



City of Richmond
Sole Source Justification

THIS FORM MUST BE COMPLETED AND APPROVED PRIOR TO ANY PURCHASE

Contact the Purchasing Division and discuss your rationale before completing this form. If Purchasing can help you make this a competitive purchase, then this form will not be required.

Attach this completed/approved form to requisitions when competitive quotes/bids/proposals are not solicited. (Required for requisitions > \$3,000)

Requested Sole Source Supplier:

Company Name: POGO Park **Contact Name:** Toody Maher

Address: 2604 Roosevelt Avenue

City: Richmond **State:** CA **Zip Code:** 94804

Phone Number (510) 215 5500 **E-Mail** toody@pogopark.org

Duration of Contract: 24 months

Estimated Cost: \$ 5,370,000 **Funding Source (Account String)**

Is the product/service IT related? Yes No X **If Yes, please attach the approved IT Authorization Form**

For Product: Is the recommended company the manufacturer of the product? Yes No

For Product: Does the manufacturer sell the item(s) through distributors? Yes No

Description of Product or Service:

Describe the full scope of work or service contemplated including installation if required; items should include brand, model and part number if applicable; (if additional space is needed, include them in a separate page)

POGO Park proposes to enter in to a construction contract with City of Richmond to lead, manage and construct the Harbour 8 Park Expansion project. This project is funded by \$8.5 million proposition 64 grant from the State of California.

Sole Source Rationale: PLEASE ANSWER ALL THE FOLLOWING QUESTIONS: Explain why the

recommended company is the only company that can meet the requirement. Address the following: Are there any other companies who can do this job? What condition (e.g. technological superiority, or performance risks, etc.) exists so that the recommended company has a significant advantage over any other company who can do this job? It is important to sufficiently address the key reason for awarding an order/contract without soliciting competitive bids. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions.

Attached on separate sheet

(if additional space is needed, include them in a separate page)

Complete the following checklist

A specific contractor is the only source of the required item because (check all that apply):

- ☐ The required items are **proprietary to the Contractor**, and contractor solely transacts (sells) direct to the customer. (There are no dealers or distributors for contractor).
- ☐ The required items are **proprietary to the Contractor**, and **contractor does not sell direct to the customer**. Contractor solely distributes the item or service through only one dealer or distributor in the United States. (There are no dealers or distributors for contractor).

Note: If item or service is available from more than one source, the item or service may be treated as proprietary, but must be competitively solicited from multiple (two or more) sources.

- ☐ A specific item is needed:
 - ☐ To be compatible or interchangeable with existing hardware
 - ☐ As spare or replacement hardware ☐ For the repair or modification of existing hardware
- ☒ Federal or state grant names vendor as condition of funding. (Attach copy of grant that names vendor)
- ☒ There is a **substantial risk** in contracting with any other contractor, (e.g., only one contractor has been successful to date in implementing a difficult manufacturing process or the **services sought**). *In a brief explanation, provide supporting evidence of why other contractors are considered to be unable to overcome the substantial risk.*

A major goal of the Harbour-8 Park Expansion Project is to use this project as a vehicle to hire, train, and empower once marginalized community residents to be deeply involved in every facet of the Project's design. There is no other company that designs and builds parks in Richmond that is explicitly set up to hire and train community residents to do a significant portion of the work themselves. An investment in Pogo Park's process to design and build is a deep investment in local people.

- ☒ **Continuation of prior Work** – Additional item, service or work required, but not known to have been needed when the original order was placed with vendor, and it is not feasible or practicable to contract separately for the additional need. *Provide brief explanation and supporting evidence.*

POGO Park lead and managed the design phase of the project. So construction phase is a continuation of the design build procurement process

(if additional space is needed, include them in a separate page)

I acknowledge the City's requirements for soliciting competitive quotes/bids for purchases over \$3,000.00 and the criteria for justification for Sole Source purchases. I have gathered the required information, have made a concerted effort to review comparable/equal equipment/services (e.g., market research), and further affirm that there is no conflict of interest involved in the selection made.

Department: Public Works

Requester Name and Title: Joe Leach, PE Public Works Director

Note: Requester must be able to defend this justification.

Date: 06/21/2022

Phone: 510-620-5478

Department Director (Print) Joe Leach

(Sign) [Signature]

Date:

06/21/2022

Submit completed form to the Purchasing Division (Prior to submission to City Manager)

Finance Director:

For D. Cuellar

6 23 2022

APPROVED: _____

DATE: ____/____/____

NOT APPROVED: _____

COMMENTS:

City Manager
(Under \$10,000.00)

City Clerk Attesting to Council Approval
(Over \$10,000.00) (Copy of Minutes may be substituted)

Note: Richmond Municipal Code Section 2.52.326 Sole Source Procurement requires final approval by the City Manager and/or City Council. Sole Source must be approved by Finance Director, PRIOR to Council Approval.

PROCEDURE

Sole Source purchase/service are exceptions to the normal bidding process and require a detailed justification. In processing Sole Source requests for supplies, services and/or equipment, the Purchasing Division adheres to and is governed by the principles set forth in City of Richmond Municipal Code Section 2.52.326 Sole Source Procurement.

If you are requesting a particular vendor, brand or product, you must make this fact clear on your Sole Source form. Your request will then be restrictive and non-competitive, and will fall into a sole source category. If the sole source justification is approved, the requisition can be expedited without the normal bidding requirements.

Such a request should not be made unless you are confident that your request is reasonable and appropriately justified to meet the City's requirements and withstand any possible audit. The City's requirements and the format for submitting such requests are contained herein. Sole Source form must be signed by authorized department representative(s). The certification will remain on file for audit purposes.

The following factors **DO NOT** apply to sole source requests and should not be included in your sole source 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 (these are generally considered award factors in competitive bidding).
3. Features which exceed the minimum department requirements.

RATIONALE FOR A SOLE SOURCE CONTRACT TO POGO PARK

Explain why the recommended company is the only company that can meet the requirement. Are there any other companies who can do this job?

Pogo Park is the only company in Richmond that uses the renovation of a city park project as a vehicle to deliver and leverage multiple benefits for the City of Richmond, the community, and Richmond businesses:

Builds on Successful Partnerships

The Harbour-8 Expansion Project builds on Pogo Park's successful, 13-year, partnership with the City of Richmond to reclaim broken and abandoned city parks in the Iron Triangle neighborhood and transform them into safe, green, and beautiful public spaces for children to play.

In 2013, Pogo Park "adopted" two blocks on the Richmond Greenway and has organized community residents to work in partnership with the City of Richmond to transform Harbour-8 Park into a vibrant public space that best serves the needs of their community. A sole source contract will ensure that Pogo Park can build on its 13 years of work to bring the community together with the City to transform parks. Pogo Park has also worked with the City on multiple city projects that include: the renovation of Elm Playlot, Harbour-8 Park playground, Harbour-8 Park Mini Play Field, Harbour-8 Park Improvement Project, and the Yellow Brick Road. Pogo Park will use its 13-year experience working with all key Project partners and virtually every city department in Richmond to deliver improvements to Harbour-8 Park that no other vendor can achieve.

Continuation of the Design Build process

POGO park has successfully led, managed and designed the project and the project is in the permitting process with the City. Construction Phase will be continuation of the design build procurement of the project.

Creates Jobs and Training Opportunities for Richmond Residents

During construction phase, Pogo Park will continue to work with two Iron Triangle businesses (Scientific Art Studio and Lawrence Construction Inc.) who are professionals and experts in the design and building trades. These two Iron Triangle businesses will provide a safe, supportive environment to train Richmond residents with high barriers to employment learn a diverse set of transferable skills including woodwork, metalwork, sculpting, casting, modelling, and more. Pogo Park will also use other local contractors during the construction phase and employ local residents and graduates of RichmondBuild.

Uses the Transformation of a Park as a Vehicle to Provide Additional Benefits to the Community

Pogo Park will continue to employ community residents to engage in the construction of Harbour-8 Park from start to finish. Community members will work with Scientific Art Studio and Lawrence Construction to build some of the park elements, gaining training and experience. efforts, and then will plan and design many of the new park amenities themselves. Involving community members so deeply in the process of making park improvements at

Harbour-8 Park from start to finish deeply engages the local community – and sparks a sense of ownership in the park, once it is completed. Pogo Park is the only vendor with over a decade of experience and proven track record of successfully weaving a little-used city park back into the social fabric of the community.

Invests Directly in Richmond businesses

Pogo Park spent a decade building relationships with a number of Richmond businesses – and makes every effort to contract with them to perform work in Richmond. In this way, funding received from outside the community is invested and recycled in the community, creating additional jobs for local people, contracts for local businesses, and a sense of pride in the City.

Directs Funding Down, Into the Community

Pogo Park is one of the only Richmond-based companies that is uniquely and consciously set up to secure grants on behalf of the City of Richmond – and then use a portion of those grants to hire, train, and empower Richmond residents with high barriers to employment design, build, and/or renovate city parks. To date, Pogo Park has secured \$35 million in funding (\$27 million in public funds and \$8 million in private funds) that was invested in both capital projects and in workforce development projects. No other vendor in Richmond designing and building parks has demonstrated the single-minded focus of using grant funds to create jobs and opportunities for local people.

Ofelia Alvarez

From: Janice Lee
Sent: Tuesday, June 21, 2022 2:31 PM
To: Ofelia Alvarez
Cc: Antonio Banuelos
Subject: POGO Park Justification

Ofelia,

Here is justification for the sole source:

Working in concert with community residents and on behalf of the City, Pogo Park submitted a successful \$8.5 million "Prop 68" grant application to the State of California Parks and Recreation Department for the Harbour-8 Expansion Project. The project will expand the current Harbour 8 Park by acquiring land south of the park. The redesigned park will include a community hall, children's play area, restroom, general play area, picnic area, bike and walking paths, lighting, public art, security cameras and landscaping.

Staff recommends approval of a contract amendment with POGO Park in the amount of \$5,370,000 for construction phase of the project. The State awarded the City the Proposition 68 grant largely due to POGO Park's innovative community engagement activities and to support a community design and build model for this project. POGO Park will engage Richmond based contractors and will ensure participation of local residents in the construction process, and gains toward an ultimate goal of the project in creating a sense of ownership of Harbour 8 Park by the local community members.

Thank you,

Janice Lee

City of Richmond
Public Works Department
Parks Maintenance Division
3201 Leona Avenue
Richmond, CA 94804
(510) 231-3004 (phone)
(510) 231-3072 (fax)



State of California - Natural Resources Agency
Department of Parks and Recreation
GRANT CONTRACT
2018 Parks Bond Act
Statewide Park Development and Community Revitalization

GRANTEE City of Richmond

GRANT PERFORMANCE PERIOD is from July 01, 2018 through June 30, 2022

CONTRACT PERFORMANCE PERIOD is from July 01, 2018 through June 30, 2048

PROJECT TITLE HARBOUR-8 PARK EXPANSION PROJECT NUMBER SW-07-006

The GRANTEE agrees to the terms and conditions of this contract, and the State of California, acting through its Director of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the PROJECT SCOPE(s) as defined in the Development PROJECT SCOPE / Cost Estimate Form or Acquisition documentation for the Application(s) filed with the State of California.

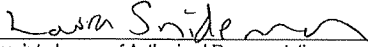
The General and Special Provisions attached are made a part of and incorporated into the Contract.

Total State Grant not to exceed \$8,500,000.00

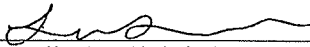
City of Richmond

Grantee

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By 
Typed or printed name of Authorized Representative

By _____
Typed or printed name of Authorized Representative


Signature of Authorized Representative

Signature of Authorized Representative

Address 450 Civic Center Plaza, Richmond 94801

Title City manager

Title _____

Date March 27, 2020

Date _____

CERTIFICATION OF FUNDING

CONTRACT NO C9801035	AMENDMENT NO	FISCAL SUPPLIER I.D. 0000007439			PROJECT NO. SW-07-006
AMOUNT ENCUMBERED BY THIS DOCUMENT \$8,500,000.00		FUND. Drought, Water, Cln Air, Cstl Protc, Outdoor Fund			
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT		ITEM 3790-101-6088	CHAPTER 29	STATUTE 18	FISCAL YEAR 2019/20
TOTAL AMOUNT ENCUMBERED TO DATE \$8,500,000.00		INDEX. 1091	OBJ. EXPEND 702	ACTIVITY CODE 69800	PROJECT / WORK PHASE
T.B.A. NO.	I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.				
B.R.. NO.	ACCOUNTING OFFICER'S SIGNATURE				DATE.

