



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: CSW ST2 **Contact Name:** Marcia Vallier/Robert Stevens

Address: 121 Park Place

City: Richmond **State:** CA **Zip Code:** 94801

Phone Number (510) 367-6166 **E-Mail** MVallier@cswst2.com

Duration of Contract: 1.5 Years - Oct 1, 2023 - March 1, 2025

Estimated Cost: \$ 485,526 **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 professional design services to implement the scope of work described in the Clean California Enhancement Proposal for the Richmond Art and Light Project. Scope of Work includes but is not limited to: design development, cost estimating, preparing documents and responding to community and City council meetings, geotechnical review, creating and submitting Preliminary Plans and Specifications, coordinating permits, submitting Final Plans and Specifications, construction contractor bidding, construction site visits and all items to assist with preparing the final punch list for the construction closeout.

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 project proposal submittal with CalTrans, the City and CSW ST2 (Vallier Design Associates). CSW ST2 created the CalTrans awarded proposal of the Richmond Art and Light project. Now that funds have been awarded, CSW ST2 will continue their services to carry out the awarded proposal.

CSW ST2 has worked with artists and Caltrans to successfully implement the Richmond Art and Light project. Additionally, CSW's president and Vallier worked on the original mural projects and lighting for the three underpasses for the Richmond Redevelopment Agency.

(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.***

Early in the project and grant proposal preparation, CSWST2 worked with CalTrans and the city to secure the funding opportunity. There was only a 2 week time to provide the grant proposal.

On October 19, 2021, CalTrans requested a proposal for Beautification Projects on the state Right of Way. Based on the Invitation letter, the proposed project should be completed by 6/30/2023. The Co-Op agreement was fully executed on January 30, 2023. On August 2, 2023, via an email, Caltrans agreed to a project completion date of June 30, 2024 if construction is in progress. CSW already has the existing lighting plans and has been in coordination with the City and Caltrans since the October 2021 submitted proposal. If the City were to begin solicitation for a new consultant, we would not meet the project deadline. ~~If the City enters into a contract with CSWST2, construction will begin in May 2024 and we will meet the funding deadline.~~

- 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.***

CSWST2 worked for several meetings with the community and created the work scope design selected and awarded by the State. The City and Caltrans and CSW ST2 had approximately two weeks to collaborate and prepare the budget and scope of the Richmond Art and Lighting Project. This included researching the existing site conditions and several collaboration meetings with CalTrans and City of Richmond, Planning, Cultural Arts and Public Works staff. Vallier Design (now CSW ST2) is listed on the Public Engagement Plan documents as a Project partner to complete the design and implementation of the project in the proposal.

CalTrans, city staff and CSWST2 have been in consistent monthly update meetings, and communication via emails, and since October 2021. Caltrans, CSWST2 and city staff conducted a walk through to verify the scope and make adjustments if necessary. As a result of the walkthrough, CSWST2 collaborated with Caltrans to leverage additional Caltrans funding for the project so the scope would not drastically be reduced. CSWST2 also coordinated with the existing muralist to ensure that the art is consistent and played an integral role in ensuring the artist updates the CalTrans required art agreements. *(if additional space is needed, include them in a separate page)*

Based on their integral role in the grant award and the extensive experience with consulting for large grant funded development projects, City staff will continue to work with CSWST2 in the Richmond Art and Light Project.

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

Note: Requester must be able to defend this justification.

Date: 11/14/2023

Phone: 510-620-5478

Department Director (Print) Daniel Chavarria (Sign) _____ Date: 11/14/2023

DocuSigned by:

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

Finance Director:

APPROVED: _____

DATE: 11/ 15/2023

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.