



# 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: mack5 Contact Name: Manil Bajracharya

Address: 1300 Powell Street Suite 470

City: Emeryville State: CA Zip Code: 94801

Phone Number (510) 595-3020 E-Mail manilb@mack5.com

Duration of Contract: 3.5 Years - July 1, 2022 - December 31, 2025

Estimated Cost: \$ 551,400 Funding Source (Account String) TBD

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)*

Provide project cost, project management and construction management services to implement the community-supported scope of work described in the Prop 68 Round 4 grant for renovation of Shields Reid Park. Scope of Work includes but is not limited to management of: design and entitlement phase, building permit phase, contractor procurement phase, construction phase and grant closeout with OGALS.

**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.

The project is a result of a collaboration in grant application submittal with the City and mack5. Mack5 collaborated with the City, community and design team to create the budget and timeline for the community selected and State awarded concept design of the Shields Reid Park renovation project. Now that funds have been awarded, mack5 will continue their services to carry out their Shields Reid Park renovation design.

Mack5 has worked with several community based parks including grant funding similar to the Prop 68 funds. The State has approved the Shields Reid application and project proposal completed by mack5.

*(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.*

Mack5 worked for several meetings with the community and created the new Shields Reid Park renovation budget and timeline selected and awarded by the State. This included researching the existing site conditions and several of collaboration meetings with the community in general. Mack5 is listed as a Project partner on page 24 of the grant to complete the project and construction management implementation in the State application.

- 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.*

The project is a result of a collaboration in grant application submittal with the City, community members and design team and project management team headed by mack5. Mack5 has worked extensively with the community to create the park project budget and timeline that was awarded the grant funds. Now that funds have been awarded, mack5 will continue their services to carry out the design and construction documents for the Shields Reid Park renovation. Mack5 also has experience with projects funded by the California Department of Parks & Recreation. Elm Park and Unity Park were funded by grants similar to the Proposition 64 grant funding the Shields Reid Renovation project. Mack5 has the needed experience and expertise and has worked with the community, Office of Grants and Local Services (OGALS) and the City in the past on similar projects and thus brings a unique combination of experience and skill set that will be critical to the success of this project.

Based on their integral role in the grant award and the extensive experience with consulting for large grant funded park development projects, City staff will continue to work with mack5 on the Shields Reid Park renovation Project.

*(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 Department

Requester Name and Title: Jene' Levine Snipes, Project Manager / Stephanie Ny, Associate Administrative Analyst

*Note: Requester must be able to defend this justification.*

Date: 09/26/2022

Phone: 510-620-5478


Department Director (Print) Joe Leach

(Sign) 

Date: 09/26/2022

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

**Finance Director:**

APPROVED: 

DATE: 10/3/22

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**

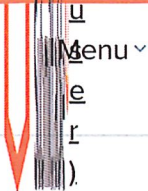
Sole Source purchase/service are exceptions to the normal bidding process and require a detailed justification. In processing Sole Source requests for supplies, services and/or equipment, the Purchasing Division adheres to and is governed by the principles set forth in City of Richmond Municipal Code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



## Statewide Parks Program Round 4

Please provide your agency name and project name

City of Richmond- Shields-Reid Park Revitalization

### Requested Grant Amount

\$8,000,000

### Other Funding Sources Amount

0

### Total Project Cost

\$8,000,000

### Project Site Name (Name of Current or Proposed Park)

Shields-Reid Park

### Project Site Ownership

- Owned in fee simple by APPLICANT

### Number of acres owned in fee simple

5.17

### Total combined park acres described above

5.17

### Does your project site have a physical street address?

Yes

Describe partnership assistance given to the applicant beginning with the passage of the Bond Act (June 5, 2018) through project completion, by completing the chart below.

If no partners are involved in the project, but the applicant has committed funds, write "See Funding Sources Form" in boxes A and B below.

- For Column A, please insert an asterisk next to Health Organizations.

**Table**

	A. Name and General Purpose of Organization. Add * next to the health	B. Describe partnership role specific to this project providing volunteer hours, or materials, or funding for design, pre-construction, land acquisition or
1	*Healthy Richmond (Health Organization) convenes resident leaders, community-	Healthy Richmond supports a 10-member North Richmond Resident Leadership Team (NRRLT) which engaged 108 residents of the critically underserved
2	The Watershed Project's mission is to inspire San Francisco Bay Area	The Watershed Project will assist with installing a community-designed habitat garden, incorporating community input into the design and building of the garden
3	Contra Costa County Supervisor John Gioia represents 210,000 residents, including	Contra Costa County Supervisor John Gioia's Office stands ready to support this project on Day 1 and will use their extensive network to enable further
4	North Richmond Municipal Advisory Council represents the unincorporated	North Richmond Municipal Advisory Council helps advance the critically undeserved community's interests and amplify its collective voice. The council's
5	Shields-Reid Neighborhood Council represents the incorporated	Shields-Reid Neighborhood Council supports the park proposal and looks forward to supporting efforts of civic engagement and community advocacy by

6	The Recreation & Parks Commission is a Mayor-appointed commission filled by	The Recreation & Parks Commission will help ensure that critical needs of the community will be met in the park design.
7	Richmond Arts & Culture Commission, in partnership with the City of Richmond	Richmond Arts & Culture Commission members reflect the strength and diversity of the City of Richmond and represent multiple fields of expertise. The
8	The Public Art Advisory Committee reviews public art project designs on	The Public Art Advisory Committee members are residents of Richmond. The committee will help provide design guidance and other arts support to
9	Mack5 - Construction Management and Cost Estimation	Mack5 provides project, cost and construction management services to deliver cost-effective, timely projects that are aligned with owner expectations.
10	Placeworks (Landscape Architect)	Placeworks will work collaboratively with City of Richmond and the community; create complete design and construction documents; encourage integrity,
11	American Ramp Company (Bike Pump Track)	American Ramp Company will provide Bike Pump Track contractor ramps that are sustainable, virtually maintenance free, and designed to enhance the skills
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14		
15		

**PROJECT SELECTION CRITERIA #7**

**Project Selection Criteria #7 - Environmental Design**

Describe how the project will provide efficient use of water and other natural resources by answering both (A) and (B) combined, or (C) by itself, to obtain up to 7 points.

# REQUEST FOR LEGAL OPINION

Print Document - Add Attachments – Deliver to City Attorney's Office

Date: 09/15/2022

Department: Public Works Initiated by: Jene Levine Snipes Phone: 307-8132

Subject: Sole source contracts for Partners in Awarded Grants

Resolution:  Ordinance:  Contract:  RFP/Q:  Opinion:  Review:

### Please indicate the nature of your request and the purpose of the contract or document to be reviewed:

At the request of the Finance Director, we are requesting to provide the opinion for Sole Source contract approval for the partners listed in the awarded grant applications:

Shields Reid (\$8,000,000), Food Fit Fun (\$90,000), Richmond Youth Outdoors (\$700,000)

Is it appropriate for the vendors to be issued the contract using Sole Source verification, since they are listed as partners and collaborators in grant application?

*(Items must have completed the review process BEFORE placement on the Agenda)*

Deadline for opinion? 09/22/2022  Meeting Agenda (choose one): City  Agency  Authority   
Date: 10/18/2022

### List Attachments:

- Grant Applications Partner list & Budgets
- Shields Reid Park
- Food Fit Fun
- Richmond Youth Outdoors

### RESPONSE BY CITY ATTORNEY'S OFFICE

APPROVED SUBJECT TO CHANGES SHOWN  REPLY ATTACHED  OTHER

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1<sup>st</sup> Review Date: \_\_\_\_\_  
3<sup>rd</sup> Review Date: \_\_\_\_\_

2<sup>nd</sup> Review Date: \_\_\_\_\_

APPROVED AS TO FORM Attorney's Signature: James Atencio by CS Date: 09/19/2022

# REQUEST FOR LEGAL OPINION

Print Document - Add Attachments – Deliver to City Attorney's Office

Date: 09/20/2022

Department: Public Works Initiated by: Jene Levine Snipes Phone: 307-8132

Subject: Council packet Dirt World Prop 68 Grant Accept and Appropriate and Contract

Resolution:  Ordinance:  Contract:  RFP/Q:  Opinion:  Review:

### Please indicate the nature of your request and the purpose of the contract or document to be reviewed:

Please review the attached Council packet to accept and appropriate \$1,170,000 in Prop 68 grant funds and associated Sole Source contract for Dirt World Bike Park renovation.

*(Items must have completed the review process **BEFORE** placement on the Agenda)*

Deadline for opinion? 09/26/2022  Meeting Agenda (choose one): City  Agency  Authority   
Date: 10/18/2022

### List Attachments:

- Staff Report
- Resolution
- Grant Award Letter
- Sole Source Contract Packet

### RESPONSE BY CITY ATTORNEY'S OFFICE

APPROVED SUBJECT TO CHANGES SHOWN  REPLY ATTACHED  OTHER

Approved my changes to the agenda report (attached). Also the contract term should be modified so it starts after the date of Council approval (not July 1).

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1<sup>st</sup> Review Date: \_\_\_\_\_  
3<sup>rd</sup> Review Date: \_\_\_\_\_

2<sup>nd</sup> Review Date: \_\_\_\_\_

APPROVED AS TO FORM Attorney's Signature: James Atencio by CS Date: 09/22/2022



## Antonio Banuelos

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**From:** Jene Levine-Snipes  
**Sent:** Thursday, September 29, 2022 2:50 PM  
**To:** Antonio Banuelos  
**Subject:** FW: RLO Sole Source for Awarded Grant Partners  
**Attachments:** Grant Scope Cost Estimate Form Shields signed.pdf; Partners Shields-Reid Prop 68 \_Application.pdf; RLO\_Awarded Grant Sole Sources.pdf; RLO\_DirtWorld Prop 68 Accept and Appropriate.pdf; American Ramp Standard Contract DirtWorld Packet.pdf; 20220617SoleSourceAgg\_DirtWorld\_design-build (002).pdf

**From:** Jene Levine-Snipes  
**Sent:** Monday, September 26, 2022 8:14 AM  
**To:** Delmy Cuellar <delmy\_cuellar@ci.richmond.ca.us>; Mubeen Qader <Mubeen\_Qader@ci.richmond.ca.us>  
**Cc:** Ofelia Alvarez <ofelia\_alvarez@ci.richmond.ca.us>  
**Subject:** FW: RLO Sole Source for Awarded Grant Partners

Good Morning Everyone 😊,

Please see the attached approved RLOs for the Sole Sources associated with the following Capital Improvement grants:

**Shields Reid Park Renovation (\$8,000,000 grant)**

American Ramp Company Sole Source- \$374,500

Mack5 Sole Source - \$551,400

PlaceWorks Sole Source - \$293,078

**Total Sole Source amount \$ 1,218,978**

**DirtWorld Bike Park Renovation (\$1,170,000 grant)**

American Ramp Company Sole Source- \$575,425

Please let me know the status of the Sole Source approval so we can move forward with the Oct 18<sup>th</sup> Council packet.

Please feel free to email me if you have any questions.

Thank you,  
Jene'

**From:** Crystal Shanklin <Crystal\_Shanklin@ci.richmond.ca.us>  
**Sent:** Monday, September 19, 2022 12:16 PM  
**To:** Jene Levine-Snipes <Jene\_Levine-Snipes@ci.richmond.ca.us>  
**Cc:** Delmy Cuellar <delmy\_cuellar@ci.richmond.ca.us>; Ofelia Alvarez <ofelia\_alvarez@ci.richmond.ca.us>; James Atencio <James\_Atencio@ci.richmond.ca.us>  
**Subject:** RE: RLO Sole Source for Awarded Grant Partners

Hi Jene,

The approved RLO is attached.

Warm regards,

Crystal D. Shanklin  
City Attorney's Office | City of Richmond  
450 Civic Center Plaza | Richmond, CA 94804-1630  
Ph: 510-620-6510 | Fax: 510-620-6518  
Crystal\_Shanklin@ci.richmond.ca.us

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**From:** James Atencio <[James\\_Atencio@ci.richmond.ca.us](mailto:James_Atencio@ci.richmond.ca.us)>  
**Sent:** Monday, September 19, 2022 12:02 PM  
**To:** Jene Levine-Snipes <[Jene\\_Levine-Snipes@ci.richmond.ca.us](mailto:Jene_Levine-Snipes@ci.richmond.ca.us)>  
**Cc:** Crystal Shanklin <[Crystal\\_Shanklin@ci.richmond.ca.us](mailto:Crystal_Shanklin@ci.richmond.ca.us)>; Delmy Cuellar <[delmy\\_cuellar@ci.richmond.ca.us](mailto:delmy_cuellar@ci.richmond.ca.us)>; Ofelia Alvarez <[ofelia\\_alvarez@ci.richmond.ca.us](mailto:ofelia_alvarez@ci.richmond.ca.us)>  
**Subject:** RE: RLO Sole Source for Awarded Grant Partners

Jene, this RLO is approved. In the sole source justification for mack5 please check the box regarding "substantial risk" with retaining a different contractor. Thanks.

James

James J. Atencio  
Senior Assistant City Attorney  
City of Richmond  
450 Civic Center Plaza  
Richmond, CA 94804-1630  
510.620.6509 (Office)

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**From:** Jene Levine-Snipes <[Jene\\_Levine-Snipes@ci.richmond.ca.us](mailto:Jene_Levine-Snipes@ci.richmond.ca.us)>  
**Sent:** Thursday, September 15, 2022 2:30 PM  
**To:** RLO Attorney <[rlo\\_attorney@ci.richmond.ca.us](mailto:rlo_attorney@ci.richmond.ca.us)>; James Atencio <[James\\_Atencio@ci.richmond.ca.us](mailto:James_Atencio@ci.richmond.ca.us)>  
**Cc:** Delmy Cuellar <[delmy\\_cuellar@ci.richmond.ca.us](mailto:delmy_cuellar@ci.richmond.ca.us)>; Ofelia Alvarez <[ofelia\\_alvarez@ci.richmond.ca.us](mailto:ofelia_alvarez@ci.richmond.ca.us)>  
**Subject:** RLO Sole Source for Awarded Grant Partners

Good Afternoon,

At the request of the Finance Director, we are requesting to provide the opinion for Sole Source contract approval for the partners listed in the awarded grant applications:

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- Food Fit Fun (\$90,000)

- Richmond Youth Outdoors (\$700,000)

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Thank you,  
Jene'