition. This may result because only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitation. Describe the minimum needs of the District that must be met by this service, supply, or equipment. Explain why this is the only product or service that will meet those minimum needs. Describe the consequences of not meeting those needs. Which vendors were contacted and what steps were taken to verify that the goods or services are not available from another source? Describe the effort undertaken to identify whether other vendors can meet the District's minimum needs, including a list of the names and contact information of the vendors and the reasons why they cannot meet the District's needs. Attach evidences that supports the vendor is the only source that can provide the product or service. Define any cost savings realized or cost avoided by using this vendor.
<input checked="" type="checkbox"/> The District's need for the service, supply, or equipment is of such an unusual and compelling urgency that the District would suffer substantial harm, unless it is permitted to acquire the service, supply, or equipment on a non-competitive basis. (Single Source) A procurement whereby purchases are directed to one source because of standardization, warranty, or other factors, even though competitive sources may be available. Explain why the District need for the product or service is of such an unusual and compelling urgency so as to cause the District to suffer substantial harm if it is procured on a competitive multiple source basis rather than a single source basis. When was the need for the product or service first identified? Describe the substantial harm the District will suffer, including when that substantial harm might occur. List the names and phone numbers of the vendors you contacted and the reasons for not considering them.

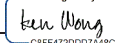
PRICE ANALYSIS
(Must be included in all justification memos)
In the justification memo, please explain what efforts were made to determine the best possible price for the item or service. Why do you feel the price is fair and reasonable? Please attach pricing information.


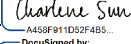
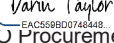

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Page 3 of 3		

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ROUTING INSTRUCTIONS			
SEQUENCE	NAME & EXTENSION	INITIAL	DATE
1	Requester: Steve Peters (2518)		5/3/2021
	Name:		
2	Manager: Charlene Sun (408-912-0066)		5/3/2021
3	Officer: Darin Taylor (3068)		5/3/2021
4	BAO or BAO Procurement Designee: Ken Wong (2076)		5/3/2021

RECOMMENDATION	
<p><i>I am aware of the District's requirements for competitive procurement and the EL-5.2.12 justifications for sole/single source procurement. I have researched and documented the required technical information and have made a thorough effort to review comparable/equal vendors, equipment, and services. The information stated in this justification meets the District's EL-5.2.12 to the best of my knowledge.</i></p>	
Requester: 	Date: 5/3/2021
Manager: 	Date: 5/3/2021
Officer: 	Date: 5/3/2021

APPROVAL	
<p><i>I agree this transaction meets the requirements of EL5.3.12 and approve the exemption from a competitive procurement process based on the justification provided.</i></p>	
BAO or BAO Procurement Designee: 	Date: 5/3/2021

DISCLOSURE STATEMENT	
TO ACCOMPANY JUSTIFICATION FOR EXEMPTION FROM A COMPETITIVE PROCUREMENT PROCESS PER EL-5.2.12	
<p><i>As an individual involved in evaluation and/or in making a recommendation to the above-mentioned purchase, to the best of my knowledge, I have no conflicts of interest and attest that I:</i></p> <ul style="list-style-type: none"> <i>Have not received any income or gifts from this company during the past 12 months.</i> <i>Do not have any financial interest in this company.</i> <i>Do not have any immediate family member or domestic partner as defined in Ad.-2.9.104 that has any financial interest in this company.</i> <i>Do not have any other type of business relationship with this company.</i> <i>Do not know of any member of my departmental staff to have a business relationship with this company.</i> 	
Please provide any additional information you believe should be disclosed at this time.	
Requester: 	Date: 5/3/2021
Manager: 	Date: 5/3/2021
Officer: 	Date: 5/3/2021
BAO or BAO Procurement Designee: 	Date: 5/3/2021

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