



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: Aleshire and Wynder **Contact Name:** Dave Aleshire

Address: 18881 Von Karman Avenue, Suite 1700

City: Irvine **State:** CA **Zip Code:** 92612

Phone Number (949) 223-1170 **E-Mail** daleshire@awattorneys.com

Duration of Contract: undetermined

Estimated Cost: \$ 1.4M/year **Funding Source (Account String)** 01151014-400206

Is the product/service IT related? Yes ☐ No ☒ **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)

The service to be provided is city attorney services as required by Government Code. Aleshire has been serving as interim city attorney since the end of December 2021.

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.

Aleshire has the skills and experience to serve as city attorney, has served as Richmond's interim city attorney and is willing to continue to serve as the city attorney. Dave Aleshire's experience over the past 6 plus months makes him uniquely suited to serve as city attorney. Changing city attorneys at this point in time does not make sense given the current magnitude of complex projects and litigation. Changing attorneys would require an enormous amount of time and money for the new attorney to gain the knowledge and insights that Dave Aleshire has about Richmond and its legal matters. Competitive bidding might yield slightly lower hourly rates but the savings in rates would be eaten up by the time required to get up to speed on Point Molate and other projects and lawsuits. His skill in managing these items is priceless.

(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.*

- ☒ **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.*

Dave Aleshire has been managing all of the complex lawsuits and legal matters. Work on these matters is not complete. At this point it is not practicable to contract with or hire another city attorney.
When Aleshire was hired as Interim, a solicitation of attorneys and posting on a list serve was done. Candidates were interviewed and Aleshire was selected as the best qualified to provide the services.

(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: City Attorney's Office

Requester Name and Title: Heather Mc Laughlin, Interim City Attorney

Note: Requester must be able to defend this justification.

Date: July 13, 2022

Phone: 510-620-6848

Department Director (Print) Heather Mc Laughlin (Sign)  Date: July 13, 2022

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

Finance Director:

For D. Cuellar

APPROVED: _____

DATE: 7 / 14 / 2022

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.